HOUSE OF ASSEMBLY

Tuesday 20 October 1987

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

PETITION: HAWTHORNDENE MAIL BOX

A petition signed by 201 residents of South Australia praying that the House urge the Government to make representations to the Federal Government for the installation of a letter receiver in close proximity to Joan's Pantry, Hawthorndene, was presented by Mr S.G. Evans.

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 114, 116, 185, 278, 300, 301, 304, 311 to 314, 317, 320, 323, 324, and 361; and I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

PETROL PRICES

In reply to **Mr MEIER** (13 August).

The Hon. G.J. CRAFTER: The difference between country and metropolitan petrol prices was extensively discussed in another place on 14 April 1987 in the context of the Hon. Mr Elliott's motion for a select committee to inquire into the petroleum industry. Briefly, the major reason for the variations between country and metropolitan petrol prices, particularly when price discounting is prevalent in the latter, is the intensity of the competition that exists in the metropolitan area at both the wholesale and retail levels.

Unfortunately for country consumers, wholesale price discounting extends to few country centres. At the retail level, country resellers without the benefit of oil company support are generally forced to purchase fuel at the full wholesale price (including freight) to which they then add a retail margin which will enable them to trade profitably. The only means of equalising fuel prices would be to introduce fixed wholesale and retail prices throughout the State. To maintain a fixed wholesale price, the State Government would have to meet all the distribution costs of the oil companies which are not covered by the PSA approved freight differential for each country centre. This would be an excessive drain on Government funds.

Further, the State Government is opposed to any scheme that would result in the removal of all price competition, as this would most certainly lead to an increase in prices and would not be in the interests of consumers generally. For a more detailed explantion of the issues involved, the honourable member is referred to *Hansard,* 14 April 1987.

PAPERS TABLED

The following papers were laid on the table:

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

South Australian Museum Board—Report, 1986-87.

By the Minister for Environment and Planning (Hon. D.J. Hopgood):

National Trust of South Australia Act, 1955—Rules—Life Membership and Executive Positions.

By the Minister of Lands (Hon. R.K. Abbott):

Real Property Act, 1886—Regulations—Strata Plans. Land Division Plans.
Surveyors Act 1975—Regulations—Survey Plans.

By the Minister of Transport, on behalf of the Minister of Employment and Further Education (Hon. Lynn Arnold):

Office of Employment and Training—Report, 1986-87.

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

Nurses Board of South Australia—Report, 1986-87.
South Australian Health Commission—Report, 1986-87.
Building Act 1971—Regulations—Residential Slabs and Footings.
Tobacco Products Control Act 1986—Regulations—Smoking Notices.

By the Minister of Mines and Energy (Hon. R.G. Payne):

Australian Mineral Development Laboratories—Report, 1986-87.
Mines and Works Inspection Act 1920—Regulations—Permits and Certificates.

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

Classification of Publications Board—Report, 1986-87.
Teachers Registration Board of S.A.—Report, 1985.
Companies (Application of Laws) Act 1982—Regulations—Cooperative Scheme.

By the Minister of Labour (Hon. Frank Blevins):

Coordinating Committee for Government Workers' Safety, Health, Workers' Compensation and Rehabilitation—Report for period ended 31 March 1987.

SOUTH AUSTRALIAN TIMBER CORPORATION

The SPEAKER: I lay on the table a letter that I have received from the Auditor-General relating to the South Australian Timber Corporation.

QUESTION TIME

TRANSPORT INQUIRY

Mr OLSEN: In view of the Government's intention to appoint an international consultant to assess Adelaide's public transport needs into the 1990s, does the Government still intend to proceed with major changes to bus and train services from May 1988 as proposed earlier this year by the State Transport Authority and, if it does, will this involve the elimination of some services, and what cost savings will be sought as a result?

The Hon. G.F. KENEALLY: The report or inquiry that will be undertaken by a leading transport consultant will not in any way affect the short-term management decisions that the STA needs to make. The report that the consultant will be commissioned to undertake, as I have announced in this House and publicly on a number of occasions, will be to look at the nature of the transport system that Adelaide will have in the late 1990s and into the twenty-first century. It is the culmination of a decision taken by this Government some 15 months ago. It was also recommended in the PA Management report, where Mr Collins said that such an inquiry should be held, and that will be undertaken.

Mr Olsen: It is an inquiry into an inquiry.

The Hon. G.F. KENEALLY: Just for the benefit of the honourable member, who says that it is an inquiry into an

inquiry, we had the option some 12 months ago to do a massive inquiry into all aspects of the STA or for independent investigations into individual components of the STA. All the advice available to me was that it would be more beneficial to the taxpayers and commuters of metropolitan Adelaide if the individual components of a major inquiry were done separately. That is in fact what has happened. We had the Vinall report into the industrial performance of the STA; we had the Broomhill inquiry into rostering systems; we had the PA Management report into the management structure of the STA to identify savings, which it did. The Government has accepted all of those reports. The fourth and major part of that overall inquiry or investigation is the long term future for public transport in Adelaide. That will not in any way impact upon the short term management decisions that the STA will have to make.

Members interjecting:

The SPEAKER: Order! Interjections are out of order.

The Hon. G.F. KENEALLY: I find it very interesting. The Opposition has one very clear and concise policy on transport: that is, to oppose everything that the Government does or says about public transport. It does nothing else, and just as an example, the Leader of the Opposition is very much involved now in public transport, as is his shadow spokesman for transport. Where were they when the big debate on the Belair-Bridgewater rail service was raging in South Australia? We had not one word from the Leader of the Opposition; not one word from the shadow Minister. They left the hapless member for Heysen to carry the bag, because they do not have any policies on public transport. They have never had any policies and they never will, because they are afraid to front up—

Mr Olsen: What about the O-Bahn?

The Hon. G.F. KENEALLY: 'What about the O-Bahn?', the Leader says. That is the only thing the Opposition has ever done, and it was a good thing. They are afraid to front up to the real realities of public transport. The short term management decisions in terms of rationalising of the public transport system will continue, and as I have said many times, as Minister, I will not superimpose new services over an existing system that has within it services that are underpatronised and are a cost to the taxpayer. To free up resources so that we can provide services in parts of the metropolitan area where they are needed, like Salisbury West, we will be taking services away from areas where they are underpatronised and are very costly. If we do not do that, we will be looking at slowing down the headway between services. We will have a look at all of the metropolitan transport system and make sensible management decisions. It really surprises me that members of the Opposition, who claim to have some business expertise and would argue that to be able to run a commercial undertaking efficiently you need to be able to reduce that area of cost which is excessive so that you can provide services where they are needed, when the Government does this in relation to the public transport system, can only criticise it.

UNDERGROUND WATER

Mr ROBERTSON: Is the Minister of Water Resources aware of a report on a recent science show in which it was suggested that slightly saline water, which is effluent from sewage treatment works, might be pumped into aquifers containing fresh underground water to prevent the ingress of even more saline water from adjacent aquifers? Is the Minister also aware of any South Australian instances in which similar measures might need to be adopted? In particular, is there any requirement to contemplate such action to maintain the quality of underground water in the Northern Adelaide Plains basin?

The Hon. D.J. HOPGOOD: I missed the show, but the technique is not novel. It has been used for some years in parts of Europe and North America, particularly in coastal regions, where the effluent can act as a hydraulic barrier between the ground waters and incursions from very saline water, particularly from the sea. The technique is expensive, both in terms of the cost of injecting the material into the aquifers and the additional treatment that would be required to the effluent before it could be done. In the long run it must lead to further deterioration in ground water supplies, though perhaps at a lower rate than would be the case with a fairly rapid incursion of highly saline water into the system.

I thank the honourable member for his interest. I cannot point to any examples in South Australia at present where the technique would be appropriate. I believe that the current policy of ensuring that there are very strict controls on the exploitation of ground water supplies will continue to serve us reasonably well for some years to come, but the Government will keep an eye on developments in the field.

TRANSPORT SERVICES

Mr INGERSON: Has the Minister of Transport received recommendations from the State Transport Authority for major changes to bus and train services to apply from May 1988? If he has, can he say what those recommendations are?

The Hon. G.F. KENEALLY: Changes that will take effect within the rail system as a result of the closure of the Belair to Bridgewater service and the Northfield service are being discussed with the appropriate parties. The final decision should be made within a reasonably short time, and those service changes will be announced at the appropriate time. Hopefully, there will also be additions to services from 1 July next year; it is the Government's intention to introduce a Salisbury West service. I make clear to members of the Opposition and the public that the Government is not just reducing public transport but making it more relevant. It is freeing up resources so that public transport can be provided where there is demand and need. To do that, the Government needs to be able to reduce services where the demand no longer exists and where it is very costly to the taxpayers to provide that service. The announcements about service changes will be made when the time is appropriate.

I make one point about the Opposition's attitude to public transport. Because it does not have any policies, it has the freedom to oppose everything that the Government says or does. The Opposition is deliberately reducing public confidence in what I still argue is the best public transport system in Australia—

Members interjecting:

The Hon. G.F. KENEALLY: There is no doubt about that. If members opposite took the trouble to ride on the public transport system, they would agree with that. The problem is that this is the first Government since the establishment of the STA and probably since the establishment of the MTT (Municipal Tramways Trust) and the South Australian Railways to actively take the hard decision to reduce the rate of increase of the STA deficit. I challenge members opposite to point to an example where they did likewise.

The Leader pointed to the O-Bahn, which is an effective people mover. The Government has picked up that tech-

nology and is making it operate. However, the $100 million capital debt that the O-Bahn represents to the taxpayers of South Australia is one of the single most critical items in the increase in the annual STA deficit. One of our big problems is servicing the capital decisions that members opposite made when in Government—servicing $100 million worth of O-Bahn development. Members opposite cannot have it both ways. The operational deficit of the STA has increased at far less than the inflation rate over the last two or three budgets. That is absolutely correct, and I challenge members to check it.

It is the increase in the ownership cost—the capital cost—combined with the operational cost that has given the STA the large increases in deficit. This is the first Government that has been prepared to take the difficult decisions. The Opposition criticises the Government because the STA deficit is high. When the Government takes the difficult decision to reduce the high deficit and the rate of increase in the deficit, the Opposition has the luxury of criticising us for that. It is hypocrisy at its worst.

NIGHT COURTS

Ms LENEHAN: Will the Minister of Education, representing the Attorney-General in another place, investigate the feasibility of introducing night court sittings as a means of reducing the backlog of cases relating to minor crime? An article in the *Times on Sunday* of 27 September outlined the three month pilot program currently operating at Prahran, in Victoria. The article states:

> It's an experiment in a legal system in love with tradition—but the law has finally realised that people work, catch trams and have other obligations.
>
> It's practical. Two hours each Wednesday evening, Melbourne's first night session court begins to clear the backlog of minor crimes that can wait months for a 10-minute public hearing in the normal hours of 9.30 a.m. to 4 p.m. These are uncontested cases. The accused have all pleaded guilty so there's no trial or jury.

The Victorian Government states that the pilot program is operating very well. I therefore ask the Attorney to investigate the feasibility of such a system for South Australia.

The Hon. G.J. CRAFTER: I notice on late night television a program called *Night Court*, and from the little I have seen of it it is probably a good illustration of why we should not have night courts. However, I will refer the honourable member's question to the Attorney-General for his consideration.

TRANSPORT CONSULTANT

The Hon. E.R. GOLDSWORTHY: My question is to the Minister of Transport—

Members interjecting:

The Hon. E.R. GOLDSWORTHY: Well, he is pretty weak—I can understand the discomfiture. When does the Government intend to hire this international consultant to investigate our transport needs into the 1990s, what will be the cost of the study and when is it anticipated that the consultant's work will be completed?

The Hon. G.F. KENEALLY: I thank the honourable member for his question. We are in the process of determining the recommendation to Cabinet at the moment. We currently have a short list of three being assessed. I expect to take a submission to Cabinet before the end of this year. I would expect the consultant to be operational in the first half of next year and the recommendation should be available to the Government by the middle of next year.

An honourable member interjecting:

The Hon. G.F. KENEALLY: In 1988. The cost of the consultancy will depend upon the tender submitted by the three short-listed consultants. When the decision is made, I will make to the House or, if the House is not sitting, to the press, a statement in which I will indicate the terms of reference that the consultant has and the cost of that consultancy.

BOUNCERS

Mr TYLER: Will the Minister of Emergency Services, in conjunction with his colleague the Minister of Consumer Affairs, investigate the feasibility of licensing people employed as bouncers at licensed premises or places of public entertainment? Over the past two years a number of cases involving bouncers have been brought to my attention. In fact, a sporting clubmate of mine was brutally bashed by a bouncer in Sydney last year and that resulted in multiple injuries which have left permanent disabilities but, despite the case being reported to police, there has been no prosecution or compensation to my friend.

Again last week in Adelaide, a relative of mine reported to me that, when he questioned a decision of a bouncer to refuse entry to some people, the bouncer grabbed my relative by the shirt and threatened to rearrange his face. This action caused considerable bruising to his neck.

Members interjecting:

The SPEAKER: Order!

Mr TYLER: My relative has assured me that he was in no way provocative and that he politely asked a question relating to dress standards. Despite some coaxing on my part, he has not bothered to report the incident to the police because he does not believe that it will achieve anything. I understand also that the Licensing Court has received a number of similar complaints and that it has expressed concern that this area is becoming increasingly volatile and difficult to manage. It has been suggested to me that a way of stopping thugs being employed as bouncers would be to introduce a licensing mechanism that would clearly identify individual employees and a numbering system similar to that used by the police has been suggested.

The Hon. D.J. HOPGOOD: The first thing I strongly urge on the honourable member is that he suggest to his relative that the matter be reported to the police, particularly if there were witnesses. If the position is as it has been reported to the honourable member, there clearly was a case for a charge of common assault being laid. I believe that that is exactly what should happen, and I think that the honourable member should urge his relative to do that.

My feeling is that, however distressing the matter may have been, it does not of itself justify that we should move into a new area of control. However, if there have been a large number of these incidents, then we should consider it very carefully. Part of the point in reporting this to the police is that they should have a clear picture of exactly what is going on. I will ask the Commissioner to give me a report of those instances that have been drawn to the attention of him and his officers and, also, some sort of indication as to how such a system should work. In the light of that, the Government should determine then whether or not what the honourable member is urging on us is appropriate.

WEALTH INQUIRY

The Hon. B.C. EASTICK: I direct my question to the Premier. Does the South Australian Government still hold

to the view it put to the 1985 tax summit that 'we are not convinced that it is possible to design and operate a fair and equitable general wealth tax' and, if so, will the Government oppose proposals for an inquiry into wealth and refuse to cooperate with any such inquiry?

The Hon. J.C. BANNON: I have not changed my view. In fact, I suppose that view would support this proposal that is doing the rounds at the moment for a wealth inquiry, because we can only look at this thing seriously if we have that sort of information. Of course, the honourable member's question confuses the two issues.

Members interjecting:

The SPEAKER: Order!

BICYCLE SAFETY

Mr RANN: Will the Minister of Transport ask the Road Safety Division to step up its campaign to warn parents of the dangers to children who ride bicycles without lights at night? It has been drawn to my attention how common it is in the Salisbury area to see children and teenagers riding to and from clubs on bikes at night without front or rear lights or even reflector strips.

Members interjecting:

Mr RANN: Members opposite seem to find this matter amusing. I have been informed that, in 1986, 792 cyclists were injured on South Australian roads, and for children aged 15 and under, 271 were injured and four were killed—quite clearly not a laughing matter, as the member for Mitcham would understand.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. It is certainly not a subject that warrants the sort of levity that comes from the Opposition benches from time to time. It is a very serious matter. I would hope that all members of this House have due concern for the safety on the road of all the younger citizens of South Australia. Part of securing that safety rests, I believe, with parents in ensuring that bicycles have either the appropriate lighting equipment or certainly reflector strips. I am sure that, apart from it being a very dangerous practice for young people—or for any people for that matter—to ride cycles on the roads at night with no lighting or no reflector strips, it is also illegal. I think that those who take the chance of breaking the law should understand that. They might feel that the chance is worth taking, but it is not, because apart from running the real risk of injury they also run the risk of being detected by the police. This is a serious matter. As the honourable member has asked, I will advise the Road Safety Division of the Department of Transport to give added emphasis to this very important area.

FILIPINO BRIDES

The Hon. JENNIFER CASHMORE: Can the Premier explain why neither he nor the Minister of Community Welfare had any knowledge of the over-representation of Filipino brides in domestic violence statistics when both he and the Minister are in receipt of a domestic violence report prepared by a Government task force at a cost of $96 000 over two years, and does this circumstance not illustrate the folly of the 80-member task force not having included even one representative from a women's shelter?

The Leader of the Opposition raised last week the alarming incidence of domestic violence against Filipino brides in this State and, despite the ignorance admitted by the Premier and the Minister on this issue, the validity of the Liberal Party's concerns was quickly recognised and the formation of a working party to examine the extent of abuse of Filipino brides was announced. The working party is to be chaired by the Chief Executive Officer of the Department for Community Welfare, Ms Sue Vardon. This announcement has left many people with an interest in the safety of women nonplussed, because the Premier and the Minister received the final report of the domestic violence task force—chaired by Ms Sue Vardon—many weeks ago.

The task force took two years to produce its report—one year longer than initially promised by the Premier. It comprised 80 members and cost taxpayers $96 000, and it is a matter of great concern to those in the community welfare sector that the existence of such a severe domestic violence problem affecting a specific ethnic group within this community should have been missed completely, given the vast amount of time, resources and expense involved in the investigation. Given that this major issue was completely overlooked, but now warrants its own Government investigation, social workers have also raised doubts about what sort of credibility the public can place on the task force's findings when the Premier ultimately decides to release its report.

The Hon. J.C. BANNON: That is a nice carping sort of question—the sort of approach that I have, unfortunately, come to expect from the honourable member in recent years, and I think it does her absolutely no justice at all. First, I stand by the comments that I make, and if I am not aware of particular detail I am prepared to say so to the Parliament. Of course, the honourable member can criticise me for that ignorance of the detail of Filipino brides and violence. I understood that the Leader of the Opposition was putting before us new material that a special research study by the Opposition (no doubt a task force headed by him—because he has had a long and abiding interest in this field, no doubt) had uncovered. That is how that question was presented, and I am beginning to doubt now, from what the honourable member said, that there was any such research study.

But, indeed, it was, as the member for Flinders suggested to me, something that the Leader of the Opposition or one of the other members happened to see on the front page of the Port Lincoln *Times* and thought, 'This is a beauty. We will take this up and show how sensitive we are to the problems of women in the community.' It turns out also, from what the member for Flinders tells me, that that report, although there might be some basis for it, was not totally accurate, that no research was done into that matter, and that there was no acknowledgment of the source. So let us put that to one side. I said clearly that I was not aware of this material. Indeed, I was not, I said so, and I said that it would be investigated. That is point one.

Point two relates to the reaction of the Minister of Community Welfare. Rather than being asked a carping question about this issue, I would have thought that the Minister of Community Welfare should be congratulated on the prompt way in which he acted and on the way in which he took in all good faith the politicking of the Leader of the Opposition, and the way in which he mobilised resources to try to attend to this problem and to discover more about it. However, what does the Minister get for that? He gets a sort of carping comment that he should have known all about it and he should have done something else. What nonsense! It shows how Opposition members are playing politics with this matter and how they are not interested in the plight (whether real or imagined) of these women.

Finally, yes, we have commissioned a major report on domestic violence. We as the Government did that, and we established a high level task force to do so. Yes, the exercise took much longer than it should have. The member for Coles knows, because I am sure that she sniffed around this area or has been advised, that one reason why it took so long was the unfortunate illness of a key person. If the honourable member wants to talk about that and criticise the delay for those reasons, let her lay that out as well. Yes, the report took longer than expected. It has been completed and is currently being analysed in some detail, and I would expect Cabinet to consider it soon. I have not been able to formally consider it yet, nor has the Government, but we will do so. I appreciate the question from the honourable member. It shows what a cynical, shallow, headline grabbing exercise this issue was. However, it is far too important for that. Let us have some concern for the women involved and for their plight and, like the Minister of Community Welfare, we will do something about it.

ANIMAL WELFARE

Mr De LAINE: Will the Minister of Lands undertake an urgent review of the Prevention of Cruelty to Animals Act to see whether more appropriate penalties can be introduced in an effort to put a stop to animal cruelty? In view of the recent horrifying RSPCA report on animal cruelty, as reported in the *Sunday Mail* of 18 October, it seems that the current penalties are far too lenient.

The Hon. R.K. ABBOTT: I thank the honourable member for his question. The new Prevention of Cruelty to Animals Act came into operation on 1 August 1986. South Australia is the leader in this field. Animal welfare questions are raised by the community, ranging from cruelty and the production of food to the development of new drugs and other scientific research. This topic normally generates an emotional response from a large proportion of the public. Therefore, if Government is to respond rationally and logically, it must be well prepared by a constant monitoring and assessment of issues as they arise. The Animal Welfare Advisory Committee advises the Minister on animal welfare matters, and the issues currently being addressed include the establishment of animal ethics committees in research and educational institutions; the development of a code of practice for the pet shop trade and possible licensing or other controls; participation in the Commonwealth development and implementation of codes of practice for agriculture; monitoring the effect of the new legislation and the need for any amendments; and establishing methods of achieving uniform legislation around Australia.

In March of this year, I inaugurated the Joint Animal Welfare Council, comprising those officers in each State and Territory and the Commonwealth with direct responsibility for advising their Ministers on animal welfare matters. The executive service to this council has been provided by the animal welfare office in the Department of Lands. That work is ongoing. In view of the honourable member's request, it may be a little premature at this stage to say whether the penalties would be increased. I think we have to take into account the general penalties applicable to every aspect of other relevant legislation.

TIMBER COMPANY

Mr D.S. BAKER: In relation to the Government's investment in a New Zealand timber venture, why did the Minister of Forests completely mislead the House in an answer to a question on 25 August when he said that the Government had appointed an Adelaide firm of chartered accountants to advise it 'on the best way to achieve the amalgamation and, further, to report on methods of valuing each business and, in the case of IPL (New Zealand), to review company records and, in particular, balance sheet items'?

The Auditor-General's letter tabled this afternoon reveals that none of these things in fact happened. The chartered accountant did not report on the viability of the joint venture and had expressed concerns on various matters, particularly the method of revaluing fixed assets in New Zealand involved in this venture. The letter also discloses that, at the time the Government made this investment decision, it did not have up to date information on the operating position of the New Zealand company which in fact was in a very substantial deficit position.

The Hon. R.K. ABBOTT: The Auditor-General paid me the courtesy of informing me that he would be tabling that letter in both Houses of Parliament today. I am sorry that there has been the misunderstanding to which the Auditor-General has referred. I think that the Auditor-General himself has misread my statement, because I was not reflecting on any comment that the Auditor-General had made in his report. In Estimates Committee B, I commented on the Auditor-General's statement about the qualification made by a chartered accountant engaged to advise on the amalgamation of AFI and O.R. Bettison activities. I informed the Committee that the Auditor-General's comments on this qualification had been taken out of context.

I was not suggesting that the Auditor-General had in any way misunderstood the basis of the qualification, but rather the conclusions drawn by members as evidenced by statements made preceding the Committee's hearing. I am sorry that the Auditor-General has taken it in a way that was definitely not meant. The comments in question were made preceding the Estimates Committee inquiry and were evidenced by statements from many people.

METROPOLITAN RAIL SERVICES

Mr DUIGAN: Did the Minister of Transport, in his major speech last night about public transport, actually recommend a reduction in metropolitan rail services? I was at the meeting which the Minister addressed last night and which was reported in this morning's *Advertiser*, but I cannot recall the Minister saying that rail services should be cut, let alone hinting that they should be cut as was reported in the *Advertiser* on page 3 this morning, as follows:

> 'Mr Keneally hinted at a possible further downgrading of Adelaide's rail system following the closure of the Bridgewater-Belair service . . .'.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. It has been reported to me that some radio stations actually suggested that in my speech last evening I recommended the downgrading of the rail system in Adelaide. The honourable member was at the meeting that I addressed and, if I might say so myself, I made a very good speech. The audience was very receptive and intelligent as one might expect, given the nature of the meeting.

The consultancy that will be commissioned may very well recommend that we should strengthen the major arterials within the public transport system. I do not know. It might be suggested that the rail legs, the O-Bahn and the tram service already in place are of such value to the transport system that they should be strengthened—he or she may

not suggest that. At this stage I have made no comment at all about the likely results of any consultancy.

I thank the journalist who wrote the article, because he gave it prominence, to which it was entitled. However, I was surprised to see that it was reported as a radical statement of the Labor Government's new transport policy. The points that were highlighted as Government policy were merely the result of some thinking aloud on my part. If my memory serves me correctly, I said that without pre-empting the results of any investigation some aspects might well come from such an inquiry. I was speculating, and I think that I said that. It is not really ALP policy, but sensible suggestions that hopefully a consultancy would look at.

I have made no statements about the future of rail in the metropolitan transport service. I happen to believe that rail is fundamental to our system. However, we should be achieving better utilisation of the capital invested in the rail service. It was proper for me to draw to the attention of the meeting the relative costs of the rail service. Work will be done within the STA to improve the cost effectiveness of that particular mode. Rail moves great numbers of people efficiently and effectively if the system is maximised. It is to maximise the existing modes and to have the benefit of an eminent transport consultant that this has been done. All of the consultants on the short list have an extremely good *curriculum vitae* and a number of successful research and consultancy projects to their name. The Government and I believe that Adelaide is entitled to a public transport service that is not only efficient and economic but also relevant to the needs of the late 1990s into the next century. The best way to achieve that is to establish the ground work now.

Hopefully, as a result of last night's speech (and I hope it will continue) a public debate will begin in Adelaide about the transport system that is needed. I hope that the vitriol, baseless criticisms, point scoring and political grandstanding that has been going on will stop so that we can concentrate on the real issue of what sort of public transport system this city needs and is entitled to, and for which the taxpayers are prepared to pay. Once the Government has an idea of that, appropriate planning can take place. That debate started last night and I would have thought that everybody would applaud it.

TIMBER COMPANY

Mr BECKER: I direct a question to the Premier. In view of the disclosures in the Auditor-General's letter tabled this afternoon, will the Government support the establishment of a select committee of another place to inquire into the Government's investment in a New Zealand timber venture? The Auditor-General's letter sheds further light on this investment. It reveals for the first time that a chartered accountant appointed by the Government to assess this investment in fact made some serious qualifications to his report.

The letter disclosed that the chartered accountant had not been asked about, nor had reported on, the viability of the joint venture or on the formulation of budgets; and that there were other matters upon which assurances could not be given. The letter also discloses that the New Zealand company involved had accumulated losses of $NZ3 million before the South Australian Government decided to go into a joint venture with it. The Auditor-General's letter further suggests that the Minister of Forests has been unwilling to provide full and factual information to the Parliament on this matter, providing further grounds for a select committee inquiry.

The Hon. J.C. BANNON: The honourable member's question misrepresents the matter, particularly what he said in his last sentence. The Minister has already referred to the letter in his response to it. There has been some misunderstanding about certain statements made. I am very happy, as is the Minister, to see those things corrected on the record. We have nothing to hide in this area. A full statement has been made to the Parliament on a number of occasions about the very urgent action the Government has taken, even to the extent of legal and court proceedings in this matter, to ensure that the public interest is protected.

It is our view that there is no call or need for a special select committee investigation and the Government's attitude is that any of the information that the Parliament needs or can be appropriately supplied will be so supplied in the normal course of proceedings. I assure the House that, in conjunction with the Auditor-General, Treasury and other experts, high priority is being given to ensuring that this situation is remedied. That is occurring at this very moment.

HEYSEN TRAIL

Ms GAYLER: Will the Minister of Recreation and Sport act to prevent Stirling council selling one of the most popular sections of the Heysen Trail—the unmade Davenport Road—to the Mount Lofty Golf Club, cutting off one of the most heavily used Hills sections of the trail—

Members interjecting:

Ms GAYLER: It certainly is. The Heysen Trail runs through my electorate. It will require construction of a detour.

Members interjecting:

The SPEAKER: Order! Whilst members are swapping geographic notes, it is not helping the—

The Hon. D.C. Wotton interjecting:

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

Ms GAYLER: As a member with part of the Heysen Trail in my electorate, I draw to the attention of the House an article which appeared in the *Sunday Mail* in August of this year reporting the Stirling council's proposal to close the trail from Stirling East to Bridgewater. It states:

> This is a small part of road, but it will cut off one of the most heavily used sections of the trail. The Heysen Trail's instigator, Warren Bonython, was very concerned at this matter, particularly because it is a unique trail in Australia in terms of its continuous length and the variety of ecosystems covered by the trail.

The Hon. M.K. MAYES: I thank the honourable member for her interest in this issue. I am sure that many people in the community are concerned about this, as I have received in my ministerial office numerous inquiries from people throughout the State as to the likely outcome of the decision by the Stirling council with regard to the possible continuation of the development of the Heysen Trail. The Government, as members would know, has committed itself to the continuation of that development and will continue to see the whole 1 500 kilometres completed, making it one of the most unique walking trails in Australia, if not in the world. As members would know also, people from overseas visit this area to enjoy the wonderful scenery offered by the trail.

On 22 September 1987 the council implied that it would not proceed with the sale of Davenport Road. As a result of the information that we have received in our office, although the council can make another attempt to sell that road, it is not likely to proceed with the sale, so at this stage it is obvious that the trail will continue without interference.

I recall an interview not too long ago with, I think, one of the councillors or the Town Clerk who indicated that, as far as they were concerned, the trail would continue through the proposed development in the area—from memory, I think that was a golf course.

Had the sale proceeded, I think that the officer responsible, Mr Terry Lavender, probably would have faced fairly complex negotiations. However, at this stage I think that the problem has been resolved and that the honourable member can inform her constituents and anyone else who may be interested that the development of that part of the trail will continue unhindered and, further, in those areas that are yet to be completed, it also will continue. I thank the honourable member for the question because, from the information that has been brought to my attention, I do not think that many people in the community know the decision made by the council on 22 September.

CFS VEHICLES

The Hon. TED CHAPMAN: Will the Minister of Emergency Services provide funds to local government and CFS to ensure that sufficient vehicles are available, roadworthy and safe for use in the forthcoming fire season so that they may protect life and property in various districts of the State, particularly in those areas where a large number of fire trucks recently have been grounded for one reason or another? Concerned country based CFS authorities and local government representatives have informed me that recent road traffic officer inspection of their fire trucks and equipment resulted in the issue of vehicle defect notices which prevent use of those vehicles until they are repaired, reinspected and released from the impact of those notices. It has been claimed that on the Fleurieu Peninsula and in the South-East of the State defect notices have been applied unreasonably to some vehicles. In other cases the action of earlier appointed vehicle inspectors has been described as reasonable.

Yesterday I received from the central authority information suggesting that the action taken by CFS headquarters initially to survey the condition of vehicles throughout the State and to list their defects was acceptable to most local government and CFS bodies, and only when the Local Government Association supplemented that action and arranged for Road Traffic Division officers of the Transport Department to enter the field did the problem of vehicular defecting escalate beyond the councils' ability to cope financially with the demands placed upon them.

To cite one example, I have been informed that out of a total of 14 trucks for Port Elliot and Goolwa, 10 have been grounded and that many thousands of dollars will be required to restore them to open road use. Further, I have been informed that in every case where a vehicle is inspected a $55 fee is payable by the owner of that vehicle. My colleagues the members for Victoria and Mount Gambier have informed me today that, as a result of inquiries they have made following this topic being raised, they were advised that a riot will occur in that region unless something is done urgently to restore commonsense in the field. Finally, I draw to the Minister's attention the fact that, during my inquiries yesterday, it was revealed clearly to me that no love was lost between the two senior officers of the organisations cited in this question.

The Hon. D.J. HOPGOOD: Some time ago a circular was sent around to councils and local CFS brigades asking them to look to the condition of their vehicles, and this, in turn, led to a good deal of consternation and to a letter which was sent to Mr Macarthur, the Director, by the Local Government Association. I will not quote all of that letter, for reasons of time, but I will indicate that the letter did say:

> The CFS board should co-opt the services of the Vehicle Engineering Branch of the Department of Transport to inspect the appliances and certify their compliance with the Act.

The letter went on to say:

> The association has contacted the above branch on this matter.

The CFS had a look at this matter and felt that that was not unreasonable.

Mr S.G. EVANS: On a point of order, Mr Speaker, I ask whether the Minister will table that letter, as he has indicated that he does not have time to read it.

The Hon. D.J. HOPGOOD: I am happy to, Sir. It is not my letter; it is one written by a private individual, but if members do not mind that there could possibly be some embarrassment to that private individual—I do not know—I am happy to table that letter having been asked that it be tabled.

The Hon. Ted Chapman: Who signed the letter?

The Hon. D.J. HOPGOOD: Mr Hullick, the Secretary-General of the Local Government Association.

The Hon. Ted Chapman: He is as public as we are.

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: He is not a member of this Parliament.

The Hon. Ted Chapman: He is a member of the public system.

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: Okay, I have no objection.

The Hon. Ted Chapman interjecting:

The SPEAKER: Order! The situation is that the member for Alexandra has asked a question of the Deputy Premier; that does not excuse the establishment of a dialogue between the two honourable members. The honourable Minister.

The Hon. D.J. HOPGOOD: Thank you, Sir. The CFS felt that it was not unreasonable that that request be acted on, and therefore we had recourse to the services of my colleage the Minister of Transport, and it has been so acted upon. This has led to a series of vehicles being defected, for various reasons, some of which will be fairly easy to rectify while some will be a little more difficult to rectify. I am not prepared to give a blanket answer to the honourable member. I think it is up to the individual brigades to indicate what their costs might be and to put propositions forward if they feel that the costs involved are beyond their current means. That is really my answer—

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. D.J. HOPGOOD: Thank you, Sir. I will try to wind up as quickly as possible. The action has been taken on the recommendation of that body which seeks to represent the interests of local government, and it is for individual brigades to indicate what the costs might be, and any requests forthcoming will be considered on their merits.

MELBOURNE CUP

The Hon. J.W. SLATER: Mr Speaker, I am not sure whether I should direct this question to you or to the Deputy Premier, as Leader of the House. However, I ask whether it is possible, under Standing Orders, for this House to be adjourned on Tuesday 3 November for the running of the Melbourne Cup. I do not think the question needs an explanation.

Members interjecting:

The SPEAKER: Order! I direct that question to the Deputy Premier in his role as Leader of the House, as he, basically, is responsible for the sittings of the House.

The Hon. D.J. HOPGOOD: Matters concerning the sittings of the House are for the members of the House, but I do not imagine that the Government will be making that recommendation to the House.

WORKCOVER

Mr S.G. EVANS: I ask the Minister of Industrial Affairs—

An honourable member interjecting:

Mr S.G. EVANS: The Minister of Labour—I am sorry, Sir.

The SPEAKER: Order! Will the honourable member speak up?

Members interjecting:

Mr S.G. EVANS: It is seldom that I worry about the gentleman, but I think he knows who I mean.

Members interjecting:

The SPEAKER: Order! Will the honourable member proceed with his question and ignore the out of order interjections, one of which I think came from the member for Gilles.

Mr S.G. EVANS: I ask whether the Minister of Labour can explain to the House why political Parties are charged only .5 of a per cent under WorkCover and gambling services 1.3 per cent, while charities such as the Royal South Australian Deaf Society are charged 3.8 per cent of their wages. In the case of the Deaf Society, which is a charitable institution relying to some degree on Government subsidies, WorkCover last year cost $4 200, whereas on present rates that institution will be expected to find at least $10 750 this year.

The Hon. FRANK BLEVINS: I cannot explain that, because I do not set the levy rates for WorkCover: they are set by a board under the Act. That board, as I have previously pointed out, comprises six employers and six trade union representatives. The levy rates were set unanimously. It would be far better if the honourable member directed his question to WorkCover where it can be dealt with. However, I am certainly happy to draw the question to the attention of WorkCover and obtain a reply. Although it may be true (and I have no reason to disbelieve the honourable member) that some premiums have increased, we should not forget that many premiums have decreased. Indeed, on Saturday evening I had the pleasure of attending a function where a small business person thanked me effusively for introducing this legislation. As praise in this game is not given freely, I was delighted. This small business man told me that his premiums had decreased from 27 per cent of the payroll to 4.5 per cent. He said that he had not pocketed the difference but had immediately put on two additional employees. He also bought me a drink.

SUPPLEMENTARY DEVELOPMENT PLAN

Mr DUIGAN: Can the Minister for Environment and Planning assure the House—and thereby local councils—that there will be a full and open process of discussion and consultation about the draft supplementary development plan on residential zoning? Recent press articles, especially over the past two weekends, have suggested that the Government is motivated by political expediency, on the one hand, and by contempt for the due processes of consultation and the proper and orderly development of Adelaide's residential areas on the other.

The Hon. D.J. HOPGOOD: I saw those articles and found them rather more hilarious than the average article published in the weekend press. Setting aside the perhaps even intentionally humorous aspects of the first article, I can assure the honourable member that, even if the Government was not committed to a process of consultation, it is enjoined to engage in such a process by the provisions of the Planning Act. The policies concerning planning law can be changed only by a supplementary development plan which, in turn, must go through a public review process. Therefore, I can give that assurance with full confidence, because that is what the law requires.

Obviously, the Government in any event would be committed to consultation because, in this matter of planning and development control, so much resides in the power and control of councils, anyway. When people talk about making better use of the existing urban space, we must remember that for the most part they are talking about the thousands and thousands of decisions that will be taken by local government on individual development applications over the next 10 or 15 years. Those decisions will determine the final shape of Adelaide's metropolitan space, and that is very much in the hands of local government. So, I can certainly give the honourable member the assurances he is seeking.

SITTINGS AND BUSINESS

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

That the time allotted for all stages of the following Bills:
- Long Service Leave (Building Industry),
- Children's Services Act Amendment,
- Local and District Criminal Courts Act Amendment (No. 2),
- Expiation of Offences,
- Public Employees Housing, and
- Aboriginal Heritage—

be until 6 p.m. on Thursday.

Motion carried.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments and suggested amendment:

Schedule of the amendments made by the Legislative Council:

No. 1. Page 1, line 13 (clause 2)—Leave out 'This' and insert '(1) Subject to subsection (2), this'.

No. 2. Page 1 (clause 2)—After line 13 insert subclause as follows:

(2) Section 7 will come into operation on 1 July 1988.

Schedule of the suggested amendment made by the Legislative Council:

Page 4—Amendment of s. 31—Manner of dealing with money collected under this Act.

After line 13 insert new clause as follows:

7. Section 31 of the principal Act is amended—

(*a*) by striking out subsection (2) and substituting the following subsection:

(2) The Treasurer must, in respect of each financial year, make contributions from the General Revenue to the Highways Fund of amounts that, in aggregate, are at least one half of the amount of money collected by way of licence fees in that year;

and

(*b*) by striking out subsection (4).

Consideration in Committee.

Amendments Nos 1 and 2:

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

That the Legislative Council's amendments Nos 1 and 2 be disagreed to.

These amendments from the Legislative Council are identical to amendments moved in this place. It has been well established (indeed, the provision is now inserted in the Act itself) that in relation to the fuel franchise levy the amount of contribution to the Highways Fund in any one year shall depend on the budgetary considerations in that year, except that a certain minimum amount is guaranteed to the fund.

When one considers the increased amounts provided by way of motor vehicle registration fees and the business franchise fees being paid into the Highways Fund in 1982-83, one finds that there has been an overall increase in those payments as against inflation. In terms of road funding by the State, we have maintained a consistently high program against the background of some reduction, especially recently, in Commonwealth grants or amounts available for highways expenditure.

There is, therefore, no reasonable basis for the Opposition to continue to persist with a measure that effectively changes the whole calculation on which the budget is based. It may be said that these amendments will not operate until the 1988-89 financial year and that, therefore, no immediate or short-term embarrassment will be caused to our budget strategy. However, we must consider these things over time, and the amendments are an unreasonable restriction to place in this area.

If we were neglecting our responsibilities in the highways area, the Opposition might have a legitimate argument, but we are not doing so. Against the background of financial constraints, we have maintained an ongoing and active roads program. It may not be what every member wants. Indeed, we can all point to areas or roads that need more funding but, overall, our roads program has been a sustainable one. In fact, the proportionate contribution by the State Government to the Highways Fund in 1987-88 is estimated at 50 per cent.

On occasions it has been as low as 40 per cent, depending on what sort of contribution the Federal Government is making at any one time. That 50 per cent is slightly higher even than the 1981-82 figure and, in real terms, the amount being put into the Highways Fund from State sources has increased. Combined Commonwealth and State contributions have increased 3.1 per cent. In real terms, we are putting more money into the Highways Fund from State sources in 1987-88 than the previous Government did in its last year. So, there is no way in which we have ignored the needs of roads, but simply in the priorities of finance it is vital that a Government has the flexibility that the current wording of the Act provides.

This amendment essentially immediately earmarks and puts a constraint on how the Government can use a particular portion of revenue which is unreasonable in the present economic circumstances. It would probably be a futile exercise to really add up the cost to the public purse, as it were, of all those things connected with roads—road maintenance, traffic policing, and so on—but it is a very big sum of money indeed, and the indirect costs of those things are enormous as well. I do not think it is fair to say that the motorist is being slugged for an unfair contribution. On the contrary, I think that the motorist is making a very fair contribution.

Finally, in relation to this measure which deals with an increase, we have been careful—as indeed members opposite have acknowledged—to look at the circumstances of people in country areas, and to put the provision under threat with this sort of amendment is most inappropriate when the Government has had special regard to the problems of pricing in country areas and the zoning system, even with the administrative burdens that that imposes, nonetheless ensures that at least that measure of protection is given. For those reasons, I urge the Committee to reject this proposed amendment.

Mr OLSEN: The Opposition supports the amendment moved in another place and now before this Committee. We do so because we want to re-establish the principle upon which this tax was first levied. Since being elected at the end of 1983, this Administration has completely overturned the principle by which taxes levied on fuel go into a fund for the purposes of construction and maintenance of roads for the direct benefit of the motorists, the people who are paying the tax.

We saw this Administration, with the stroke of a pen, take away from the Highways Fund that commitment of funds to the extent that since 1983 we have seen a reduction in the allocation to the Highways Fund in real terms. An amount of $25.7 million in 1983 is worth about $18.8 million at today's value, so, in effect, $6.9 million less is being spent by the Highways Fund on road construction and maintenance. Of course, that has quite serious repercussions and implications for local government authorities which employ maintenance and construction gangs to maintain our road network throughout South Australia. We have seen local government authorities having to retrench staff as a result of this Government's actions.

The Government has neglected its responsibilities. It has done so by taking away from the Highways Fund and injecting into general revenue those funds that were specifically designed for Highways Fund purposes. There was absolutely no doubt in the first instance when this legislation was introduced as to its intent. This Administration, for other purposes—its own financial purposes—decided to walk away from that commitment when the legislation was before the House.

The fact is that spending on road construction and maintenance has fallen by some 6 per cent in real terms. Motorists were paying 1.5c a litre for petrol when this Administration came to office; they are now paying 4.5c a litre tax on fuel, and yet they are getting less value out of it. To justify his position the Premier ropes in a whole range of items normally covered under other portfolio areas or general revenue and says, 'In effect, we are spending more on maintenance of roads, policing, services and road safety services than was the case before.' That is a classic case of trying to fudge the issue—a classic case of trying to walk away from the responsibility that this Government must shoulder for abdicating and walking away from a specific and clear commitment that was given when the legislation was before the House.

It is interesting to note that in the other place it is not only the Liberal Party that supports the re-establishment, in part, of this principle; the Democrats also support the Opposition in this regard. I am sure that, whilst the legislation was before the Parliament, most members received correspondence from the Royal Automobile Association calling upon the Parliament to redirect all petrol taxes back into the Highways Fund for the benefit of the motorists of South Australia. Whilst we did not accede to or accept the position of the RAA, we accept that the principle ought to be re-established at least in part, and, through the amendment which was moved originally in the House of Assembly a week or 10 days ago and which was subsequently accepted in the other place, we wanted to see that principle re-established in the statutes.

I note that the Government is talking about increasing taxes on cigarettes in 1988 for a designated and specific purpose. Do we take the commitment of the Government in regard to that measure in the same light as we can take the commitment of Labor Administrations in relation to this measure? If that is the case, we have no faith in the Administration, because, as soon as some time passes, the Government restructures finances to suit itself in the course of events during any one financial year. For those reasons the Opposition supports the amendment.

The Hon. J.C. BANNON: I would just like to correct a figure that I used previously. It is a fairly minor point but, nevertheless, I would like to make sure that the record is clear. It does slightly alter the conclusion I drew from it. On a reworking of figures comparing like with like, the contribution from State sources to the Highways Fund represents 48.3 per cent estimated in 1987-88. I said that it was around 50 per cent. In fact, it is slightly less than 50 per cent and, therefore, slightly below the 1981-82 proportion. The other point I made, that in fact in real terms we have increased the allocation in 1987-88 as opposed to the amount that was provided in 1981-82, is still correct.

The Committee divided on the motion:

Ayes (26)—Mr Abbott, Mrs Appleby, Messrs Bannon (teller), Blevins, Crafter, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Noes (16)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen (teller), and Oswald.

Pairs—Ayes—Messrs L.M.F. Arnold and Hamilton. Noes—Ms Cashmore and Mr Wotton.

Majority of 10 for the Ayes.

Legislative Council's amendments Nos 1 and 2 thus negatived.

Suggested amendment negatived.

The following reason for disagreement was adopted:

Because the suggested amendments will make the operation of the Act impracticable.

LAND TAX ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SUPREME COURT ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

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

This Bill amends section 39 of the Supreme Court Act 1935 dealing with vexatious iitigants. Section 39 (1) of the Act provides that, on the application of the Attorney-General, a court may order that proceedings shall not be instituted by a vexatious litigant without leave of the court. The section is designed to impose restrictions on people who persistently and without reasonable grounds institute proceedings.

The Supreme Court has inherent jurisdiction to strike out proceedings or to stay or dismiss proceedings which are vexatious. However, this inherent jurisdiction does not enable a court, in dismissing an action on the ground that it is vexatious, to order that the plaintiff shall not be permitted to commence another action. Section 39 (1) deals with this matter but its use is dependent upon an application by the Attorney-General.

In their 1984 annual report, the Supreme Court judges recommended that section 39 of the Supreme Court Act should be amended to allow the court, on its own motion, to make an order restricting the institution of proceedings by vexatious litigants. The judges are concerned that there are a small number of people who put others to a great deal of expense and waste court time by reason of instituting and prosecuting totally unfounded actions.

Under the present provision, the Attorney-General is the only person able to make application to the court for an order restricting the institutions of proceedings by vexatious litigants. This can be justified on the ground that unless it is contrary to the public interest all persons should have automatic access to the courts. Vexatious litigants act against the public interest by abusing the court process and imposing unnecessary hardships on other persons. Therefore, the Attorney-General, representing the public interest, is the proper person to make an application under section 39 (1).

Despite the present provision, it is rare for cases to be referred to the Attorney-General by the courts or by other parties to proceedings so that an application can be made under section 39. The Government agrees with the Supreme Court judges that some action should be taken to improve the operation of section 39. However, it does not consider that the court should be able to make an order on its own motion that a person is a vexatious litigant.

The Government favours the approach of amending the Supreme Court Act to provide specifically for any court to refer matters to the Attorney-General for consideration of an application under section 39. This gives a court a clear legal basis for referring matters to the Attorney-General, protects the public interest and ensures that the power to make application under section 39 is exercised more effectively. This Bill provides accordingly.

The proposed amendment to section 39 empowers the Supreme Court, when making an order under section 39, to stay other proceedings already instituted by the vexatious litigant. Further, the new provision makes it clear that the section applies to both civil and criminal proceedings. It also enables the Supreme Court to make an order for specified periods rather than for an indefinite period. Finally the revised section 39 removes the current subsection (2) dealing with the provision of legal representation. As a result a person who requires legal aid to defend an action under section 39 would have to apply to the Legal Services Commission for representation and be subject to the normal criteria of the commission. I commend this Bill to members.

Clause 1 is formal.

Clause 2 substitutes section 39 of the Act which provides that the Supreme Court may, on the application of the Attorney-General, order that a person who has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings not be entitled to institute legal proceedings in any court without leave of the court or a judge. The new section provides that proceedings are vexatious if instituted to harass or annoy, to cause delay, or for any other ulterior purpose, or if instituted without

reasonable ground. It applies to both civil and criminal proceedings, whether instituted in the Supreme Court or in any other court of the State.

The new section enables the Supreme Court, on the application of the Attorney-General, to prohibit the person by whom the vexatious proceedings were instituted from instituting further proceedings (generally or of a particular kind) without leave of the court or to stay proceedings already instituted by the person. It provides that such an order may be for a limited period or indefinite and that a copy of the order must be published in the *Gazette.* It also expressly provides that the Supreme Court or any other court of the State may refer a matter to the Attorney-General for consideration of whether an application should be made under the section.

Mr S.G. EVANS secured the adjournment of the debate.

LONG SERVICE LEAVE (BUILDING INDUSTRY) BILL

Adjourned debate on second reading.

(Continued from 7 October. Page 1030.)

Mr S.J. BAKER (Mitcham): The Opposition gives cautious support for this particular Bill. For the edification of members, I point out that long service leave has been provided in the building industry as a separate entity since 1977 when it was provided for in its own Act. Basically, it was meant to cater for itinerant workers in the building industry who do not have the privilege of continuous service with one employer given the seasonal and cyclical nature of the industry. At that time there was some concern that the coverage of this area would be very difficult and, looking back on previous debates, there was some concern that it went beyond the original concept of long service leave.

As members would appreciate, long service leave is peculiarly Australian. Someone decided that, because of service to a particular employer over a period, it was deserving that such an employee should have a holiday at the expense of the employer. That principle has been maintained for many years. There are question marks about the whole proposition of long service leave; but it is not my intention to raise those today.

As I understand, one of the reasons for the introduction of this Bill is that concern has been expressed by employers and builders that the Act is not working in the way it should. In particular, the difficulty of deciding who is and who is not in the scheme has been a vexing question for a considerable time. Under this legislation, the Minister has attempted to clarify the situation by the rule of predominance, which sets down guidelines to determine whether a building employee fits neatly within the general provisions of the Long Service Leave (Building Industry) Act or some other award.

It is useful to look at the report of the Long Service Leave (Building Industry) Board. I note that in June 1987, 1 343 employers and 17 174 workers were registered with the scheme. This compares with the 1986 figure of 15 044. As at 30 June 1977 the fund amounted to $171 122; it now stands at $16.2 million, which is a quite considerable sum, one which has accumulated healthily, despite the presence of Mr Ron Owens on the board. Interestingly enough, the premiums have been more than adequate, because over the time of the scheme the rate of premium has decreased from 2.5 per cent to 1.5 per cent, where it stands today. The impost on employers in the building industry has decreased.

At the outset I said that the Opposition supports this legislation cautiously. However, a number of matters, relating to the penalties which will increase tenfold under this legislation, will be canvassed in Committee. There are the questions whether the predominance rule clarifies the position where people are included in or excluded from the scheme, and whether building workers should be allowed to take other employment whilst on long service leave. There is also the question of reciprocity with other States.

Each of those items will be dealt with in Committee shortly. I will, however, reiterate my dismay that in 1987 I still have to go through an enormous number of Acts and regulations to be able to understand where the legislation lies today. I spent some considerable time trying to find out which regulations had been enacted since 1977 and what indeed is the status of the Act so that I could understand what amendments were being made to it. It is simply not good enough in this day and age that we have to go through this process. I will be asking questions and I may well have got some wrong because I have not picked up some of the amendments made since the legislation's inception in 1977.

This Parliament should come of age and the Government should, as a matter of haste, present a consolidated Act and regulations to parliamentarians before they consider amendments to Bills. I have made that plea since the first day I entered this Parliament, but it has gone beyond a joke, when our life is becoming more complicated by the enormous demands made on our time, that we spend useless hours trying to find out what the legislation says today because it has been amended so often and so many regulations have been promulgated since it was first introduced. I have made that plea once again. However, it is appropriate that the major issues of the Bill be considered in Committee.

The Hon. FRANK BLEVINS (Minister of Labour): I thank the honourable member for his contribution and his support, however cautious, of the measure.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

Mr S.J. BAKER: I have several questions on definitions, the first being on 'allowable absence'. Will the Minister inform the Committee whether any intention exists to change those areas that currently within regulations are 'allowable absences' under regulations which may come into place as a result of this new Act?

The Hon. FRANK BLEVINS: No.

Mr S.J. BAKER: As far as I can ascertain, the definition of 'building work' has changed from that previously in the Act, but I may well have missed an amendment. The reference to the erection of a building in paragraph *(a)* of the definition widens, as far as I can see, the definition already in existence, and could take into account such things as transportable buildings and a variety of other areas which I do not believe the Parliament originally decided should come within the ambit of this Act.

The Hon. Frank Blevins: The answer is 'No'.

The Hon. S.J. BAKER: The second area relates to those payments which can be included under 'ordinary weekly pay'. They currently involve ordinary time, follow-the-job allowance, travelling time and site allowances. To what extent will they alter? I have grave reservations on whether some of those items should be included under the long service leave provisions. However, I will not debate an Act that has been amended since 1977. Under our Administration, if it was not changed, it is not my intention to try to

change it now. As they are going to be put under regulations, will those items change?

My third question on this section is a legal matter on the definition of 'tribunal', which states that the tribunal is an 'appeals tribunal established under the repealed Act and continued under this Act'. I am not sure whether indeed that reference (and I could be persuaded otherwise) is a legitimate reference within an Act of Parliament. As far as I am concerned, when a new Act is promulgated all previous references are struck from the books. Therefore, reference to a repealed Act would seem to be a very strange way of putting together a definition within a clause, as it may well be that it becomes null and void, given that the tribunal was promulgated under the previous Act, which of course is subject to this new Bill. They are my three questions and, depending on the Minister's response, I might come back to him on one or two of them.

The Hon. FRANK BLEVINS: The answer to the first question is 'No'. The answer to the second question is 'No', and the answer to the third question is that the honourable member will have to take up the matter with Parliamentary Counsel. I obviously did not draft the Bill. It was drafted on my instruction, of course, and, whilst it is not desirable to refer the question to Parliamentary Counsel—

The CHAIRMAN: The Minister really should not—

The Hon. FRANK BLEVINS: I agree, but I cannot think off-hand how to answer the question without so doing. I would not want to be in any breach of Standing Orders or convention, but my advice, when giving instructions for the drafting of the Bill, was that that usage was fine.

Mr S.J. BAKER: It is up to the Minister to respond and not refer it to the Parliamentary Counsel. Obviously his officers approved the way the Act had been put together, but it may be a question that needs to be raised in another place if I have got it right. Going back to the first question in the series, the wording has changed. I looked at the Long Service Leave (Building Industry) Act 1975, which was Bill No. 13 of 1976, and of course we did not have a definition of 'building work' in that Bill. Certain industry descriptions were included but they were somewhat different from what we have here, which includes the erection of buildings.

I further looked through the amendments made after that time but could not find a reference which coincided with this new definition. I would be pleased if the Minister could tell me where the erection of buildings fits in with the scheme of things. Amendments made in 1985 (Bill 25 of 1985) refer to construction, improvements, alteration, maintenance, repair or demolition of buildings and other structures. Will the Minister satisfy my curiosity?

The Hon. FRANK BLEVINS: I shall try. I could have said in response to the second reading that the Bill has been completely redrawn. That will solve one of the problems that the member for Mitcham mentioned in his second reading response. It was agreed by IRAC that probably the best thing to do during this tidying up of the Act, at the request of the Long Service Leave (Building Industry) Board, was to redraft the whole Bill, and that is what has happened. Only where a change has been specified is there a change; the rest is merely a redrafting and clarification that has the full support of the building employers in this State. They were totally and entirely involved in the operation.

Unless we have stated that the changes are deliberate either to widen the ambit, to get more people in or whatever, or for specific clarification, then the answer is 'No', there has been no intention to change either the definition in relation to the honourable member's first question regarding allowable absences or, in this part of the clause, the definition of 'building worker'. If there was any intention to change those definitions, then that would have been spelt out in the second reading explanation.

Clause passed.

Clause 5—'Application of this Act.'

Mr S.J. BAKER: This clause deals with the predominance rule, as we call it, which is a new way of determining whether an employee belongs inside or outside this Act and, ultimately, whether or not an employer pays his or her dues to the Long Service Leave (Building Industry) Board. Over a period of time employers have been caught twice—they have had to pay for the privilege of having someone on site in the form of payment to the Long Service Leave (Building Industry) Fund, and also they have had to make allowance from within their own financial resources to cover long service leave under normal long service leave arrangements. That is one of the reasons why the Act is being changed.

Having read the second reading explanation and having looked at clause 5 (1) *(c)*, which really is the nub of the clause, I noticed that there is some difference. The second reading explanation, referring to clause 5, states:

> Clause 5 relates to the application of the Act. The Act will apply to a person's employment if he or she is employed in a specified occupation under a specified award or agreement, and the employment involves working at a building site where the work has made up the whole, or at least one half, of the period of employment over the whole of the employment, the first month of employment or any three-month period of employment. The effect of this is that once a worker has 'qualified' under clause 5 (1) because a majority of his or her or work involves working at a building site, or a majority of his or her work over a prescribed period involves working at a building site, the worker will continue to be covered by the Act so long as some of his or her work (to a degree) involves work at a building site and the worker remains in a specified occupational category. If the worker changes to a non-specified occupation, or does not in any event work at a building site for three months, the worker ceases to be a building worker for the purposes of the Act.

The Bill mentions two alternative tests and the description is a little different. Paragraph *(c)* provides a sort of pick your own solution, and it states:

> the employment involves work at a building site and such work makes up the whole, or a proportion of at least one-half, of the period of employment over—
> (i) the whole period of employment;
> (ii) the first month of employment;
> or
> (iii) any three month period of employment . . .

No qualification is mentioned for those specific examples, so we are not actually slotting people into the circumstances in which they find themselves in the industry as described in the Bill and the second reading explanation. We are saying, 'Pick any one of these and you have complied with the Act.' I am concerned that the Bill does not clarify the situation. I think I know what the Minister has tried to achieve, but I do not know whether or not the picking of one of these three items will do that.

The Hon. FRANK BLEVINS: I suppose that time will tell whether or not this solves the problem. However, I am advised by the builders, by the unions and by them collectively, through the Long Service Leave (Building Industry) Board, that it will improve the present situation, where there is a great lack of clarity. As I mentioned, time will tell whether or not this formula finally solves the problem, but certainly it is the best that the brains presently available within the industry and to the Government can provide. Having had quite extensive discussions with the employers and the unions, and collectively in IRAC, I am reasonably confident that most of the problems associated with the predominance rule will be solved by this amendment.

Mr S.J. BAKER: I merely raised the question. One example is where a person spends their first two weeks of their

first month of employment on site (for example, a carpenter) and then actually works for a firm where he or she is in a workshop and only occasionally fits cupboards in houses or in commercial premises. Under this Bill it would seem that that person could be defined as coming within the building industry, but it is not quite clear as to whether or not that person should be deemed to be within the building industry, given that carpentry happens to be one of the specified occupations. There are a number of other examples where people can be included quite wrongly in this area because they worked for a predominant part of the three months or that first month of employment.

The Hon. FRANK BLEVINS: If a shop fitter working for a firm of shop fitters goes on to a building site once every few months to do a little work, they will not be caught. The problem with the previous legislation was that there was always a debate as to whether or not they should come within the Act. At least 18 months ago, and possibly even longer, I made very clear to the unions and to the building industry employers that I would not agree to any proposition where people had to pay twice. An employee who works full time for a shopfitter and very occasionally goes to a building site would be covered under the State Long Service Leave Act, and therefore this legislation would not apply. Given the wording of the legislation, it was queried whether or not that was the case, but I am advised by employers in the building industry, the unions and the Long Service Leave (Building Industry) Board that this amendment will clarify the situation. I do not profess to be an expert in the field. I do not work on building sites and have never done so.

Further, I am not an inspector who operates under this legislation, nor am I a member of the board, so I am not a practitioner in the field. All I can do is take the best advice available from the practitioners in the field who have assured me, with a degree of confidence, that this amendment is welcome because it will provide a great deal more clarity than was previously the case. If the member for Mitcham wants to write to me and give specific examples—or even put them now—of the person's employer (not necessarily referred to by name) and the amount of time that a person spends on a building site doing some shop fitting, I will get a precise answer for him. However, I can only repeat that on the best advice from employers and unions this provision will fix up the problem.

Clause passed.

Clauses 6 and 7 passed.

Clause 8—'Conditions of membership.'

The Hon. FRANK BLEVINS: I move:

Page 5, lines 31 and 32—Leave out '(3) or (4)' and insert '(2)'.

This amendment corrects a clerical error that appears in the Bill in the form of an incorrect cross-reference, which I am sure the member for Mitcham picked up as I did.

Amendment carried; clause as amended passed.

Clauses 9 to 13 passed.

Clause 14—'Effective service entitlement.'

Mr S.J. BAKER: I move:

Page 7, line 29—Leave out '36' and insert '18'.

The Minister would be well aware of why the Opposition is moving this amendment. The existing provision under the current Bill is that people who return to the industry within a period of 18 months shall have their eligibility for long service leave continued. The Minister seeks to increase that to a period of 36 months. I understand that there is some continuity between what is contained here and the provision in the Long Service Leave Bill, which is currently being debated in another place and which is being looked at differently from the way it was considered in this place.

When indeed does a person cease to come within the ambit of the provisions in the Long Service Leave Bill? My opinion is that the principle of the long service leave benefit is being so eroded that it is now becoming just a bonus payment within the system and that we are changing the rules so much that anyone who works for 10 years—or even seven years—will be eligible for some form of bonus payment. That was not the original intention. I have said previously that in many ways long service leave is anathema because it does not exist in other countries. The question we must ask ourselves is whether we should keep making it easier and easier for people to benefit, having regard to the original determining principle in relation to long service leave.

The Hon. FRANK BLEVINS: I oppose the amendment. The member for Mitcham has missed the fact that the length of time applicable is already 36 months—and has been since 1 July 1985, at which time, as I understand it, the honourable member supported the Government's proposal. So, if it is the honourable member's intention to reduce conditions in the building industry, his amendment has some legitimacy. I feel charitable today, and so I indicate that I am prepared to believe that something like this would inevitably be missed due to the complexity of the Act, the fact that it has not been consolidated, and because there have been many amendments made to it. However, again for the record, I indicate that the length of time involved is 36 months and that has been the case from 1 July 1985.

Mr S.J. BAKER: I have been through the amendments with which I have been provided and I must admit that I could not find the appropriate reference, but obviously the Minister is correct and the passage of time and the volume of legislation has dimmed my memory. If I agreed to it in 1985, it is not appropriate—

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: I do not know whether or not I did agree to it in 1985.

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: That is another question. However, as I have not found the provision and as I was not the shadow Minister responsible for these matters at the time, I plead some ignorance in this matter and I will not pursue my amendment.

Amendment negatived; clause passed.

Clause 15—'Crediting effective service under this Act and the Long Service Leave Act.'

Mr S.J. BAKER: This clause deals with the problem of people coming into and going out of the industry. Is it intended that every time a person enters and then leaves the industry the board will pay out to the employer to cover that situation? This applies particularly to building firms which have qualified people on their staff who indeed actually work on building sites or in the office, depending on such factors as seasonal conditions, workload, and various other things. It would seem to me that there is an easier way to deal with the problem in that for the qualifying period a person should be determined to be either under the general long service leave provisions or under the provisions contained in this Bill. The present position seems to me to be fraught with some sort of danger, with payments going back and forth, as will be the case with a number of workers in some of the major building firms.

The Hon. FRANK BLEVINS: I disagree with the member for Mitcham that this is a problem. The clause indicates quite clearly that where a person has a continuity of service with an employer, which might involve moving from a building site to an office, etc., the continuity of service is

preserved. That is stated quite clearly. The clause further provides:

Any period of effective service credited under this Act will be credited to the person under the Long Service Leave Act 1987.

It seems to me that this Bill solves that problem—as the previous Bill did, anyway.

Clause passed.

Clauses 16 and 17 passed.

Clause 18—'Employment during leave.'

Mr S.J. BAKER: I move:

Page 10, line 32—Leave out 'employment as a building worker' and insert 'any employment'.

The Minister would be aware that the long service leave legislation provides quite clearly that long service leave is granted to employees on the basis of their service to a firm for which they work and, in the case of the building industry, to the industry at large. The principle is that the person involved shall take leave and shall not engage in other work whilst on that leave. That principle was embodied in the previous legislation covering this area. I want to reinsert that.

I do not believe that it is right that a person should go on long service leave and then take up another job, when the clear intention is, rightly or wrongly, that after 10 years of good, hard work and solid service people should take a holiday for, say, 13 weeks. The provision in the Bill means that a building worker can say, 'I'll take 13 weeks long service leave and double my pay by engaging in another form of work.' Surely this detracts from the purpose of the Bill and of the comparable provision in the legislation that regulates the long service leave that may be taken by a public servant.

The Hon. FRANK BLEVINS: I appreciate the problem outlined by the honourable member, but his amendment would make this clause far too harsh. For instance, if a building worker has a part-time job as a bar person or drink attendant, there is no reason in equity why that person should not be able to continue with that part-time job while on long service leave. Indeed, I should have thought that Opposition members would welcome such enterprise and initiative being shown by a person who had more than one job. Although I have personal reservations about that practice, it is applauded in the community and we should not restrict building workers in that regard. I appreciate the point raised by the honourable member and I am sympathetic to the principle that he espouses. However, his amendment would have an unduly harsh effect, for example, in the circumstances that I have outlined.

Mr S.J. BAKER: I do not agree with the Minister. There are circumstances in which a person who is not fully employed in the building industry may hold down a second job, and the provision could be changed to take account of those circumstances. However, I do not like the idea of the employer having to pay for a 13 week holiday for the employee, who then works industriously in another area thereby losing the benefit that should accrue from long service leave. I will insist on my amendment and it may be that a compromise will have to be made in the Upper House.

The Hon. FRANK BLEVINS: The honourable member is being presumptuous when he says that the Upper House will necessarily support his amendment. Take the case of a family that comes to Australia and immediately on arrival assumes large financial obligations. I should have thought that the Liberal Party would applaud any initiative shown by such people. After all, they are helping to build Australia, taking care of the family without receiving social security benefits, earning money, accruing wealth, and distributing that wealth throughout the community. I am constantly surprised at the lack of support given by the Liberal Party to such a display of initiative. The honourable member may act in a petty and spiteful way against the building worker who takes a part-time job, and that is the honourable member's prerogative. However, I should have thought that that was contrary to his Party's philosophy. The Government will insist in this place and in the other place that initiative should not be stifled and that people taking care of themselves and their families should be given every encouragement to do so.

Mr S.J. BAKER: I do not intend to pursue the matter further. If the Minister adheres to such a policy, we should scrap long service leave altogether and everyone should be allowed to take 10 weeks leave without pay and have the chance to work for another employer during that period. Regarding any detraction from initiative, no other Government has done more to depreciate the initiative coinage of this country than the Bannon Labor Government.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 10, line 33—Leave out '$1 000' and insert '$500'.

The reason for my moving this amendment is obvious. This is a test amendment which is moved because on average the penalties under this legislation are being increased tenfold. I get a little tired in this place of seeing penalties go through the roof, and there are even more serious anomalies than this later in the Bill. It seems that the Labor Party says, 'We will work out who will bear the cost and set the penalty appropriately.' So, the employer gets it in the neck from the Labor Party.

Since 1977, when this Act was introduced, the rate of inflation has been 234 per cent, whereas the penalties in this Bill are being increased tenfold. Obviously, the Minister is setting out to get more revenue from the unsuspecting employers: they are to be taken for everything possible. That is the obvious tenor of the Bill. In the Long Service Leave (Building) Report the following statement appears:

In the opinion of the board there are still many other employers and workers who should be registered under the provisions of the Act and, as far as staff resources allow, efforts are being made to remedy this situation.

One reason for the introduction of this Bill is the difficulty of defining whether or not a person is a building worker. The Minister says that heavy fines should be imposed throughout the legislation, but I shall have more to say on clause 28 about the principles that apply here. It is not appropriate to increase penalties in this way. We have heard cries from Government members asking why the courts do not set penalties that people can pay. From Labor's backbench we hear the complaint: 'When a poor person comes before the court, the penalty should be set accordingly.' I do not hear any members opposite saying, 'Enough is enough; we really are penalising the employers of the State, not only with our regulations but also with our legislation.' I think it is about time it stopped. All I am saying is let us halve the penalties and show a bit of humanity.

The Hon. FRANK BLEVINS: I find that contribution quite incredible. The member for Mitcham was implying there was some kind of 'user pays' principle here, that when we establish something, the Government says, 'Who can we get to pay for this? Let us jack up the fines.'

Mr Lewis: Yes, that is exactly what you do.

The Hon. FRANK BLEVINS: What arrant nonsense. It is very simple—

Mr Lewis interjecting:

The CHAIRMAN: Order!

The Hon. FRANK BLEVINS:—for employers to avoid any costs whatsoever as regards breaches of the Act by just

obeying the law. It is very simple: just obeying the law costs nothing. There is no question of 'user pays'. What we are asking people to do is obey the law. Again, I find it strange that, with the professed law and order policy and emphasis from members opposite, they perhaps do not move an amendment to increase the penalties here. They seem to want to do it everywhere else, but perhaps there is a double standard. They call for an increase in penalties in one area, but where it may touch an employer who is acting illegally then the penalties should not be increased, not even with inflation. The penalties have not been increased since 1985. Had the member for Mitcham moved an amendment that increased them in line with inflation or the CPI, or whatever, then I think his argument would have had a lot more credibility.

The fine is a maximum fine. It is up to the court to decide how serious is the offence and, if it feels that a fine is warranted, to levy the fine accordingly. I think that a maximum fine of $1 000 that is totally avoidable is in fact very modest. I would point out that the member for Mitcham is attempting to protect financially these law breakers, but the employers in the building industry do not want to do that. They agree with this $1 000 fine, because other unscrupulous employers who are not paying the appropriate amount into the Long Service Leave (Building Industry) Fund are competing against them with an advantage. All the legitimate employers want this legislation and this level of fine; they do not want to protect the crooks, the rogues and the shonks in the building industry (and there are a lot of them). The reputable builders do not want to protect them, and I am surprised that the member for Mitcham does.

Mr S.J. BAKER: That is just another object lesson in misrepresentation by the Minister. I was referring to the fact that, if we adhere to the Minister's principle, we could set any fee and say that, if employers do not comply, they will be fined. What a stupid bloody argument the Minister is putting forward! He continues to make these facetious remarks in response to what I regard as a legitimate concern. The Minister well realises that one of the great problems with this Act is the fact that people have had difficulty in defining whether or not they have complied. I will not continue with that argument, but I point out that it is inappropriate that fines are lifted 10 times. We know what sector of the community will bear—

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: Since the original legislation was introduced in 1977, the fines have increased tenfold. If the Minister wants to look through it, he will find that out.

Amendment negatived.

Mr S.J. BAKER: I will not proceed with the next amendment standing in my name.

Clause passed.

Clauses 19 to 24 passed.

Clause 25—'Returns as to employment of workers.'

Mr S.J. BAKER: I move:

Page 12, line 17—Leave out 'three' and insert 'five'.

Instead of using a two-day minimum period regarding whether or not a person is brought into the ambit of the Act, this amendment provides a full week. I think two days is only a very small step along the way, whereas a week would be a far more preferable time frame in which to determine whether or not an employee is involved. Two days is a very minor concession on this matter. I know that the Minister will tell me about how IRAC agreed with it and thought it was wonderful. It would be far more useful if he said one week was a better test than three days.

The Hon. FRANK BLEVINS: I thank the honourable member for pre-empting me to some extent.

Mr Lewis interjecting:

The Hon. FRANK BLEVINS: The member for Murray-Mallee says that IRAC is the Minister's dog.

Mr Lewis: No, I said that IRAC is a bunch of—

The CHAIRMAN: Order! We will not be conducting this Committee by way of interjection. Standing Orders allow any member to stand in his place and ask appropriate questions at the appropriate time.

The Hon. FRANK BLEVINS: The member for Murray-Mallee says that IRAC is a bunch of wethers who have been rounded up by the Minister's dog. I find that appalling. Quite frankly, I find it absolutely appalling that people who are highly regarded in the industry—the cream of industry are in IRAC, including a very—

Mr Lewis interjecting:

The Hon. FRANK BLEVINS: I beg your pardon?

Mr Lewis: They come bleating to us.

The CHAIRMAN: Order! All interjections are out of order. I ask the Minister not to respond to interjections.

The Hon. FRANK BLEVINS: The member for Murray-Mallee says 'They come bleating to us.' At the next meeting of IRAC, I will point out to the employer members—whom I assume he means—the words of the member for Murray-Mallee. He said, 'They are a bunch of wethers, rounded up by the Minister's dog and they come bleating to us,' meaning the Opposition. I find it quite extraordinary to talk about very significant people in industry and commerce in this State in that way. It is quite derogatory, unfair and untrue.

The Government believes, on the advice of the Long Service Leave (Building Industry) Board, that three days is an appropriate period. A minimum of five days, as the amendment proposes, would mean that a considerable amount of revenue would be lost to the Long Service Leave (Building Industry) Board, and that would be a great pity. It would also give an advantage to those who were not paying into the fund when we believe that they ought to. It is, of course, arbitrary whether three or five days or some other period is specified, but we believe that three days is a reasonable period—for both employers and employees.

Amendment negatived.

Mr S.J. BAKER: My next amendment extends the period of notification from one month to two months. Unless that provision was changed in an amending Bill since 1977, the current period is three months, but I have not been able to catch up with that amendment.

The Hon. Frank Blevins interjecting:

Mr S.J. BAKER: It is only one month now. I move:

Page 12, line 25—Leave out 'one month' and insert 'two months'.

I have not seen an amendment to the Act that prescribed three months. However, I am now advised that an amendment was passed in 1982.

Amendment negatived.

Mr S.J. BAKER: I will not pursue my other amendment to this clause. One of the things missing in this legislation is the requirement that the Long Service Leave (Building Industry) Board publish a certificate as to each employee's entitlement. Can the Minister advise what has happened on that matter?

The Hon. FRANK BLEVINS: That provision has not changed in practice and will continue. From now on it will be handled administratively.

Clause passed.

Clause 26—'Monthly returns and contributions.'

Mr S.J. BAKER: I do not intend to move my consequential amendment.

Clause passed.

Clause 27—'Recovery on default.'

Mr S.J. BAKER: I do not pursue that amendment, either.

Clause passed.

Clause 28—'Penalty for late payment.'

Mr S.J. BAKER: I move:

Page 13—
Lines 38 to 40—Leave out paragraph *(b)*.
Lines 41 and 42—Leave out 'or a fine'.

These are the last amendments that I will pursue. Any employer who gets it wrong, whether deliberately or unintentionally, faces three penalties. One penalty is the interest on the moneys owing for non-payment; the second is a double taxation measure; and, the third is a penalty under the law of some $5 000 should a person fail to pay. I am not happy with that provision. Obviously, if a person fails to lodge a return and does not pay the amount owing, they will be in substantial difficulty. To increase the cost, whether or not the action was intentional, is quite extraordinary. As I said, employers will face three penalties: first, for the failure to lodge returns ($5 000); the second is penalty interest on the moneys owing; and the third is a double penalty situation—a fine on the amount over and above the amount owing. That is not appropriate.

The Hon. FRANK BLEVINS: I oppose the amendment, although the point made by the member for Mitcham has some validity. However, the problem at the moment is that there is no effective penalty within the Act for builders who do the wrong thing. That means that the reputable builders in this State who do the right thing subsidise those who do not. We must take those builders to court. It is a long, expensive and usually not very fruitful exercise, because there is no penalty interest. It could be said that, given the way the Act is drafted, there is a financial incentive for people to disobey the law because the penalties are almost invariably less than the cost if they obey the law. For people who are of that mind—and there are a number of them in the building industry—it is totally unsatisfactory.

Despite the quite derogatory remarks of the member for Murray-Mallee about the employer representatives in the building industry and on IRAC, I can only state that the employers completely support this provision. It is their safeguard to have a provision such as this so that the board actually has some teeth. There is also an appeal provision. Any builder who feels that he has been dealt with unfairly by the board can appeal to the appeals tribunal, so it not as though the board has absolute power. Similar provisions are not unusual in other legislation.

I appreciate the point that the member for Mitcham has taken but, given the difficulties in this industry and the unsatisfactory nature of the Act, the employers and I feel that a provision such as this will make the legislation more beneficial to the industry. The more funds that the board collects, the lower the levy. Some time ago I had the pleasure of reducing the amount of the levy. Because we usually increase levies and fines, it was quite novel for me. Because of the efficiency of the board it was possible to reduce the levy imposed upon builders. The more efficient we can be in getting employers to accept their obligations and by giving the board a little bit of clout in enforcing the legislation, in the long run the reputable employers in the State will benefit by our keeping the cost and the levy down to the lowest possible rate.

Amendments negatived.

Mr S.J. BAKER: Regarding fines or penalties, I noted a reference in the Minister's second reading explanation to expiation fees. I presume that was an error. Is the Minister now going to inform the Committee that he intends them to be dispensed with by expiation fee?

The Hon. FRANK BLEVINS: It is at the discretion of the person who is fined.

Clause passed.

Remaining clauses (29 to 45) and first schedule passed.

Second schedule.

The CHAIRMAN: The amendments on file are clerical amendments which can be adjusted in due course by the officers, so there is no need to tender those amendments. This is also true of the amendment on file to clause 8, page 5, lines 31 and 32.

Second schedule passed.

Clause 37—'Extension of Act to self-employed persons'—reconsidered.

Mr S.J. BAKER: How will a self-employed labour-only type employee be able to opt into the long service leave scheme?

The Hon. FRANK BLEVINS: Simply, they will have to make application.

Mr S.J. BAKER: My question relates to who pays the amounts needed to cover the long service leave entitlement.

The Hon. FRANK BLEVINS: They pay themselves.

Clause passed.

Clause 38—'Reciprocal arrangements with other States and Territories'—reconsidered.

Mr S.J. BAKER: I notice in the report of the Long Service Leave Board that there is reciprocal legislation only between the ACT and Victoria at this stage. I understand different provisions apply in various States for building industry long service leave. I find it difficult to believe that this State is ready to enter into any reciprocal arrangement with any other State until there is some degree of agreement between all the States on whether such a scheme should be in existence. Will the Minister inform us of the relevant provisions in each of the States and how those differences will be accommodated by this provision?

The Hon. FRANK BLEVINS: I do not have with me the differences, but it is already happening. We already have a reciprocal arrangement with the ACT and Victoria and will shortly have one with New South Wales. I can assure the honourable member, knowing the Long Service Leave (Building Industry) Board members, that they will not be entering into any agreement with anybody that is detrimental to their financial interests. It is a very careful board, indeed. Of course, they are playing around with their own money, so it concentrates their minds.

Clause passed.

Third schedule and title passed.

Bill read a third time and passed.

CHILDREN'S SERVICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 October. Page 1171.)

The Hon. JENNIFER CASHMORE (Coles): This Bill seeks to terminate the incorporation of any children's service centres which might be incorporated under Acts such as the Associations Incorporation Act. Because of the long history of kindergartens in South Australia, a significant number were incorporated under that Act decades ago and have since retained that incorporation. The Bill also seeks to make such determination retrospective to 1985, when the Children's Services Act was enacted. These centres, according to the Government's proposition, would then retain their incorporation under the provisions of the Children's Services Act.

There are evidently about 135 children's services centres incorporated under both Acts, that is, the Associations Incorporation Act and the Children's Services Act. The Government argues, not at all convincingly, in the second reading explanation that this dual incorporation gives rise to some doubts and confusion. As background to the Bill, members might recall that on 6 November 1985 the Corporate Affairs Commissioner issued a public notice seeking to terminate the incorporation of about 50 kindergartens for the reasons that the Minister outlined in his second reading explanation. The reasons are not specified—it is simply a blanket statement that there is allegedly doubt and confusion as a result of the dual incorporation.

At that time a 'Save the Kindergarten' movement was quickly established in South Australia by some of these management committees that opposed the move and the Government, ever sensitive in a pre-election atmosphere, apparently had some discussions with the Commissioner of Corporate Affairs, after which discussions the Commissioner withdrew his intention. Therefore, the matter has rested and now, halfway between that election and presumably the next, the Government seeks to raise the matter again by legislative means.

The Opposition's advice is that no reason whatsoever exists for bodies incorporated under the Associations Incorporation Act to not remain in existence with their property being held by that incorporated body and, at the same time, be registered and thus incorporated under the Children's Services Act. I will be seeking information from the Minister as to what advice he has that is contrary to that view. I acknowledge that there will invariably be more than one legal view on any issue.

Perhaps the most telling reason why this dual incorporation can continue is to be found in the fact that many associations of employees and employers occur under the Industrial Conciliation and Arbitration Act and under the Associations Incorporation Act. I am sure that the Minister is aware of those examples, and I think that that precedent is one that can be cited in this case as being a very good reason why dual incorporation can be allowed to stand.

One of the Opposition's principal concerns with this legislation is that there has been no consultation at all with any one of the 135 affected bodies. In fact, the first notice that some directors and management committees had of this Bill was when my colleague the Hon. Rob Lucas, shadow Minister of Education, sent letters to those bodies last week when the Bill was introduced. Because of the lack of consultation and the lack of legal justification, the Opposition intends to oppose this Bill.

As I mentioned, the Minister's second reading explanation offers no persuasive case for the need for the legislation and, whilst it can be conceded that dual incorporation may create some problems for the Children's Services Office, there are alternative means by which these problems can be resolved. For example, any possible concerns about dual incorporation could be outlined by the Children's Service Office to the management committees of the kindergartens and the latter can then decide for themselves whether or not they wish to terminate their incorporation under the Associations Incorporation Act. If the constitution under the Associations Incorporation Act conflicts in any way with the incorporation under the Children's Services Act, then surely the management committees can be advised as to where that conflict exists and, if they so choose, they can amend their constitution, with the agreement of their members.

Every member in the House would know that parents of kindergarten children have an intense interest in the education of their children. In fact, the intensity of parental interest in education probably is at its greatest when the child is in the pre-school stage. Parents rightly and naturally have a very strong and protective instinct over their children in those early stages and they want to ensure that they retain a very large degree of control over the framework within which their children live and are educated. Anything that affects that framework, be it adverse or beneficial, if it is done without proper consultation, is felt very keenly by the parents. They want to know about it, they want to be involved in it and, most of all, they want to make their own decisions. If the Government intends to ride roughshod over the management committees of 135 kindergartens, then let me assure the Minister that the Liberal Party intends to do its utmost to safeguard the rights of those management committees. It is clear to us that a number of the committees want to retain their dual incorporation and at this stage we do not believe that Parliament, without consultation and without any effort whatsoever to resolve the problem in a conciliatory way, should attempt to introduce such legislation. We oppose any move by the Government in that direction.

We believe that consultation with all affected bodies should continue and that the solution can be found through that consultation. Although it is by no means a precise parallel, I recall the attitude of the Liberal Government in relation to incorporation of community health centres and hospitals under the Health Commission. We believed that that should be a voluntary move by those bodies. We encouraged that move and there were good, practical and industrial reasons for doing so, but we did not force anybody, because we recognised that surely these people have some right to self determination. Those local communities in the first place (as is the case with the kindergartens) work, save and organise to get the kindergartens established. I think that it is entirely inappropriate that any Government should set aside those natural inherent rights of management committees and, without consultation, simply seek to alter the legal arrangements by which they are incorporated. For those reasons the Opposition opposes the Bill.

Mr S.G. EVANS (Davenport): I endorse the remarks made by the member for Coles on behalf of the official Opposition. I am concerned when a Government moves in this direction, particularly a Government that in its early days argued that it was an open Government and a Government that believed in consultation and in communicating before it acted. In recent times there have been examples where it has not done so, and I will not go through all of them, but here is another example of that. This legislation affects more than 100 organisations, and that is a large number. These organisations are involved in one of the most important fields of community life; that is, education and development of young people in the kindergarten age group. The organisations relate not only to children, but also to parents and tutors. Indirectly, they are connected to CAFHS and all the other child-care institutions.

If a Government makes a move, and if Parliament is foolish enough to endorse it, that may cause concern to these people as to its future effect, then it is improper and unjust. Surely we do not condone taking these sorts of actions without telling these people the possible effect of such moves. I am unsure of the effect. I have suggested to all groups in my area, whether sporting clubs or whatever, that they become incorporated. Originally kindergartens were incorporated and now the Government wants to pass legislation that will say that the original incorporation was useless; it is a humbug and it says, 'We want you to be

covered by the provisions of the childhood services legislation'.

The member for Coles made the point about whether there is a legal argument, but I have not heard of one. The Minister did not mention a legal argument in his second reading explanation and he has practised as a lawyer.

The Hon. Jennifer Cashmore interjecting:

Mr S.G. EVANS: Somebody referred to what the Minister is, whether it is convenience or inconvenience.

The Hon. Jennifer Cashmore: I said 'administrative convenience'.

Mr S.G. EVANS: Sorry, I thought the honourable member said, 'Minister of Convenience'. I think that would be a better way of putting it, because it seems that it is convenient for the Minister to do it but, if it is administrative and it is just convenient to those who administer this to do it without consultation with the committees and the support groups that are associated with the kindergarten movement in this State, then I think that is a disgrace.

In the past when moves were made to take similar action, groups in my area were very vocal. Unfortunately, on this occasion they have not been given the opportunity to be vocal and, really, we all know that that is why they were not informed of the department's reasons and the likely repercussions, if any. They were not given that opportunity. In the past those groups have become upset and today Governments do not like brickbats or potential brickbats: they like good news, and this Government is known as the good news Government, especially the Premier. The Government thought that if it skipped it through quickly and did not give these responsible groups of people the opportunity to make representations, that would be great but, if they squealed later, it was too late anyway. The Government thought it could live with that.

So, I do not wish to say anything more other than that I support wholeheartedly the attitude espoused by the shadow Minister on behalf of the Opposition that this is being done improperly and that at least consultation should have been undertaken. I hope that the Minister will now leave this provision in abeyance until those people affected have had an opportunity to make representations to their local members of Parliament and to at least put forward the point of view of their own kindergarten committees; we know that they do not meet all that regularly but given the necessity they will call a special meeting. So, I oppose the proposition.

The Hon. G.J. CRAFTER (Minister of Children's Services): I am somewhat disappointed that the Opposition has taken the view that it has, and I am also disappointed about the view taken by the member for Davenport. This matter has been on the agenda of kindergartens in this State for a number of years, and it is quite erroneous to say that there has been no discussion about it. There has indeed been discussion. I have been to many kindergartens where this very issue has been raised with me and indeed where the request has been made that the Government try to resolve the legal difficulties that surround the incorporation of these important institutions in our community. It is with all sincerity that this matter has been brought before the House to try to resolve this situation, in the interests of kindergartens in this State. They should no longer be left in the parlous position that they are in. This Government is beholden to resolve this situation.

When this legislation was introduced in the House every kindergarten so affected was written to and advised of the action that the Government had taken in introducing the measure. They were informed that any advice or assistance needed by the committees would be provided by the Children's Services Office. The Director of the Children's Services Office personally contacted a number of key organisations in the children's services area. He briefed the people involved on the details of this legislation. To say that this matter has simply come out of the blue is indeed a gross misrepresentation of the situation concerning the ongoing debate that has occurred in the kindergarten communities across this State. Those comments are unfortunate and the matter must be clarified. The Commissioner for Corporate Affairs initially took what was regarded as unilateral or strong action some 18 months ago as a result of protests about the proposed method of resolving this dilemma. Discusions began within Government to try to resolve this issue by an alternative means.

The matter of dual incorporation has most certainly been considered and it was decided not to proceed down that path, I believe for very sound reasons and, of course, on the advice of the Crown Law Department. The Government has received the best advice it can obtain in order to solve what is in fact a legal dilemma, and we must not place kindergartens in a position of legal conflict. So, it is in everyone's interest that this matter be resolved.

If the Opposition disagrees with the proposed measures for resolution of the problem contained in the legislation before the House, I would welcome comments from members opposite and their advice as to alternative ways that the matter can be resolved, but they must show, of course, that the proposed measures in fact overcome the legal dilemma, which has existed not only since the introduction of the Children's Services Act but in some cases prior to that time as well. As I have said, this is a matter of some long standing, and a number of attempts have been made to deal with it administratively. It is now seen as being appropriate to deal with the matter legislatively in the manner proposed. The decision to deal with it in this way has not been taken in any heavy-handed or pernicious way but simply in an effort to resolve the problem.

I should say that a lot of work has been done by Crown Law officers in seeking ways to arrive at this present position. I shall summarise the advice given to the Government by Crown Law officers. The Government was advised that, even if the concept of dual legal personality (and I understand that that is what the Opposition is saying is the remedy in this matter) is intelligible, it is a difficult concept and one that has been criticised from time to time in the courts and the community. It can be assumed that the Legislature would not intend that one body should have corporate status under two different Acts, and it is hard to believe that Parliament could require that of bodies such as kindergartens.

Further, a body cannot be incorporated under two different Acts where its powers and duties imposed by each Act are inconsistent. For example, this is the case with bodies incorporated under the Children's Services Act and with bodies incorporated under the Associations Incorporation Act. So, therein lies the legal dilemma and the confusion that currently exists with the state of the law. It is an undesirable situation and it is in not in anyone's interest to allow that confusion to remain. I believe that the Government has a responsibility to try to resolve the matter.

So, acting on that Crown Law advice the solution that is encompassed in the Bill was seen as being the best way of overcoming this situation. The present situation is such that there is no certainty as to whether a body purportedly registered under the Children's Services Act is in fact so registered, as to whether its approved constitution is in fact its constitution, as to whether the body may exercise the powers given, for example, by section 25 of the Associations

Incorporation Act, and as to whether the body is subject to Part V of that Act, etc.

I think it is true that one of the concerns that the Commissioner for Corporate Affairs expressed at the time that he forwarded his letter to kindergartens was that many kindergartens were obviously having difficulty in complying with the legislation, in returning information that was required under that legislation, and at that stage it was considered that there might be a more appropriate way that the protection of the incorporated status could be provided to those kindergartens, and that was by way of the specific legislation that was passed by this Parliament, namely, the Children's Services Act.

That is a simple explanation of the series of events leading to this measure coming before Parliament at this time. As I have said, in relation to those who challenge the legal view that has been given to the Government and who think that some other formulae can be devised to overcome this problem, which will give the legal certainty that we seek to provide and which will not result in confusion but provide certainty that is the right of kindergartens (and as provided by the appropriate legislation passed by this place) I advise them to come forward with their views. I repeat what I said during the second reading debate about the effect of the legislation, in case there is some fear that there is anything other than goodwill involved in trying to deal with this situation in the way that we propose:

In practice this will involve no change to kindergartens' current mode of operation, responsibilities and functions or constitution, as they, of course are already operating under the Children's Services Act of 1985.

I think I can say no more other than to endorse that assurance given to the House and that I am prepared to listen to any solution that the Opposition might like to present in these circumstances.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. JENNIFER CASHMORE: I find it strange that the Minister in his second reading reply assured the House that kindergartens had been consulted about the Bill, whereas kindergartens assure the Opposition that they have not been so consulted. Surely, if there has been consultation, the people who have been consulted must be aware that they have been informed. By what means and when did the Minister advise the 135 kindergartens that will be affected by the Bill that he intended to introduce the Bill, and when did he outline to them the purpose of the legislation?

The Hon. G.J. CRAFTER: Once again, the honourable member seeks to mince words and to misinterpret what I said. First, I said that there had been a considerable and an ongoing debate about the problems associated with dual incorporation, so this matter was not new to kindergartens at all. It is my experience that a number of remedies have been discussed from time to time in almost every kindergarten where a situation arose as a result of action taken by the Commissioner of Corporate Affairs, the uncertainty, and the confusion that arose in the minds of many committees, kindergarten directors and other staff as to the problems associated with this situation.

As a result of that, action has been taken, as I have explained, and a decision had to be taken on a way to remedy this. Notice was given when the Government decided to introduce the Bill—and it was introduced some time ago. As I explained earlier, on the day after the Bill was introduced, the Director of the Children's Services Office wrote to every kindergarten so affected and advised them of the introduction of this measure. When notice was given of the introduction of the Bill, the persons known to have an interest in the children's services area were contacted.

It is a matter of trying to find a solution to this issue. The Government has, on the advice of the Crown Law Office, introduced this legislation as the most appropriate solution. As I have said, I would welcome advice from the Opposition on an alternative as to how this could be done. However, we are advised that that is not possible administratively and that other forms of legislation would not be as effective as this Bill.

The Hon. JENNIFER CASHMORE: In his reply the Minister has effectively confirmed that there was no consultation with kindergartens before this Bill was introduced. Debate is one thing, but consultation with individuals or organisations about the Government's intentions to resolve a debate is another. The Minister's answer confirms that any consultation as such simply did not take place. After the event there was advice that the Government had introduced the Bill, but no-one could possibly interpret that as consultation. Indeed, the 135 kindergartens certainly do not consider as consultation a letter that arrived from the Government after they had been advised by the Opposition of the introduction of the Bill.

So, I stand by my original assertion that there has not been any consultation. I do not consider debate to be consultation. The Minister invites the Opposition to put forward an alternative means of solving what he describes as a legal problem. The Minister would be well aware that on many a kindergarten committee there are lawyers—some very highly qualified lawyers—and their advice, together with other independent advice that the Opposition has received, is that this alleged conflict is not a difficulty in law.

When we come to the next clause, I will be questioning the Minister about the alleged difficulties. In his second reading reply the Minister kept confirming that there were difficulties, but nowhere did he specify what those difficulties were. I simply wanted to establish, and have now done so, that the Government did not consult with kindergartens about its intention. I also want to reiterate that in my second reading contribution I did exactly what the Minister invited me to do after I had done it, namely, outline a means by which there could be some kind of communication between the Government and the kindergartens, inviting the kindergartens to resolve the problems in a voluntary fashion. I am sure that, had that method of resolution been undertaken, the Minister would have found himself in a much more pleasant position than he will now find himself with many of the 135 kindergartens being antagonised as a result of his high-handed action.

The Hon. G.J. CRAFTER: They are antagonised by the Opposition's trying to play politics with this issue. The very first thing that the Opposition does is want to stir up some debate about this issue because it believes there is some political gain in doing that. I would be very surprised if it did it purely to resolve the legal conflict that currently applies with respect to the incorporated status of kindergartens in this State. No, the Opposition—and it should be stated very clearly—is out to create humbug and confusion, and to obtain some political gain out of stirring up this issue. However, I believe that we have a responsibility to try to resolve it. It is not a matter that has been sprung on anyone. It has been a matter of ongoing debate in the community. People have been asking whether we will resolve it, so we have tried to do that, and I think that it is our responsibility to do so.

The Opposition always says, when it opposes something, that there has been no consultation; it wants to stir up this

issue and in fact see the matter unresolved for as long as possible, because it is in its interests to see that situation persist. That certainly is not our view at all. I guess that, in political terms, if we wanted to play that game then we would do nothing about it. We would let it ride and let it go, and to hell with the legal confusion that could result as a consequence of that sense of irresponsibility that the Opposition is encouraging. So, we have taken the most responsible position. We have introduced legislation which, on the advice of Crown Law, seeks to resolve this situation. If the Opposition wants to challenge that advice from the Crown Law department, if there are members of the legal profession who want to comment on it, as I have said previously, I welcome that. If there is a better way of going about it, let us hear about it.

One has some doubts about this, given the length of the debate that has been continuing in the community and the discussions that have taken place over nearly two years. It is time for action. It is time to get it resolved and it is unfortunate that the Opposition does not want to participate in that process. In fact, it wants to see this matter deferred, result in confusion and be the subject of a political scenario rather than doing what I think is our job within the administration of Parliament, and that is to overcome unfortunate situations such as this.

Mr S.G. EVANS: I wish to make the point that the type of speech that the Minister has made in response to the member for Coles is not typical of him. It shows that he has some concerns about the way in which the Government has gone about this proposition. If the Minister was genuine in his concern that the Opposition is only seeking to create some form of humbug, then his Government must take some of the blame, because it had a chance to fix the situation before the last election but ran away from it because it was too hot a potato. Now we have a Government not practising what it preaches.

The topic has been discussed over the years—nobody denies that—as have the topics of .05 and capital punishment. But when it comes to the real thing, this Bill was introduced only on the fourteenth of this month. There was no chance to debate it until a few days later, and we are told that the letter went out the next day, the fifteenth (a Thursday). It was written on the Thursday, and we can bet that it would not have been posted until the Friday at the earliest. If it was posted on the Friday, and knowing how Australia Post works in some areas, the earliest anybody would have received it would be the Monday (that was yesterday), and some would not even get it until today. Then the director of the kindergarten, I suppose, received it, and had to contact the committee. What opportunity have those people had to talk about the Bill? That is the point of discussion. Many topics are talked about in the community, but it is the Bill in the final analysis that counts. It may have very little in it—only a few lines—but it will put into operation what has been talked about as a general topic, as the Minister said.

The Minister has not said that there has been general agreement about the topic. He has just said there has been discussion about it. We know that there has not been general agreement about it, and so does he. Surely, if we are to have open government, given that it has taken years to get to this point, what does it matter if it takes another month so that we can give those kindergartens the opportunity to make representations? What does that matter? That is not humbug. The Opposition's task, surely, is to make sure that a Government acts as responsibly as possible and gives people the opportunity to make representations on a particular Bill. This Bill came in only last week, and there has been no opportunity to make representations. I admit that Crown Law might have given an opinion to the Minister, but Crown Law has been wrong in the past; Ministers have been wrong in the past; Oppositions have been wrong in the past; shadow Ministers have been wrong in the past; and kindergartens have been wrong in the past. That does not alter the fact that we should put into practice the correct procedure to give those who will be directly affected—the kindergartens—an opportunity to make their representations on the Bill, and they have not had that opportunity.

I believe that the Opposition has every right to oppose this. It cannot win in this House—it knows the numbers game—but it has every right to oppose the Bill on that ground alone. The Government has failed to give people whom it directly affects the opportunity to make representations, if not to the Government then at least to their local member or the Opposition. The director should be given the opportunity to report back to the committee of the kindergarten that the Minister has moved at last. At least they should be given that opportunity. If it gets into a humbug situation in the other place—and I now hope it does—there is nobody to blame but the Government itself. The good news Government does not like brickbats, and that is the truth of the matter.

The Hon. G.J. CRAFTER: The reason why this Bill is before the House is to try to assist in the orderly and proper management of kindergartens in this State and the legal protections which those bodies enjoy under the legislation of this Parliament. As the honourable member has just said, at last the Government has acted in this matter, and I think it is beholden upon us to arrive at a solution to this problem and to place it before the Parliament and the people of this State who are interested in this matter. As members know, this matter will progress through this Parliament over a number of weeks, and for those who disagree with the solution that has been arrived at by the Government, there will be an opportunity to comment on it and make representations to their members.

I would be very surprised if every member who has taken an interest in this issue previously has not had put to them one solution or another over the years. Sure, there is not unanimous agreement that this or any other proposal is the answer to the situation. People have differing views and different understandings of the difficulties that we are trying to resolve. I guess there will never be an absolute consensus on this issue. So what do we do? Do we stay around for months and months trying to arrive at an absolute consensus on this issue, which I do not think will ever be achieved, or do we try to resolve it? I have chosen the latter course of action.

As I have indicated earlier, if members want to put alternative proposals that they believe are superior to the Government's proposal and the advice given by Crown Law in this matter which has, I can assure members, been very carefully thought out, they should put them forward. The Government has acted on the advice given, and I think I can say no more than that. The Government is acting from a sincerity to resolve this matter, and we intend to do so.

Clause passed.

Clause 3—'Registration.'

The Hon. JENNIFER CASHMORE: In his second reading reply the Minister referred to the fact that the powers and duties of centres under the Children's Services Act and the Associations Incorporation Act were or could be inconsistent. That was the closest the Minister came to giving any justification whatsoever for the introduction of this Bill. I ask the Minister to be much more specific and outline the inconsistencies and legal ramifications of those incon-

sistencies which allegedly occur between centres under the Children's Services Act and kindergartens which are incorporated under the Associations Incorporation Act.

The Hon. G.J. CRAFTER: I am sure that the honourable member is acutely aware that section 42 (4) of the Children's Services Act provides:

A registered Children's Services Centre shall be a body corporate with the powers and functions prescribed by its constitution.

There is no provision relating to any prior incorporation of that body and there is no provision vesting the property of the body in the incorporated body. In this regard, section 42 of the Act is similar to section 24 of the Kindergarten Union Act of 1974 which it replaced. I understand that it was a transfer of that section to this section which caused the problems that we are trying to resolve.

These provisions are to be compared with the provisions of other statutes that incorporate pre-existing bodies where specific provision is made for the dissolution of pre-existing bodies and the transfer of the relevant assets and so on to the incorporated body. For example, under sections 27 (3) and 6 of the South Australian Health Commission Act, to which the honourable member herself referred in her speech, this matter was resolved at that time in the appropriate way.

The Hon. Jennifer Cashmore interjecting:

The Hon. G.J. CRAFTER: The Health Commission Act. Unfortunately that was not done at the time the Children's Services Office was created under the Children's Services Act. The research that I have done indicates that there was a transfer of the Kindergarten Union Act provisions into the Children's Services Act and that those provisions were deficient in themselves. That is the source of the impairment to the legislation that we are trying to resolve.

The Hon. JENNIFER CASHMORE: What the Minister has said is very interesting. If I understand him correctly, the provisions of the Kindergarten Union Act, which enabled kindergartens to retain incorporation under the Associations Incorporation Act, have been transferred directly into the Children's Services Act. If that is the case, why is there any conflict? If kindergartens could operate quite efficiently under the Kindergarten Union Act, which had this selfsame provision, and under the Associations Incorporation Act without any conflict between their powers and duties, why is it not possible for that situation to continue when, according to the Minister, the legal provision in the Children's Services Act is identical to the one that prevailed in the Kindergarten Union Act? What has changed to make this conflict of such an order that we need to legislate to disincorporate kindergartens under the Associations Incorporation Act?

The Hon. G.J. CRAFTER: I want to clarify the point: we are not disincorporating any association. We are legally incorporating a body or clarifying the incorporation of a body, and that is the issue that we are trying to resolve. Let us not go around talking to kindergartens about disincorporating anyone. That is mischievous in the extreme. We are trying to clarify the incorporated status. There is no question that a body would not have incorporated status, so let us not have that line pushed around the community. There were deficiencies in the Kindergarten Union legislation. If that union had continued, it would have needed to resolve those deficiencies in this or some other way in relation to that piece of legislation. That was the point that I was trying to make; that deficiency has continued on into the current legislation. Sooner or later this matter had to be cleaned up. The problems that were evident to the Kindergarten Union and have become painfully evident to the Children's Services Office and individual kindergartens are now the subject of this measure.

The Hon. JENNIFER CASHMORE: Before questioning the Minister further, I want to clarify one point and make sure that he cannot possibly misinterpret me. If the Parliament passes this Bill, the legal reality is that kindergartens will no longer be incorporated under the Associations Incorporation Act. In other words, they will be disincorporated under that Act. That is a fact and it is no use the Minister's trying to misrepresent me, because that is what I said would happen and that is what will happen. There will be no question of politicking about it: it will be a legal reality. The Minister is on very shaky ground when he suggests that I am being mischievous in saying that. It is a fact; he has just confirmed that it will be a fact; and there is no reason why it should not be said.

The kindergartens are anxious because they value their incorporation under the Associations Incorporation Act more highly, apparently, than they value their incorporation under the Children's Services Act. As I said, when people have fought hard to establish themselves and want to retain some degree of identity and independence, they do not appreciate what they see as their legal rights being ridden over roughshod by the Government.

If the Minister sees these inconsistent powers as causing great problems for the kindergartens, how can he reconcile the Government's refusal to permit dual incorporation of kindergartens under the Associations Incorporation Act and the Children's Services Act with its apparently relaxed attitude to the dual incorporation of trade unions and employer bodies under the Associations Incorporation Act and the Industrial Conciliation and Arbitration Act?

It is very hard for us to see, and especially for kindergartens to see, why one set of incorporated bodies in this State can enjoy dual incorporation while another set cannot. Will the Minister explain the difference, as far as the Government is concerned, between dual incorporation by one set of organisations and another?

The Hon. G.J. CRAFTER: First, on the matter of dual incorporation in terms of its legal effects, I have given the assurances that were contained in the second reading explanation and I can do no more than that. The concerns that the honourable member has expressed I believe are without legal foundation, and to argue that the situation should be left to continue legally unresolved is irresponsible. The suggestion that the honourable member makes that, because in the industrial scene the law provides for dual incorporation, we should follow that model across the State with respect to all incorporated associations belies the facts. The most complex and unsatisfactory situation exists with industrial organisations.

The Hon. Jennifer Cashmore interjecting:

The Hon. G.J. CRAFTER: It certainly is being tackled, as would be obvious to anybody who takes an interest in Constitutional Conventions in this country and the way in which Legislatures have tried, in their relations with the Constitution and the Federal Government, to resolve this situation. It is a most unsatisfactory situation—everyone would agree. The lawyers benefit from it, as they are constantly in the courts trying to structure the incorporated associations so that they are in conformity with the law in one way or another. The costs associated with that, the disruption it causes to trade unions, employers and indeed the public of this country, is inestimable. I would have thought that the honourable member would not advance that as the solution to this problem.

The Hon. Jennifer Cashmore interjecting:

The Hon. G.J. CRAFTER: The honourable member might reflect upon the suggestions she is making to the Committee as the solution to this problem. It is not an easy situation—I have admitted that. We have taken advice on the matter. It needs to be resolved and I know that everyone is not going to be happy, whether or not their reasons are valid, with the solution we have before us. In sincerity we are trying to resolve the situation in the interests of proper management of kindergartens in the State, and indeed in the interests of the children they serve.

Ms GAYLER: Will the Minister advise the Committee of the benefits of cutting the red tape for kindergartens in dual incorporation by outlining the savings involved in terms of money, separate meetings and separate reporting requirements as provided under the Associations Incorporation Act?

The Hon. G.J. CRAFTER: I need not go into detail about all of the duplication and difficulties arising and the enormous costs that may result for kindergartens and the system in dealing with difficulties that may arise in the circumstances. Obviously a number of kindergartens have had difficulty in complying with the legislation administered by the Corporate Affairs Commission to the extent that the Commissioner took the action he took in these circumstances. Failure to return proper forms or returns or to act in accordance with the requirements of that legislation presented a problem. Incorporation under the Children's Services Act will, of course, simplify that administration, bringing about uniformity and consistency in the administration of this legislation.

Crown Law has advised that, in the winding up of kindergartens, difficulties arise in the application of their assets. That is a most unfortunate situation, as uncertainty exists for those who have worked over many years to maintain buildings and to provide a service in the community if there is a legal dispute about the application of assets and the transfer of them where a new centre is being built. We should not have uncertainty in that situation.

Clause passed.

Title passed.

The Hon. G.J. CRAFTER (Minister of Children's Services): I move:

That this Bill be now read a third time.

The Hon. JENNIFER CASHMORE (Coles): I reiterate that the Opposition opposes the Bill on two grounds. The first is that the Government is affecting the legal status of kindergartens, some of which have been incorporated for decades, under the Associations Incorporation Act. They value that incorporation and do not wish to see themselves deprived of it, least of all without consultation. It is for the second reason— the lack of consultation—that the Opposition, on behalf of these kindergartens, is resisting the move. The Minister has only himself to blame for the manner in which this Bill has been introduced—in a way guaranteed to alienate the very people whom he is seeking, allegedly, to help. The kindergartens are upset and angry. The Opposition feels a sense of responsibility to those kindergartens and, without wishing to politicise the issue, as I have already outlined what we believe is a preferable solution to it, we wish to preserve as far as possible the rights of people we represent and therefore we oppose the Bill.

The House divided on the third reading:

Ayes (24)—Mr Abbott, Mrs Appleby, Messrs Bannon, Blevins, Crafter (teller), De Laine, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (15)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore (teller), Messrs Eastick, S.G. Evans, Goldsworthy, Ingerson, Lewis, Meier, Olsen, and Oswald.

Pairs—Ayes—Messrs L.M.F. Arnold, Hamilton, and Mayes. Noes—Messrs Chapman, Gunn, and Wotton.

Majority of 9 for the Ayes.

Third reading thus carried.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 15 October. Page 1241.)

Mr S.J. BAKER (Mitcham): The Opposition supports this Bill, which provides for two changes in the operation of the courts. First, it allows for an increase in the upper jurisdictional limit of local courts of limited jurisdiction from the present $7 500 to $20 000; and, secondly, the amount that can be dealt with in the Small Claims Court is increased from $1 000 to $2 000. Both changes are supported by the Opposition. We have been provided with statistics relating to the operation of the courts and we note that there has been a decrease in the waiting time in the Adelaide Local Court limited and civil jurisdictions from 40 to 20 weeks. Of course, during the Estimates Committee the Minister reported that that figure had decreased further to 18 weeks, so that is all to the good and at least it is going in the right direction. The second area in which considerable gains have been made is in the Adelaide Magistrates Court where the waiting time has decreased to more manageable proportions.

The positive aspects of this Bill are that cases which are more appropriate for the amounts of money involved will be considered by the courts, given that inflation has changed the types of civil proceedings. I am a great proponent of the Small Claims Court. Some people feel that it is something of a kangaroo court in that a decision is made perhaps not necessarily on the basis of law but, rather, sometimes on the basis of ability to pay and, in some cases, certain magistrates have been accused of being biased in the way in which they have dispensed justice. Having gone through the situation and having not received all that I wanted, but at least knowing that it was reasonably fair, I can say that, as far as my circumstances are concerned, the case was decided quite fairly and satisfactorily.

Some people have praised the Small Claims Court jurisdiction because generally they have obtained a fair hearing without incurring expensive legal fees. The one area in the Small Claims Court to which I believe a lot more attention should be given relates to orders being made and that order being enforced. A number of constituents have complained that they have been awarded an order for a certain amount of damages in the Small Claims Court, but that the enforceability of those damages has been very slow. People who know how to work the system can work it in such a way that they tire out the other parties. People who are well known in the legal system in South Australia push it to its absolute limit by continuing to ask for extensions of time, and they frustrate the workings of the court. That applies not only to the Small Claims Court but also to other jurisdictions. Nevertheless, that is an area in which I believe

there should be some reform because, once that order has been made and confirmed, the person should be able to get justice.

I have assisted in four cases where justice has been a long time coming, and in two cases it did not arrive, because the people concerned said, 'I cannot be bothered to pursue it any further', even though an order had been made in their favour. On two occasions it even reached the stage where orders had to be taken out against the property of the people concerned and, even then, the courts were unwilling to sell the houses of the people against whom the order had been made in order to obtain the moneys involved. The orders involved very small amounts—about $300 in one case and $800 in the other—but, once that order was made, my constituents expected to be paid. The individuals involved determined that they could get out of it without paying and they pushed the system to the limit. At great personal expense, my constituents who prevailed eventually received justice, but of course those who gave up did not.

There is some criticism about the way in which the system works. I would like the enforcement of order procedures improved so that the little people who can avail themselves of the Small Claims Court actually receive justice. I note that in 1975 a review of the matter was undertaken, but I would like a review of the area to which I have just referred so that I do not have more constituents flowing through my doors saying, 'Look, the courts said I am due for $200 or $500, but this person will not pay. I am having trouble with the bailiff. I am having trouble getting any assets confiscated in order to pay for the fines', even though some of these people who have been in the wrong have had more than sufficient assets to pay the fines.

The Small Claims Court does a very satisfactory job. I have been a strong proponent of its limit being increased above the sum of $1 000 that has been in existence for some considerable time. Given the state of the dollar, $2 000 is far more appropriate, and I support the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this measure, which provides for a number of reforms to the jurisdiction of local courts in this State and, as the member for Mitcham has said, it will provide for an increased function for the small claims jurisdiction in particular. The small claims jurisdiction in this State has been very successful and it has served the community well. It will be further enhanced by the increase in jurisdiction provided to that court. Also, it is hoped that it will reduce the lists in the civil jurisdiction of the District Court, and it will provide for a better administration of justice in that area. We know that there has been a marked decrease in the waiting period for trials in the limited civil jurisdiction of the Local Court. In fact, the waiting time has been halved, from 40 weeks to 20 weeks. That decrease is attributable to a more effective trial listing system, which was recently introduced in that court giving it the capacity to accept a further enhancement of its jurisdiction in this area. So, I am sure that the legislation will be welcomed by those working in the administration of justice area and by lawyers and their clients in this State.

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

EXPIATION OF OFFENCES BILL

Adjourned debate on second reading.
(Continued from 15 October. Page 1240.)

Mr S.J. BAKER (Mitcham): First, I want to put on record my dislike for the way in which Bills are introduced in this place. This Bill was introduced on Thursday in another place—foreign to where it belongs—and it is expected that it be debated today. That is wrong; it is showing contempt for Parliament. If the Attorney in the other place wishes the time spent on legislation in both Chambers to be balanced, and if he wishes Bills to be initiated in this House, he should give us far more time in which to research the Bills involved. As members on both sides of the House would be well aware, it is not simply a matter of accepting this legislation. The various groups concerned have to be notified of the proposals to enable the people interested to forward a response. Clearly, on this occasion insufficient time has been provided. We have not been able to tap many of the matters addressed in this Bill, and I refer particularly to the matters covered by the schedules—and they become very important when talking about expiation notices.

I think that it was quite contemptuous of the Government to do this to the Opposition. I have not had a chance to hear from all the people from whom I would like some comment. Certainly, the shadow Attorney-General in the other place was quite upset that this matter had to be processed through the Lower House in such a short time. What is probably more galling about the whole situation is that this matter was the subject of considerable differences of opinion when it was considered in the other place during the last session. Reference to previous debate indicates that the shadow Attorney, as well as the Australian Democrats, said, 'Look, it is simply not on that the Government can, by regulation, determine those areas of offences which will be covered by expiation notices'.

To its credit, the Government has responded to that; it has now outlined the areas that it sees as being suitably covered by expiation notices. But that still means that we have to review each of those areas to see if indeed they are appropriate. However, we have not been allowed time to do that. The Government cannot walk over members in this place and not allow the Opposition to consider these matters, given that the Opposition has a very strong role to play, as has everyone else in this Parliament, in the formulation of legislation, and it is about time that the Government was taken to task for trying to do so.

I refer members to the time of the Tonkin Government, when traffic infringement notices were considered by Parliament. Members of the then Opposition (now the Government) said that it was a revenue raising measure. They were very vitriolic in their criticism of traffic infringement notices. Of course, we note that since that time Government members have grasped the nettle and that this so-called revenue raising measure has exceeded all expectations. Thus, they have managed to pick up on what we believed was an honest attempt to free up the courts. The Government has made it a prolific money raiser for its coffers, and that money is being expended in ways about which members on this side of the House are becoming very critical.

It would be useful for members opposite to remember the sorts of statements that they made when we said we wanted to make the system easier, that we wanted to free up the courts so that they could undertake their proper role, and that we did not want the situation where common offences had to be trotted before the courts day after day thus tying up the time of the courts, given the difficulties that the courts had with escalating waiting times. Of course, the Government has extended the area to include non-traffic offences and this Bill gives the right to issue an expiation notice in respect of certain legislation. We believe that that approach is more just and proper than was the Govern-

ment's previous approach, so at least the Government has listened.

The Bill provides for the Minister responsible for the administration of the Act or any other person or body to which the Minister has delegated his or her power to issue expiation notices in a form approved by the Minister for the offences referred to in the schedule to the Bill. That schedule has certain interesting aspects and I will take time in Committee to talk about those aspects. For the present, it is worth noting that the Opposition does not believe that the responsible statutory authority should be any Tom, Dick, or Harriet, although that is the position that obtains under the definition of 'statutory authority' at present in the Bill. So, we intend to move an amendment to that provision.

The schedule, which is really the nuts and bolts of the legislation, comprises a potpourri or a range of offences that this legislation covers. In Committee, I shall ask the Minister, if he can get his minions organised, how many of those areas have been the subject of prosecution in the past year, so that we may know the dimensions involved.

The schedule refers to the Boilers and Pressure Vessels Act (that raises interesting questions about the safety of pressure vessels), the Commercial Motor Vehicles (Hours of Driving) Act, the Dangerous Substances Act, the Education Act, the Enfield General Cemetery Act, the Explosives Act, the Financial Institutions Duty Act, the Industrial Conciliation and Arbitration Act, the Land Tax Act, the Lifts and Cranes Act, the Payroll Tax Act, the Public and Environmental Health Act, the South Australian Metropolitan Fire Services Act, the Stamp Duties Act, the Tobacco Products Control Act, the Unclaimed Moneys Act, the Valuation of Land Act, and the West Terrace Cemetery Act.

That is a diverse collection and, although we may have no difficulty in saying that some offences under these Acts are ordinary offences that need not be dealt with by a court, I have some concerns in those areas that relate to safety. After all, we have spent much time in this Parliament talking about safety and the need for improved practices in the workplace and some of those areas are subject to an expiation fee under this Bill. Certain other areas seem to be inconsistent with the principle of an expiation fee, the notice of which implies that so long as the offender pays the fee no record of the offence will be made in respect of the offender: in other words, the offender will not be regarded as criminally responsible if he or she pays the expiation fee.

No doubt, the expiation notice is a two-edged sword. If the person receiving such a notice is innocent, there is always the predilection to say, 'Expiation will cost me only so much, whereas if I hire a lawyer I will incur far greater expense, so I will pay the expiation fee.' However, the choice is not available any more: the offender either pays up or is dragged through the courts, so it is far more expensive under that regime than it would be in the normal course of the law.

In the normal course there is a trade-off situation. When an inspector finds a fault, he will not necessarily say, 'I will prosecute you in court.' Under this arrangement, however, he will be more inclined to say, 'I have nabbed you for a deficiency and you can expect an expiation notice. Pay $80, $100, or $200 and your problem will be solved.'

In normal circumstances the offender would not have been prosecuted for many of these offences because the inspector would know that the breach had not been committed wilfully or deliberately. So, the inspector would have said to the offender, 'Fix that up. There will be no problem so long as you fix it up.' If a person then disobeyed the inspector, a penalty would be imposed. Under this arrangement, however, as soon as an offence is detected a slip will be written out and sent through the mail, whereupon the offender will be responsible for paying the due sum.

One of the good things about Australian life is that there has usually been some give and take in the system, although in respect of traffic infringement there has never been much give and take, as many people who have had a run-in with the 'brown bombers' would understand. If a person occupies a parking space for too long, a notice is issued. However, I have had dealings with the inspectors from the Department of Labour and other departments and, despite what some of my colleagues may say about inspectors, I have experienced fairness from many inspectors who do not get carried away with their authority but just say, 'Let's fix it up because it's easier to fix it up than to prosecute you.'

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

Mr S.J. BAKER: Prior to the dinner adjournment, I challenged the Minister to provide details of the numbers of prosecutions that have emanated under the areas listed. I suspect that the courts will not be relieved of all pressure because there might not have been prosecutions to any great degree. The question we could ask ourselves is: is this the opening of the door to using expiation offences as the means of dispensing justice in this State? I said earlier, and it is of grave concern to me, that people may decide to cut their losses and pay expiation fees when, indeed, they are not guilty.

The other area of grave concern is the fact we are leaving in the hands of individuals the right to issue these notices when the normal transmission of events might have meant that they would first have received advice; if they refused to take that advice, they would have been pursued and prosecuted by the appropriate authorities. We are getting ourselves into an area which I believe is worthy of debate, because it will have quite a significant effect on a number of areas of legislation, far beyond the areas we are considering here tonight. There is no doubt in my mind that this list will be extended comprehensively and we will get into greyer and greyer areas where the dividing line between dispensing justice and gathering revenue will become far less discernible.

On occasions we have seen the Government have blitzes to raise revenue through the auspices of the police. I have no doubt that, whilst not a lot of these areas lend themselves to that sort of activity, in principle, as soon as we go down that path, we are making way for the Government to pursue that line. I intend to enumerate the areas of displeasure in Committee, and I close with those remarks.

Mr PETERSON (Semaphore): There are a couple of points about this Bill that concern me. As has been said by the previous speaker, we spend a lot of time in this House working towards industrial legislation to make the work place safer. A lot of time and effort has gone into industrial welfare. This Bill includes two areas that I would like to discuss, the industrial area and the environmental area. Both areas are very important to people and we spend a considerable amount of time considering them. Expiation is a way of streamlining the system, in the traffic sphere referred to as on-the-spot fines. We will expand that into the industrial and environmental areas, and many others. I would like to make a couple of comparisons between expiation fines and the fines provided in the existing legislation.

Under section 18 (1) of the Boilers and Pressure Vessels Act 1968, for operating or using an unregistered boiler or pressure vessel there is a fine of $5 000, but the expiation fine is $200. There is a vast difference, and it seems to me

that any fine in the vicinity of $5 000 is really beyond the pale of an expiation fine. Under section 27 (1), operating a boiler or pressure vessel without a certificate of inspection incurs a $5 000 fine, but an expiation fine of $200. Under section 34 (1), operating an apparatus without a certificate of competency incurs a $1 000 fine but an expiation fine of $100. Other penalties are imposed under section 34 (2) and section 41; the expiation is well below the current legislative penalty.

Pursuant to section 10 (1) of the Lifts and Cranes Act 1985, constructing, altering or installing a crane, hoist or lift without approval—a conscious act where a crane is made up to do something without approval and is not tested—incurs a fine of $10 000 under current legislation. However, the expiation fee is $250. Under section 10 (6) of the Lifts and Cranes Act, failing to notify the Chief Inspector—but again we come into the area of responsibility for an action, a person having to do something—incurs a fine of $1 000 under current legislation with an expiation fee of $100. There are a couple of other examples. For conscionable acts where a positive decision is made not to do something, current legislation provides a substantial fine expiable by a much lesser penalty.

In the environmental area, under the Public and Environmental Health Act 1987, sections 18 (1) and 18 (2), the penalty for discharging waste is $10 000. However, under this legislation, the expiation fine will be $300. It seems to me that there is a world of difference in those penalties, and the decision about which action is to be taken will be placed on an inspector—not a policeman, not someone trained in the law, but an inspector. An inspector will make a decision about whether the offences can be expiated by a certain fine or the matter will be processed through the court with a penalty of up to $10 000. If an act against the law is worth $10 000, how can it be settled for less? It must be a serious offence to carry a $10 000 penalty. As I said before, there is a vast difference between the police and a Government official. It really is a retrograde step to put that pressure back upon the official—the inspector.

I do not want to suggest by any means that Government officials are in any way dishonest, that they take bribes or are in any way corruptible. However, such a vast difference in penalties opens a doorway, does it not, for corruption to creep in? If a man who operates a business is up for either a $10 000 fine or a $200 expiation fee, one does not have to be a Rhodes scholar to pick out the penalty he would go for. He would obviously go for the $200 fine. It concerns me that that option is there and it is for the inspector to decide. I do not suggest that the inspectors do not do their job, but it opens a new area in which there is a possibility for that to happen. When the Minister replies, I ask him to explain why there is this vast difference in penalties. I cannot comprehend how a maximum penalty of $10 000 under the current legislation or even the cost of the court action can be wiped off with an on-the-spot fine of $300. When the Minister responds to the points being made in this debate, I ask him to explain how that is possible.

A range of legislation is covered by this Bill, from the Boilers and Pressure Vessels Act, the Commercial Motor Vehicles (Hours of Driving) Act, the Dangerous Substances Act (we have covered a lot of industrial legislation looking after the rights and safety of people), the Education Act, the Enfield General Cemetery Act, the Explosives Act, the Financial Institutions Duty Act, the Industrial Conciliation and Arbitration Act, the Land Tax Act, the Lifts and Cranes Act, the Payroll Tax Act, the Public and Environmental Health Act, the South Australian Metropolitan Fire Services Act, the Stamp Duties Act, the Tobacco Products Control Act, the Unclaimed Moneys Act, the Valuation of Land Act and the West Terrace Cemetery Act. Some of them will fit in, but I would like an explanation why, if the health and welfare of workers and the public are at risk, the penalty has been dropped from up to $10 000 to $300.

Mr GUNN (Eyre): Once again the Government is going down the unfortunate road of endeavouring to make life easy for inspectors or people who claim to have responsibility for administering various Acts of Parliament. What is the Government doing for the rights of the average citizen of this State and nation who are plagued by government trying to simplify things at their expense? These provisions are outrageous. Under normal circumstances a person would have received a warning or a reminder. Now they will be thumped with a $100, $150 or $200 expiation notice. This is a revenue measure. Experience with expiation notices began with the Road Traffic Act and moved into other areas, and the sort of notices that have been issued by police are absolutely ridiculous. It is far too easy. The average citizen, faced with a $80 or $90 expiation notice, has no alternative but to pay. If he has to get a lawyer to defend him, he will be up for $500. The summons is designed to virtually force people to plead guilty. It is a quite outrageous situation.

It is not good enough for the Government, when bringing in these measures, to say that the court system is cluttered up. The whole trouble is that the Parliaments of this nation have passed too many laws and brought in too many regulations. They have hogtied the nation and now this Parliament is trying to make it easier for little inspectors racing around the country issuing these notices like shuffling a deck of cards. That is what we are doing. On occasions, this Parliament is so weak and ineffective and members take so little interest in how these particular provisions will affect business and the average citizen that they sit idly by and allow the Government to legislate in this absolutely crazy fashion. It is no good saying that police or inspectors do not misuse their powers. Human nature comes into these things and we all know what happens when someone is busy and an inspector with not much to do and all day to do it arrives. He says, 'You haven't complied.' The fellow says, 'I am not particularly interested. I am trying to make a living to pay the salaries of the non-productive side of the economy like you.' The bloke issues him with one of these dreadful on-the-spot fines.

I wish members of Parliament would take some interest in the sort of legislation that is being passed. Once the Parliament enacts legislation of this nature, people will come into the electorate offices. It will be no good members asking dorothy dix questions of the Ministers, because it will be too late. This Parliament will again foolishly legislate. I thought that you, Mr Deputy Speaker, and the Government stood for the rights of the individual and civil liberties. It is disgraceful that this Parliament again goes down this sort of track.

Let us look at some of the responsibilities that the Government will hand over. The citizens of this State have a right to a fair hearing in the courts without having to go through this sort of thing. An expiation notice can be imposed for failing to comply with a notice. What sort of notice will it be? The average person in business today is absolutely plagued with notices from Government departments and others. If a person fails to comply with one of these stupid notices he gets a $250 fine. I notice that the Minister is writing notes, but it will take a lot more than a few notes to convince me that this is necessary.

Members interjecting:

Mr GUNN: It is all right for members to laugh. By the time I leave the Parliament I guarantee that some of the predictions that I have made will come true and people will say that I was right. Another offence is for failing to keep a public thoroughfare clean. What the dickens does that mean? Failing to notify the Commissioner of an inaccuracy in a notice of exemption regarding land tax is also an offence. That may be a matter of some disagreement. Who will make that decision? Under the Valuation of Land Act, it is an offence, with a penalty of $30, for failing to complete a return.

I turn now to the West Terrace Cemetery Act, but I suppose the people there will not argue. Soliciting business within a cemetery attracts a $40 fine, but what sort of business is solicited in a cemetery? What other nonsense is contained in this proposal? And the Parliament is supposed to take these things seriously. What concerns me is that the Parliament is prepared to sit by idly and allow this sort of legislation to float merrily by. The results will be horrific and it will not be long before some director will come along and say, 'Well, Mr Attorney, it would be a lot easier if we had powers under this Act and these provisions.' What will happen? It will be said, 'The courts are cluttered up. We will make it easier for them'.

Every time we make it easier, we take away the rights of the people. The Parliament transfers its power to little inspectors, many without training, who arbitrarily pass that power to others. It is a thoroughly bad practice. It should be stopped and condemned by responsible legislators. Unfortunately the people do not understand what is taking place until they are afflicted through one of these provisions. When on-the-spot fines were introduced for traffic infringements, people were fined for minor offences such as chasing after children on pushbikes. The Minister of Transport stood in this place giving the number of a policeman who had acted foolishly in that regard. This is even worse.

A number of other infringements are cited under the fire services and stamp duties legislation. There are one or two other classics. I do not know who dreamt up these matters, but under the Boilers and Pressure Vessels Act 1968 it is an offence to undertake prescribed welding operations. What the hell does that mean? There will have to be regulations. If a poor fellow transgresses, he may have some idea of what is in the Act, but he will not know what is in the regulations, yet he will be fined $100.

Under the Education Act, it is an offence to fail to complete a return and to insult a teacher. That takes the prize and I commend the Minister. I want him to explain to the House what is meant by 'insulting a teacher'. Does that mean that parents who are aggrieved or annoyed at the action of a teacher when they learn, when little Johnny comes home, that the teacher has mistreated him and who go down to the school and speak fairly sternly to the teacher, and exercise their right as a responsible parent, are liable for a fine of $100 for insulting a teacher? This is nearly as bad as the Whitlam proposal that it would be an offence to insult a public servant. This is along the same line. Is it a pay-off to Mr Otte? I understand that they are not talking. They spent a lot of money at the last election on the privatisation issue. Is this a pay-off? In recent times I understand that they have not been the buddies that they were; they are having a few problems.

Let the House face reality. This is nonsense and should be treated as such. Fancy the Parliament being so insulted by having such nonsense put before it. If you, Mr Deputy Speaker, went out to the local football club, stood up and explained this to them, you would be laughed out of the building. Any sensible, rational or responsible person who put up a nonsense like this would not be taken seriously, yet the Parliament has before it this evening a $100 fine because someone differs with a schoolteacher. One will be served with a notice. At least one has the right to go to court currently, but once this law comes in it will be much simpler. Let us look at one or two other provisions.

Members interjecting:

Mr GUNN: I have a bit more to say yet—I am not in top gear. The Minister is looking up his statutes. By the time we finish asking questions he will have to look up a few more. I know that members want to go home, but it is only 7.50 p.m.

Members interjecting:

Mr GUNN: I am surprised. I do not like to take the time of the House. It is only when I am severely provoked that I have to get to my feet and defend the rights of the ordinary law abiding citizens against the intrusion of bureaucracy into their everyday affairs, and I make no apology for it. As a person of few words, I find it difficult to make these speeches.

Mr Gregory: Don't be so modest.

Mr GUNN: I am a simple country lad, representing my constituents. Under the Financial Institutions Duty Act for failing to notify the Commissioner or failing to furnish a return the fines are $100 and $200 respectively. Under normal circumstances one would get a reminder note. Now, one will get a notice for $200.

The Minister's defence will be that it is a nonsense. The Minister and the Attorney-General unfortunately have not spent a great deal of time in the business world, or the real world. It is a pity more people were not drafted out into the real world now and again so that they could come back to reality. The community does not take this place seriously and business spends most of its time working out how to go around this nonsense. In reality, it gives people in the community the view that we are getting more foolish in this place. No wonder members of Parliament are not held in high regard when we go on with this sort of nonsense. It really is a complete nonsense.

The Minister's defence will be that under a certain section of the Industrial Conciliation and Arbitration Act certain things apply. He has his advisers looking up those clauses. It does not in any way mitigate what I am saying. Under certain Acts one has to go through the process of appearing in court and it will be challenged. Under these proposals it is so simple and so easy to put into effect, and that in itself is a very bad principle. The community at large is hogtied; it is worse than having a set of hobbles on your feet with all this nonsense.

On a hot day somewhere out in the bush some fellow may be having some trouble with his header and an inspector may arrive and say that he has not complied with section 1(2) *(a) (c)* of some stupid Act—that he has never heard of. We know what will happen. The inspector is likely to get a shifting spanner in the ear or be told in typical Australian terms where to go. The farmer then will get one of these smart stickers handed to him or put on his vehicle. What good would it do? It really is a nonsense. I hope that the Minister representing the learned Attorney-General, who has to take the responsibility for this so-called enlightened approach, will give us chapter and verse on this. I am quite confident that there is no way he can assure the House that these little inspectors with whom he will endow us are needed. Can he give us a clear assurance that these provisions will not be abused?

I do not wish to take any more time of the House on this measure. It is unfortunate that it has proceeded as it has. The overwhelming majority of these matters can be

struck out. They are unnecessary and thoroughly dangerous provisions. I look forward to hearing the Minister giving us a clear and precise explanation of why this so-called enlightened legislation is before the Parliament. I am not prepared to accept what is stated in such and such an Act which some Parliament in its wisdom has passed and the people concerned have patted themselves on the back in thinking they have fixed the problem.

One of the things that amazes me is that politicians think that because they have passed a new law they have solved the problem. They have not. They may have done something for their own egos, but they have not done anything tangible, or to employ people or to improve the standard of living in most cases. They have probably taken away the rights of some person and made it more difficult for people engaged in industry and commerce to productively get on with their business. I look forward to the Minister's reply and hope that he will be able to give us factual information rather than resorting to the legal trick of quoting Acts of Parliament. Most of us can read. I want facts on how this nonsense will affect my constituents and the majority of people in this State.

Mr D.S. BAKER (Victoria): Like the shadow Minister, I have had a lot of problems with this Bill: first, because of the speed with which it has been brought in; and, secondly, because I follow the member for Eyre, who puts all his viewpoints so succinctly and clearly on behalf of his constituents that it is difficult to follow in those footsteps. However, I will attempt to do so. This Bill has been brought into the Parliament with a great amount of speed. It has not given the shadow Minister or many of us time to properly research the issue. It is a disgrace, because it could have been held over for a couple of weeks while our constituents and those people it will affect very dramatically have time to look at it and give us some feedback.

I wish to make three points. The first is that, if this legislation is passed the delegation of the powers must be limited to a senior public servant because, if not, the concerns outlined by the member for Eyre will come to fruition. A lot of little Hitlers will be running around throwing out notices for no reason at all. That is his worry and the worry of many people in all electorates.

My second concern is that the regulations should be so phrased as to be standard across a wide range of offences and departments so that we will not have stupid anomalies thrown up all the time. Having said that, and in supporting what the members for Mitcham and Eyre have said, provided that the expiation notice clearly states that a person does not have to accept the expiation notice if they believe they are innocent and wish the chance to take the matter to court to prove their innocence and provided the officers delegated with these powers use them sensibly, some of the concerns we have will be alleviated. As we are not allowed to speak to the schedule in Committee, many of the fears we have must be discussed at this stage because they will not be dealt with one by one. The first clause that worries me before I get into the schedule is clause 4. I think that it starts with a very important proposition when it provides:

> . . . then, before a prosecution is commenced, an expiation notice may be given to the alleged offender . . .

There are a number of meanings of 'may'. In legal terms, sometimes 'may' means 'shall' and sometimes it just means 'may', but in legal terms, if 'may' means 'shall be given'—

Mr Duigan: You ought to get a lawyer on that side.

Mr D.S. BAKER: You ought to get a financial adviser on that side, I might say.

Mr S.G. Evans interjecting:

The DEPUTY SPEAKER: Order! The honourable member for Victoria.

Mr D.S. BAKER: If 'may' does mean 'may' under the legislation, then many more sections that have a prison sentence attached to them may be able to be expiated, but if 'may' means 'shall' and therefore it automatically means that these people will receive expiation notices, of course that cannot happen. I will ask the Minister to explain the direct meaning of clause 4 (1) and whether 'may' does mean 'shall' in legal terms or whether it means 'may'.

Because we have to discuss the schedule at this time and cannot discuss it item by item when we get to the Committee stage, I want to go through some of the questions now. In relation to the Boiler and Pressure Vessels Act and the second item under section 27 (1), when I searched I could not find any penalty under section 27 (1)—in fact, I cannot even find a penalty under that section—and I believe that this should be section 28 (2). I ask the Minister to check that, because I believe that there is an anomaly.

Under section 28 (2) of that same Act the penalty was $1 000 and the expiation fee will now be $200. I would like to ask the Minister why there is such a difference in the penalty when it goes to an expiation fee. Many other penalties under the Boiler and Pressure Vessels Act are not treated as expiable. Why is that so? I refer to section 45, damage to boilers and pressure vessels, penalty, $500; section 46, wreckage not to be removed, penalty, $500; section 49 (2), breaches of the Act, another $500 penalty; section 49 (3), another $200 penalty; and section 51 (1), breaches of the regulations, another $500 penalty. If the penalties for sections 34 (1), 34 (2), 40 and 41 are expiated, why does that not occur with these other sections? How is the distinction being made? I would like the Minister to tell us his reasons for this.

I notice that sections 4, 5, 7, 8 (1), 8 (5), 8 (6) and 9 of the Commercial Motor Vehicle (Hours of Driving) Act all have penalties of not less than $40 and not more than $200, but there are no penalties in those sections: the penalties are all contained in section 10, so why is not the expiation fee under section 10 only instead of being listed all the way through? I cannot understand it. Section 4 (4) contains a penalty of $500 or six months imprisonment. When the Minister explains whether 'may' means 'shall', he may be able to say, if it does mean 'may' why he cannot expiate the penalty of $500. Of course, if it is the more serious offence when it could entail a prison term, then it cannot be expiated.

I think that the FID Act 1983 was mentioned by the member for Semaphore. Under sections 55 (1), 67 (1) and 67 (7) the penalties are $10 000, which is a lot of money. However, in his judgment the Minister allows an expiation fee of only $200. Why is this so? Why are people who yesterday could have been fined $10 000 for a breach of the Act now coming down to $200? Is he suddenly going soft on them? I want the Minister to explain what is happening. In the Industrial Conciliation and Arbitration Act section 160 provides a penalty of $100 for a false entry; section 162 (1) provides a penalty of $50; section 163 (1), illegal guarantees and section 164 (1), contempt by a witness, both provide a penalty of $100 and they are not expiated, but the Minister is expiating penalties under sections 159 (1), 159 (3), 161 (1) and (2). Could he tell us his reason for doing this? It seems that they have been picked willy nilly and without reason. It may be that there is some reason for this.

Under section 73 of the Land Tax Act (which incidentally I cannot even find—it must be a recent amendment), subsection (2) is not expiated, but again this relates to whether

'shall' means 'may' or 'may' means 'shall', because there is a prison term attached to that. So it may be that when the Minister explains clause 4 this, too, could be expiated. There is a need for more explanation.

The member for Semaphore mentioned the Lifts and Cranes Act, but there again penalties of some $10 000 are being decreased to an expiation fee of $250. Of course, under the FID Act the penalty of $10 000 went all the way down to $200. What is the reason for the difference? Why are we taking $10 000 down to $200 under one Act and then under another Act down to $250. Once again, we want an explanation.

Some offences under the South Australian Fire Services Act are not expiable. We are expiating from $200 down to $50 failure to lodge a return, but we do not expiate section 68, which relates to tampering with fire alarms and which carries a penalty of $500 or imprisonment for one month. I know that tampering with fire alarms is a very serious offence, but often it occurs in a minor way when children or under-age people do it when they get hold of a fire extinguisher and set it off. Surely, if a failure to lodge a return is going from $200 to $50, why cannot the offence of a child playing with a fire extinguisher, with a small penalty of $500, be expiated? Again, it seems that these have been picked out willy nilly.

In the Stamp Duties Act again fines go from $5 000 under section 31d, failure to register, down to $200. This time it is only $5 000 to $200. The bets are a lot better here. Section 31f (6) covers the penalties for section 31f, and I would like the Minister to explain. Section 31f (6) provides that a registered person who contravenes or fails to comply with any of the requirements of this section shall be liable to a penalty not exceeding $500 and shall be liable to pay a penalty equal to double the amount of any duty that would have been payable if that requirement had not been contravened or had been complied with, as the case may be. This appears to me to be only part of the section imposing the penalty. Does the expiation apply to section 31f (1) *(a)* only through to section 31 (6) and, if so, does the doubling of the duty still apply?

Section 41 provides a penalty for failure to take out a licence under this Act and that is $100 for each month. The expiation fee is $200. Is that $200 a month, or is it just $200 as a single expiation fee? It certainly requires explanation. Section 42aa refers to failure to lodge a return. I have been through all the amendments under the Stamp Duties Act and I cannot find any reference to section 42aa. The Minister might be able to help me there.

In relation to the Unclaimed Moneys Act of 1891, under sections 3 and 4—failure to keep a register—there is an expiation fee of $4 a day; will that expiation fee still be $4 a day or will it be $40 once-up? I think people deserve to know. We do not have the opportunity to question the schedule line by line and so I think there must be some method of questioning these matters during the debate in Committee in order to get the answers that we require from the Minister. I think this legislation has been rushed in. I agree with the shadow Minister that the matter is being dealt with very quickly. There is indeed a lot of concern in the community and I think various matters need to be explained. No doubt when we consider the clauses of the Bill in Committee the Minister will be able to answer some of the questions that have been asked at this stage.

Mr M.J. EVANS (Elizabeth): I share some of the concerns that have been raised this evening by other speakers but, in particular, I shall start by referring to the question of how long the House has to consider Bills before being expected to debate them at length. I refer particularly to Bills that might well require a considerable amount of research. This Bill, of course, was introduced only last Thursday.

Mr Peterson interjecting:

Mr M.J. EVANS: Yes, there are substantial provisions here that need detailed examination. Members would be only too well aware of how difficult it is to look up the numerous Acts that have been amended many times over the years and to trace through the various provisions. In considering this legislation, one can end up surrounded by volumes of statutes and knee deep in provisions and thus have the greatest difficulty in tracing through these provisions. To expect members to do that in a matter of one weekend is asking them to do a very difficult job indeed. I hope that when the Government brings provisions like this before the House again, especially those involving multiple other Acts and substantial changes to the principle of law, it will give members a little more time to study those provisions.

However, one might well say that the matter of expiation has been around for a while and ask why it is now coming into question. It is simply because the Government is seeking to regularise the administration of this area. The answer to it may well be that those provisions introduced previously have been introduced on an *ad hoc* basis, on an Act by Act basis as the case demanded, and that the Parliament has been convinced in each case that it was just one more area that needed to be extended. Each of those areas has been looked at separately and in each slightly different arrangements have been entered into. Now, finally, we have an opportunity to examine the whole scheme as such, and it is a reasonable proposition for the Government to put to Parliament, namely, the view that this would simplify the administration of justice both for the Government and for the courts. Indeed, for those who inadvertently, or even advertently, break the law, if minor offences can be expiated on the payment of a suitable fee this proposition may be a reasonable one, but the operative words, of course, are 'minor offences', and I believe that once offences other than minor offences are included then the whole system begins to break down.

I doubt whether members would agree that all the offences listed in the schedule are indeed minor and, obviously, attention has already been drawn by my colleague and by others to the fact that some offences, such as the offence referred to in the Lifts and Cranes Act of constructing, altering or installing a crane, hoist or lift without approval, attract a penalty of some $10 000 and therefore must be considered to be a serious offence. Further, failing to perform an inspection of a lift is a very serious offence in my view, because it exposes the public and the work force to a very unsafe condition, for which an employer or the owner of a building may be responsible, and the penalty for that offence, quite appropriately, is a fine of $10 000, as specified in the Act. That is a serious offence and yet it may be expiated for $250.

I refer to instances in other Acts, such as the Explosives Act and the Boiler and Pressure Vessels Act, where serious industrial matters are raised, involving serious issues of safety and health, and yet expiation of some of those most serious offences is provided. Further, in the Public and Environmental Health Act the incorrect disposal of waste is a $10 000 offence and yet, again, there is an expiation fee provided. But there are discrepancies between the amounts involved. For example, the $10 000 penalty provided in the Lifts and Cranes Act of 1985 is, under section 10, expiable for $250 but, under section 18 of the Public

and Environmental Health Act, an offence which attracts a penalty of $10 000 attaching to the discharge of waste unlawfully attracts an expiation fee of $300. So, in one case Parliament has laid down identical principal penalties and yet the expiation fees are wildly different in percentage terms.

There are similar anomalies throughout the schedule. For example, the member for Eyre drew attention to the provision under section 104 of the Education Act concerning the insulting of a teacher. However, he did not compare the provisions. For example, contravention of section 104 of the Education Act in insulting a teacher attracts an expiation fee of $150; the principal penalty provided under the Act is a maximum of $500. One must compare that with the discharging of waste or with the offence under section 10 of the Lifts and Cranes Act, both of which attract $10 000 penalties—offences which are 20 times more serious than the principal penalty laid down in the Education Act. However, we find that the expiation fee is only double. So, a factor of 10 has been discounted out of those very serious offences *vis-a-vis* the offence of insulting a teacher.

I draw no conclusions about the relativity of the offence of insulting a teacher; obviously that is an important provision, and members would be keen to see that people do not practise such things but, on the other hand, I would find the discharging of waste into a public area or an offence in relation to a lift a much more serious thing and something which should attract proportionately a much higher penalty. That is what this debate is all about—relativity of penalties. Further, it is about the administration of justice, the fairness of justice, and the certainty of justice, and this is something that I want to address now.

If justice becomes uncertain, then the public, I think, become rightly concerned about that and they would rightly bring the law into discredit. That is one thing that this Parliament must always seek to avoid most assiduously. I am very concerned at the discretion that will be given to officials to decide whether or not to issue an expiation notice. In one case, having detected an illegal crane the inspector may choose to prosecute, and a penalty of some $10 000 would be applicable. If the court convicted a person, that person would attract a criminal record as well as the potentially serious fine, and the consequences would be quite substantial. However, if that same inspector decided to issue an expiation notice the person would simply pay the $250 and that would be the end of the matter. That discretion is incredible, and when serious offences are included in the schedule it becomes even more incredible and even more unsustainable. I do not believe that the community of South Australia will tolerate that degree of uncertainty.

The expiation of offences should apply to minor offences. That being so, it introduces convenience and involves cost savings, and the adminstration of justice is substantially improved. However, when serious offences are included discretion becomes very wide, and that is where the opportunity for corruption lies and where mistakes can occur. I believe that by creating two classes of criminals, those who are prosecuted and those who are not, we are running a serious risk of bringing the law into disrepute where substantial offences occur. We should establish a principle that maintains that specific offences will be expiated and in that way people will have substantial certainty of the law. They will know that that is the penalty involved and that they have the option of paying the expiation notice or of going to court. At present, the situation is that they will not know. The option will be there for the inspector or Minister to issue the notice or to prosecute, and that can attract widely differing consequences, as we have noted, and can have substantially different consequences for the individuals concerned.

It is also very difficult to understand why some offences that are quite serious have been included while many peripheral offences have been excluded, even in the same Acts. One could do the exercise of going through the statute book and lifting out those Acts which include peripheral offences and which in many ways lend themselves to expiation—not to imply that the Act is trivial, though. Obviously I do not expect that the Government will have done that exercise in the context of going through every Act, and so I do not raise that as an objection. However, I do raise as an objection the fact that within the Acts listed here there appear to be substantial anomalies.

For example, section 11 (12) of the Lifts and Cranes Act provides for the offence of removing a lift or crane from the State for a period of more than 12 months and not notifying the Director. That is not a serious offence and it attracts a penalty of only $1 000. Given that there are no victims in that case—it is a victimless crime—one would expect that crime to be expiable. Unfortunately, however, it is not expiable, yet offences both earlier and later in that section are included in the expiation provision and in many cases they attract penalties substantially greater than that $1 000 and they can involve victims.

Clearly, that Act has substantial penalties, in some cases $5 000 and in others $10 000, and those offences can be expiated, yet a relatively minor offence that is provided for in the same section as some of these more serious offences is ignored for the purpose of expiation. Although one could go through endlessly and lift out provisions from other Acts, that would be a fruitless exercise, but we are entitled to a degree of consistency within Acts, and this is another area where the Government seriously needs to address the provisions of the Bill.

I do not believe that we can resolve this by giving a discretion to those who hand out the notices. If we are to have certainty of the law, it is important that individuals know the consequences of their actions. In relation to that I will move an amendment in Committee to ensure that only minor offences are taken into account in these provisions, so that expiation notices will be issued as a matter of certainty, and it is then up to the individual to make the judgment whether he pays the expiation fee or allows the matter to go before the court.

People should not be at risk of an inspector's making a judicial decision, because that is what it is, as to whether a person should be prosecuted for an offence that carries a criminal conviction and possibly a $10 000 fine or, alternatively, a $250 expiation fee (or thereabouts) which carries no criminal conviction. Such discretion is enormous and if the law is to be certain and people are to know their rights and the penalties incurred for actions that contravene the law, they are entitled to certainty in that decision-making process. I do not believe that this Bill gives that to them.

Although I substantially support the concept and the principle behind the expiation of minor offences, I fail to see how the title of the Act, including as it does the word 'minor', can possibly be brought to bear in relation to offences that carry a $10 000 penalty. One needs only to look, for example, at the Planning Act, which provides a $10 000 penalty for developments undertaken in contravention of that Act, which is not proposed to be made expiable, and to compare that with some offences in the Bill. The inconsistencies are all too obvious and I believe that the legislation should be amended so that only minor offences are included and that a greater effort should be

made by the Government to ensure that all these minor offences that can occur in these categories are expiable.

Many offences listed here for expiation will not be repeated again and again. It is most unlikely that much of the courts' time will be removed by expiating these offences. On the whole, they do not deal with matters that come repeatedly daily before the courts. I should like to see the Government introduce consistency between these provisions and the provisions of other Acts. We have already introduced into the Controlled Substances Act, the Road Traffic Act, and the Local Government Act, to name but three, provisions that enable expiation of offences under those Acts. If we are to set up a regime of expiation under the law under its own Act, it is important that all those provisions come under this Act so as to ensure consistency and certainty. No doubt, the law will be very much brought into disrepute if that condition is not there. People are entitled to be sure that an expiation notice issued under the Controlled Substances Act will be consistent with one issued under the Local Government Act and with one issued under the Expiation of Minor Offences Act, and so on. If that consistency is not achieved, the public will lose their respect for these provisions.

Finally, I raise the serious matter of the victims of crime levy, which has so far been overlooked in this debate. That Act, passed earlier this year, provides for a levy to be imposed on those who breach Acts of this Parliament, to aid the victims of crime. The levy struck is $5 in relation to offences that are expiable and $20 in relation to summary offences that are dealt with in the courts. Most of the offences that we are making expiable here this evening, if the Bill passes in its present form, would otherwise be summary offences and would attract the victims of crime levy of $20. Such offences are now being made expiable offences and, where they are expiated, they will only attract the victims of crime levy of $5.

I believe that that is a serious downgrading of the victims of crime provision: the levy is reduced to 25 per cent of its present level.That calls into question that strategy and shows that the list of levies needs to be reassessed in the light of this strategy so as to make those offences expiable because in many cases we are now dealing with more serious provisions. If the Government's suggestions go forward, those who commit relatively serious offences which would attract serious penalties in some cases before the courts will now have only a quarter of their original victims of crime levy applied to them. That is a significant diminution of that principle.

The Government was wise to introduce that measure earlier. It contributed significantly to the victims of crime service but, of course, now we are in effect downgrading that in many offences. If the proposal is carried forward and additional offences are brought under the Act as might be expected in future, that will be further downgraded, and I believe that we need to consider that matter seriously. With those serious reservations, not about the principle behind the Act but rather the detail and the time available for us to consider this legislation, which I hope the Government will bear in mind, I support the second reading but will debate many of these matters again in detail when the Bill is in Committee.

Mr MEIER (Goyder): Members would be aware that last session the Government introduced legislation to provide for expiation fees in respect of those offences that might be identified by regulation. The Opposition opposed that Bill, which lapsed as a result of prorogation. So we now have the current expiation of offences measure before us. Previous speakers have highlighted many of the deficiencies in respect of the expiation notice. To me it seems strange that the Government should introduce such specifics—indeed, it is a case of double standards—when we reflect back on the attitude of Government members when traffic infringement expiation notices were first introduced. Although I have not had a chance to go through the debate on that occasion in full detail, I understand that Labor members were opposed to that concept, branding the Bill as a revenue-raising measure and insinuating that it had been introduced simply for a money grabbing purpose.

I believe that the traffic infringement notices have gone much farther than that in reducing congestion in the courts. To some extent these notices are having an effect on road safety, although it was blatantly obvious the last time penalties were increased, unfortunately after there had been carnage on the roads, that the Government used that as an excuse to raise more revenue, and it is unlikely that anyone would raise an objection. However, perhaps an argument could be made that expiation notices are not always a genuine reflection of what may or may not have occurred on the road, although a person can still go to the court over that matter and over those we are now considering.

I am worried by problems that have been brought out by some other speakers. I endorse the remarks of the members for Victoria, Eyre and Mitcham. Some of these new expiation fees will result in a massive decline in the potential fine that may be imposed. One must ask why. The best example is to be found in the schedule to the Lifts and Cranes Act. The first expiation fee referred to is for constructing, altering or installing a crane, hoist or lift without approval—$250. The former penalty was up to $10 000. I well remember a case several years ago in my electorate where a firm had modified a crane slightly and apparently it did not meet with the appropriate conditions and requirements.

The Department of Labour and Industry inspector threatened to close that crane and perhaps take further action against the firm. I took the matter up with the then Minister (Hon. Jack Wright) and discussed the situation and he managed to introduce some commonsense. The firm put the crane back into a serviceable condition and nothing further occurred. The Department of Labour and Industry inspector was quite happy. Part of the reason perhaps why nothing happened—the firm was not closed and a fine was not imposed—was that the penalty was up to $10 000. However, now we see a $250 expiation fee. The simple, easy thing will be for the Department of Labour inspector to say, 'You have modified your crane. Sorry, I am getting my book out; here you are, your expiation notice—$250.'

There will be no argument. We are not talking about a figure of $10 000 but of $250. Certainly, there will still be a hue and cry and perhaps that highlights another anomoly in this legislation, but it will be much easier for an inspector to expiate that fine. I believe that it is going against many of the things that our democracy perhaps holds close to its heart, namely, that we look at each situation in its entirety, at the causes and effects. There is definitely a need for variations between fines, but there is still very much a need for consideration of the circumstances.

If I can hark back to that example of the firm that had modified its crane, its circumstances were such that it had only just started in business. It had been operating, I think, for only a few months at that stage, and was not aware that it had made the alterations against the law. I believe that that type of consideration must still be taken into account. I know what it is like with traffic infringement notices. Touch wood, I have had only one notice since becoming a

member of Parliament, but there was no point in arguing with the policeman when I was stopped. Certainly I was exceeding the speed limit. Yet I believe that a person must be able to consider the particular circumstances. If the Minister says, 'But you have the right to go to court over it anyway', I think we all know that that would simply be a matter of principle. We would not be able to talk about money, because, if we go to court over a matter of $250 or even $50, the legal fees and costs would soon eat up that amount; there would be no point in going to court.

Under the Lifts and Cranes Act, failing to notify the Chief Inspector currently carries a fine of $1 000 which will come down to $100. Failing to obtain registration will decrease from $5 000 to $200. Failing to comply with a condition of registration will decrease from $5 000 to $200. Failing to perform an inspection will reduce from $10 000 to $250, and failure to notify an accident reduces from $5 000 to $100. I will be very interested to hear the Minister's explanation as to why these massive variations will occur in expiation fees under the Lifts and Cranes Act.

It was pointed out by several other speakers that we have had only since last Thursday to consider this Bill. I think it is a classic case where, by my rough count, 90-odd expiation fees have been introduced, and in a limited time it is not easy to look up the different Acts to ascertain exactly what they apply to. The member for Elizabeth said that we could do it over the weekend, but most of my weekend was spent out at various functions, and I did not even realise that the Bill was to be debated today. Perhaps the Government is saying that it wants to rush this through, and that would make sense because there are a lot of flaws in this legislation. If they can rush it through, the public may hear about it, but only briefly, and it will be too late because it will have passed and become law. I just hope that the press agencies take the opportunity to inform the public of South Australia of the proposed changes.

I do not believe there were any expiation fees in a few areas, and I refer in particular to the Tobacco Products Control Act. Under section 13 (1), it is proposed that there be a $50 fine for smoking in a lift. Well, I know of a lift very close to this Chamber, and my last observation of that lift indicated that there is an ashtray in the lift in which were three cigarette butts; those three butts had obviously been placed there today. I guess the Government will say that in relation to the lifts in close proximity to this House it will be able to get instant revenue at $50 a shot. I wonder whether it will get people to name the brand of cigarettes they smoke so it will be easy to track down? I believe that that type of thing shows the inequities in this type of system. If one uses marijuana or other dangerous substances, there there may be less than a $50 fine. There are many instances where a person who transgresses can be let off with a warning where probably a lot more than $50 was needed.

I am not a smoker, so I am not perturbed one way or the other as to whether a fine is applied to smoking in a lift, but I can well understand that a person holding a cigarette that has only just been lit may enter a lift in which no-one else is present; he or she will not upset anyone else's health, yet they will be liable for a $50 fine if this legislation passes. It is that type of action that shows how the Government could not really care less about people living their life freely within our democratic society.

It was pointed out earlier that another expiation fee relates to the Education Act; there is a $150 fee for insulting a teacher. According to my information, the old penalty was up to $200, but what is meant by insulting a teacher? I could well imagine that a teacher may be insulted under extenuating circumstances, and there could be fault on both sides, yet a $150 expiation fee will apply. There are other situations where the person might not have been provoked and where there was a provoked attack on the teacher or an insult, and $150 would be a laughable fine; in fact it should be a lot more.

The Government is trying to bring in regulations to fit everything into little boxes and categories. That is not the right way to go. It is a great shame and many innocent people will be caught in the net. I agree with the member for Eyre that so many members of Parliament will hear from constituents in the next few months and years about these expiation notices. People will get very upset about having to pay expiation fines when some of these matters are trivial. However, as I said, some are not trivial, yet fines have been brought down from a maximum of $10 000 to $200.

I hope that the Government will rethink this legislation. Perhaps it has just decided that it has the numbers, so it does not matter; the debate is irrelevant. It is a pity if that is the Government's thinking, because most members would have liked more time to research the statutes and ascertain exactly what differences these provisions will bring about. Nevertheless, the legislation is before the House and we must deal with it as we have it.

Under the Commercial Motor Vehicles (Hours of Driving) Act there is a fine for exceeding hours of driving. The expiation fee is $80. What does that mean if one compares the case of a person who has been driving at a speed in excess of 10 minutes with that of a person who has been driving for 10 or 20 hours over the limit? According to my interpretation, they will both be fined $80. I well remember moving house some years ago and the removalists had travelled from interstate. They arrived at midnight—we had been waiting for them most of the day—and the driver said, 'Right, we will pack you straight away and get going.' I said, 'Golly, you look a bit tired.' He said that he had not had any sleep for 24 hours. He worked for some hours but, thankfully, exhaustion took over and he had to have a sleep. His aim was to keep going. He realised that he might have been caught. As it was, it did not happen. Had he been caught, under these provisions he could be fined $80. I suggest that he was probably quite happy to take that risk for $80 and, obviously, it would be an inappropriate penalty in the case of such a driver. For a person who had inadvertently gone half an hour over his time limit of driving, $80 would be excessive.

There are a lot of problems with these expiation fees and I hope the Minister will address them in his reply. Finally, why has the Government decided to list only certain items as carrying expiation fees when many other breaches to which fines and other penalties apply are not listed? About 92 expiation matters are listed in this Bill. I question why only a few have been brought in now. Does that mean that the Government will bring in more as time goes on? I guess that we will hear from the Minister in that respect, too. This Bill concerns and worries me.

Mr S.G. EVANS (Davenport): I have grave doubts about the legislation, and two members have expressed my views in different ways tonight. In an excellent speech, the member for Elizabeth put a point of view about how this Bill, if it becomes legislation, will place doubts in people's minds about where justice lies and how they can rely upon the law, the penalties that prevail and their opportunities to get justice. The member for Eyre put a stronger view, one that I would put if I had the time and did not have to worry about a finishing time tonight. The point made by the member for Eyre is quite relevant, and I will expand on it.

Let us put a member of Parliament in the position of a police officer or inspector. It does not matter which member of Parliament was picked, because all of us are egotistical to some degree, or we would not have come into Parliament. A person must be slightly egotistical to venture into this place, some more than others. If we were given the tasks and responsibilities that this Bill will place in the hands of those people, each and every one of us would more readily issue an expiation fee where we thought someone had committed an offence than if we knew for sure that we would have to face up in a court and try to argue the case. Because they are so egotistical, some members will get up and say that they would not do that; but it is human nature.

There can be a clash of personalities and the person with the responsibility would say, 'Right, you are gone.' He would hand out an expiation fee knowing that on average nearly every ordinary citizen, if there is such a person, is absolutely petrified of courts. If a survey was taken, whether in Rundle Mall or in a Port Adelaide, Elizabeth or Springfield pub, people would say that they have an absolute fear of courts. Once you have been an inspector or a police officer for a while, with the sort of powers that would be placed in your hands, it would be only human nature to follow the easier path of issuing expiation notices because the average individual would not challenge them. If one was a good judge of personality, on an initial discussion quite often one would be able to establish whether a person was the sort who shakes in his shoes when faced with authority or the aggressive stand-up type who would say, 'Try it, Charlie. I will fight you in every court in the country.' At that point the issuing officer knows the chance of pulling off the bluff for the expiation notice as against the final challenge in a court.

It is known that that happens in relation to traffic offences. Some members could tell stories about it. One member of Parliament has solved a problem concerning one of his constituents who was charged with riding a motor bike in excess of the speed limit in the Elizabeth area. This is a straight case and does not involve an expiation fee. A summons was sent to this particular person, but he has never owned a motor bike, let alone ridden one. The police have the wrong person, but that person must go to court unless he can get his MP to bend the rules. If he wins in court, there is no claim for costs or for his or her lost time in taking a day off work. That is the sort of mistake that can be made. What will happen with these provisions?

It is dangerous. Most of the areas of expiation fees are those in which it is not quite so dangerous, namely, those where people involved in big business are likely to cop the notice—finance companies, and such like. Many are in that area. It is not so in the industrial area or in the Fire Brigade, but the court is expensive and we will find, once it is introduced (although I hope the Upper House passes many amendments), a lot more notices will be issued because it is simpler to hand a person an expiation notice and say that they have 60 days to pay the $200. Most will not challenge it, so the officers will not have to do as much book work. One thing that is killing the Police Force and the industrial inspectors today is the paper work. There are too many hassles with it.

Other speakers have made all the points that need to be made about the extremes of this proposed legislation. I ask the Minister and those who say, as socialists in the Government team (and they all claim to be that), that citizens should get a fair go, whether they believe that it is really fair to make it easier for the ordinary citizen to be bluffed, even when a doubt exists on whether or not they committed the offence. A citizen has a notice handed to him or her and they know when they receive it that they can take it to court. However, is it worth spending $500? They also know that, if the issuing officer had to fill out all the forms and take it to court, and if there was no opportunity for expiation, they may not have got the notice at all. They know that they have been unjustly treated. Other members may have made these points more succinctly, but in a different way. The member for Eyre referred to the principle in one area and the member for Elizabeth referred to the doubt about the law if we put this through, as well as the contradictions in regard to other aspects of penalties in different laws.

I do not support the proposition before the House. I know that we will not change it here, but I hope that the other place cuts it about and gets some commonsense back into it. I will not support the proposition if it attempts to leave this place as it now stands.

The Hon. G.J. CRAFTER (Minister of Education): I thank all members who have contributed to this debate and will try to answer at least some of the matters raised, although I think it is only appropriate that questions requiring detailed information be referred to my colleague in another place where such information, where obtainable, can be provided.

I comment, first, on matters raised by the lead speaker for the Opposition (the member for Mitcham), who said that the measure was foreign to this House. I address my remarks to the one honourable member opposite (indeed, he is not even a member of the official Opposition). Opposition members must have decided that this was a matter totally foreign to the House and decided not to participate in the debate. No matter that comes before the Parliament is foreign to this House. Indeed, this is the Chamber where Governments are made and where they fall, so every issue is relevant to this House—the people's House. We should not be concerned that some matters are foreign to us and should be dealt with in a particular way.

To the members who have blithely said that the matter has been rushed into the House, I point out that this matter was introduced into the Parliament—indeed, in another place—on 26 March of this year. It has been the subject of scrutiny in another place. As a result of that scrutiny the Government took away the measure and took into account the issues raised in the other place and has reintroduced it. For the honourable member to say that his colleague had been hassled on this and had not time to consult people in the community to whom he wanted to write letters and consider it is simply not so.

Mr S.J. Baker interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.J. CRAFTER: The honourable member simply—

Mr S.J. Baker interjecting:

The DEPUTY SPEAKER: Order! I ask the Minister to resume his seat. I will not again call the member for Mitcham. He has been absent from the House for the last half an hour. Immediately upon coming in he creates a disturbance. I call the House to order. Will the honourable member please sit down. Will all members please sit down.

Mr D.S. Baker interjecting:

The DEPUTY SPEAKER: I will not take back-chat from any member, especially a member not in his seat. When I call the House to order, I expect it to come to order. I do not expect the member for Mitcham to keep talking over the top of me after I have called him to order. The member for Mitcham.

Mr S.J. BAKER: On a point of order, Mr Deputy Speaker, you are totally incorrect in saying that I have been out of

the House for the last half an hour. I stepped out because somebody wanted to see me urgently, and I walked out—

The DEPUTY SPEAKER: Order! There is no point of order. The honourable member has been outside this Chamber for a considerable time while the debate has been running. It is his right to do that if he so desires, but immediately he comes in he causes a disturbance and continues to interject after he has been called to order. I will not have it. The honourable Minister.

The Hon. G.J. CRAFTER: As I was saying, this measure was introduced into the Parliament, albeit in another place, on 26 March this year. As a result of the debate that took place the Government reconsidered a number of matters raised and has reintroduced the legislation in a form that takes into account a number of those matters. To be attacked by the Opposition for doing that is unfair. For the honourable member to refer to this matter as a foreign measure is an inappropriate expression and, indeed, an imprecise way of referring to the role of this House in the parliamentary process. Indeed, the Opposition, when in government, brought in the first legislation on expiation notices and, indeed, ran a very substantial campaign in the community to justify to the community this method of administration of justice. Time has shown that there is considerable merit in this process, and it is somewhat difficult to understand the logic of the Opposition in its approach in the debate thus far.

The member for Victoria raised a series of specific issues, some of which we have been able to clarify. One point referred to section 27 of the Boilers and Pressure Vessels Act, which was amended more recently in 1985. That section provides for a penalty, and that explains the question that the honourable member raised. For each matter that the honourable member raised there is an explanation, but one has to search the legislation to find it. Hopefully, all those matters can be answered satisfactorily in the other place. In the meantime they will be scrutinised.

The member for Elizabeth raised a number of issues, some of which need further consideration and scrutiny. That will be done in another place, but I must take issue with him when he talks about this measure creating uncertainty in our system of justice. This legislation is designed to provide a little more certainty in our system of justice. When justice is delayed, justice is denied. I believe that one of the difficulties in dealing with offences of strict responsibility and the kind of offence that one sees in the schedule is that the cases are brought before the court sometimes long after they are committed. When minor monetary penalties are imposed, one wonders whether that is the best way to remedy the behaviour that caused the breaches of these offences and whether the expiation system, where justice is seen to be delivered on the spot, is not the best way to ensure more compliance with the law and certainty with respect to the penalties that are brought down, together with fairness in relation to those penalties.

I think that one can arrive at the situation (and I think that the member for Goyder raised this matter) where the costs associated with bringing a matter before the court are disproportionate to the nature of the offence and the penalty that the court usually imposes in the circumstances surrounding the offence. Here one needs to take into account the pattern and nature of offending and those officers in the administration who are vested with the powers to police these Acts of Parliament can establish quite accurately the pattern and nature of offending, together with the penalties imposed by the courts. When all those factors are taken into account in legislation of this type, there is a great deal more certainty in the law than by not having such legislation.

The points made about the nature of the offences provided in the legislation are important. That is why this legislation has been the subject of further review since it was first introduced earlier this year and a great deal of thought has been given to the offences that are embodied in the schedule. The member for Goyder said that there is no point going to court because often the costs are substantial. They relate to delays in losing time from work, legal costs and the like, but the logical conclusion of the honourable member's argument is that everyone will go to court; there will be no expiation system as such and, for the reasons I mentioned in answer to the matters raised by the member for Elizabeth, I argue that there are advantages for an offender to embody the expiation system, which has considerable merit. I believe that the member for Goyder has overlooked that fact.

A number of other issues raised by members I think really do not address the issue of this legislation. The member for Eyre raised a number of offences and attacked the offence rather than the way in which the law deals with that offender. He referred to the Education Act and ridiculed the offence of insulting a teacher. This Bill does not affect the law as it stands but, rather, it refers to how penalties are arrived at and how they are administered. The offence of insulting a teacher is not new. In fact, from my research, it has been on the statute books since the Education Act of 1878. I understand that it was introduced at the time that education was made compulsory and the Public Education Act was applied. There was opposition to that latter legislation, but the offence was introduced in order to protect those public officers who were required to teach in our schools and to teach students who, for the first time, were required by law to attend schools in this colony, as it then was.

That offence has been on the statute books ever since, so really, we are dealing not with that substantive offence that has passed through numerous Parliaments and has been reaffirmed by them in various pieces of legislation but, rather, with the way in which we deal with those who offend against this section. I suppose that this offence is rarely mentioned these days. I think that the honourable member attacked the offence and the nature of it rather than what this Bill addresses. In fact, he went on, as is his wont, to attack also the officers who administer some of this legislation. I notice from today's newspaper that he did that recently in this House and really that is another matter that is not specifically in issue here, although a number of members have raised that topic and have rightly pointed out the responsibilities that are vested in officers who administer the Acts of this Parliament.

In response to the matters raised by the member for Goyder, every person who is issued with an expiation notice has the right to ignore it, to choose to have the matter determined by a court of law, and to go through those processes that would occur if there was not the alternative of the expiation notice process. It seems that members opposite argue that there should not be that alternative of an expiation notice but, rather, if a person offends against these types of Acts, they should be obliged to go directly to a court and to have the matter determined there.

As has been seen in the Traffic Infringement Notice System, the expiation notice that was established by members of the Opposition when in Government, the community has been better served. There has been a lightening of the burden in the costs of our courts administration and I would argue that, where justice is administered, if you like,

on the spot rather than delayed for considerable periods of time, there is a better response to and respect for the law. Further, there are questions of equity for those who can obtain legal advice, challenge matters and appeal through the various courts but other members of the community cannot afford to go through that process. That raises various issues of equity, and the like. I think that some members raised issues that really are not to the point of this legislation.

In relation to the penalties provided in the schedule, advice was taken from officers in those Government departments who have had a great deal of experience in administering these Acts of Parliament as to what those officers considered to be the appropriate penalty. When one looks through the schedule, there are discrepancies through Acts of Parliament for penalties relating to similar offences, so in the schedule some account had to be taken of bringing about some consistency in the provision of penalties under an expiation notice system. Not only was there an appropriate penalty, but one needed to take into account the penalties imposed by the courts over a long period of time in similar circumstances to establish appropriate penalties as well as having some consistency for similar offences across Acts of Parliament. For example, I refer to the failure to return a notice as required by statute.

However, where there are substantial monetary penalties, obviously there are discretions that apply and they are provided for in the legislation, so that matters cannot be seen as being appropriate for the issuing of an expiation notice when such matters ought to be determined by a court and where the penalty ought to be brought down by the court after hearing all the evidence in the matter. This is the case under the traffic infringement notice system. For example, if a person goes through a radar trap at 68 km/h in a 45 km/h zone, and that happens in a great many cases, I guess it seems that a notice is appropriate, but if a person is doing 200 km/h that is a matter that should be referred, in normal circumstances, to a court to be dealt with.

So, that would be the case in the application of the law to breaches of various legislative provisions. Although the penalty in extreme circumstances might be extremely high, for normal breaches the courts provide an average penalty, which is referred to in the schedule, while in other cases a repeated abuse of legislation would constitute a matter for which an infringement notice would not be appropriate and for which a penalty imposed by a court would be the appropriate penalty.

I believe that the fears expressed by members opposite are not real. The choice rests with the alleged offender, to accept guilt, to accept the notice and to dispense with the matter and to pay the penalty or, where a person still accepts guilt but wants the matter determined by a court, that option is very clearly open. Where a person denies having offended, the matter can also be tested in the court. That is a fundamental right of every citizen and under this legislation it remains—as it did under legislation introduced by the previous Government dealing with expiation notices for a very wide variety of matters under the traffic legislation.

I think that in considering those facts one appreciates that the legislation should be addressed in a much more sober light. I believe that involves a much more administratively sensible and responsible course for the Government to take. Not only does it simplify matters for those who are involved in the administration of justice but I think it provides some advantages for those people who offend, while still keeping intact a respect for the impact of the law. I am somewhat disappointed that members have taken the attitude that they have and I hope that in another place the specific concerns that have been raised can be further dealt with and that member's fears will be thereby quelled.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Preliminary.'

Mr S.J. BAKER: I move:

Page 1, line 25—Leave out 'any other person or body to which' and insert 'the Chief Executive Officer of an administrative unit under the Government Management and Employment Act 1985, to whom'.

The Opposition does not believe that these measures are of such insignificance that simply anyone in a department or authority can be given the responsibility to determine who shall or who shall not receive expiation notices. For the edification of members, I point out that the normal practice would not involve on the spot fines: an offence would be reported and a person within the department involved has to make up his or her mind whether the offence is worthy of prosecution and, if so, whether such a prosecution should involve an expiation notice or indeed a court hearing. The Opposition does not believe that that jurisdiction should lie within the area of any person or body which the Minister deems to be appropriate. We believe that it should lie with the chief executive officer involved. The matter has been canvassed during the second reading debate; I believe it is a responsible amendment and I recommend it to the Committee.

The Hon. G.J. CRAFTER: The Government opposes the amendment, although I understand the concerns that the Opposition has. Indeed, I think the member for Elizabeth will raise similar concerns, albeit in a different form. I will refer these concerns to my colleague; neither he nor I are convinced that the form of words proposed here is administratively the best way to address the concerns that have been raised. There might be a feeling abroad that the definition relating to the responsible statutory authority, referred to in the preliminary clauses of the Bill, are too wide, although similar powers of delegation exist in many other pieces of legislation and concern about that has not been raised. Indeed, the responsibility rests with the delegating Minister in this provision. However, in opposing the amendment I indicate that I will consult with my colleague to see whether the matter of delegation can be clarified as well as the status of the delegate in these circumstances.

Amendment negatived.

Mr M.J. EVANS: Why was the age of 16 years selected in relation to the cut-off point for a child? I note that in the controlled substances expiation provisions the age fixed is 18 years. What is the explanation for the age limit of 16 years?

The Hon. G.J. CRAFTER: The age of 16 years is used to achieve consistency with the Summary Offences Act. It seems that that is the appropriate benchmark in these circumstances.

Clause passed.

Clause 4—'Expiation notice may be issued.'

Mr S.J. BAKER: I move:

Page 2, line 5—Leave out 'a form approved by the Minister' and insert 'the prescribed form'.

The Opposition does not want to see a proliferation of various forms used by different departments for their own purposes. Obviously we want a standardised form. The member for Victoria has already pointed out the things that he would like to see on the form to explain people's rights when they receive the expiation notice. There is a demand for standardisation, especially in these days of computerisation. While the listing of expiation offences may be some-

what different, the general format of the form should be consistent across all jurisdictions.

The Hon. G.J. CRAFTER: I guess that it is a matter of whether or not one trusts the Minister responsible for the legislation. The Government wants to achieve unformity and consistency in this area for all the reasons cited by the honourable member. That is why this legislation has been made the responsibility of the Attorney-General, so that that can be achieved. I do not think that we need to statutorily ensure that a Minister will do what is obviously common sense. He will in fact do that.

Amendment negatived.

Mr S.J. BAKER: Obviously, the Minister responsible for the various Acts would be a different Minister, especially having regard to the schedule, but that matter will be battled out elsewhere. My question relates to subclause (3) *(d)*, which deals with unattended vehicles. Where does the liability finally rest and how will the expiation notice be policed? Who will be deemed to be the responsible person in respect of the unattended vehicle? Will the assumption be made that an unattended vehicle must automatically result in an expiation notice being issued against the owner of the vehicle?

The Hon. G.J. CRAFTER: Concerning the honourable member's comment in passing about which Minister will be responsible, one Minister will be responsible for the administration of this legislation, partly to achieve consistency in approach in the administration of expiation notices. The honourable member raises a complex legal question when he asks about the unattended vehicle. I do not consider that I can adequately answer that question on the spot because it depends on the specific circumstances of the case. Therefore, I shall have to obtain a more specific response for the honourable member rather than give him an off-the-cuff reply that may be misleading.

Mr D.S. BAKER: Where the clause provides that an expiation notice may be given to the alleged offender stating the offence or offences that may be expiated, does that mean that the expiation notice shall be issued or will it be at the discretion of the Minister?

The Hon. G.J. CRAFTER: I dealt with this in my second reading reply. Clearly, in those circumstances 'may' means that there is a discretion. It is the same as the situation in respect of a traffic infringement notice where the law is well established in this area. Although one might argue the finest points of law, there is in practice clearly a discretion embodied in the use of the word 'may'.

Mr D.S. BAKER: If it is at the Minister's discretion, is it also at the discretion of the offender to ask for an expiation notice to be sent in respect of the offence? Can the person ask for it if it is already in the schedule?

The Hon. G.J. CRAFTER: The offender can certainly ask, but whether he is issued with an expiation notice is really in the discretion that is vested in the officer who has those delegated powers. For example, if a driver goes through the radar at a speed that is slightly over the legal limit, an expiation notice is appropriate whereas, if the speed is enormous, the officer may regard an expiation notice as totally inappropriate in those circumstances and the matter will go to court. So there is a discretion there, as there is in the case of the offender saying, 'I don't want an expiation notice. I would rather go to court.' In those circumstances the officer would not issue an expiation notice: he would report the matter and it would go to the appropriate authorities for processing.

Mr D.S. BAKER: I asked my question because under the National Parks and Wildlife Act some people have been taken to court recently even though expiation notices could have been issued in those cases. Even though those persons asked for expiation notices, they were refused by the prosecuting officer. The fine was only $40 and I asked a similar question in the Estimates Committee. It appears that the Minister for Environment and Planning has a prosecuting officer who likes to travel. So, the officer regularly travels all the way down to Millicent and prosecutes a case that results in only a $40 fine. Then he has the day off down there.

The CHAIRMAN: Order! Is the honourable member's example relevant to the matter before the Chair? It is an interesting case that the honourable member is putting to the Committee, but it is not related to the provision before us. I therefore ask him to come back to the clause under discussion.

Mr D.S. BAKER: I am coming right back to it, Mr Chairman. Is it not reasonable for someone to ask for an expiation notice if it will save the Crown considerable taxpayers' funds? I agree that it is at the Minister's discretion, but we do not want to have considerable taxpayers' funds wasted merely because the Minister says, 'I'm sorry, we won't issue an expiation notice.' My remarks are about a ridiculous and scandalous waste of funds that has gone on in the National Parks and Wildlife Division.

The Hon. G.J. CRAFTER: I do not know the circumstances of the individual case, which obviously the honourable member has taken up in another forum. The circumstances that could have resulted in an expiation notice not being appropriate in that case are plentiful. Even if the honourable member's contention in respect of maladministration is upheld, I should have thought that, by having an established process through our public administration of dealing with the expiation of offences, maladministration would be much less likely, when patterns established across the departments through the system were tested from time to time by the courts and were better known to the community as a whole rather than there being a disparate system across the Public Service department by department, because this discretion is vested in the one Minister. If the honourable member's worst fears are realised, this legislation may remedy that situation by having practices established across the Public Service so that those circumstances do not arise.

Mr M.J. EVANS: I have a number of other problems in relation to this, many of which were canvassed in the second reading speech, and I do not propose to go over those again in detail, given the time. Could the Minister indicate who will make that final decision? Is it envisaged that the person who issues the notice will make the decision as to whether or not the notice is issued or prosecution issues? For example, if an inspector of whatever department is relevant in a given case or a police officer decides not to issue an expiation notice when the offence occurs, is it envisaged that the responsible statutory authority, in other words the Minister concerned for that department, will be able to override that decision and insist upon an expiation notice being issued? The alternative provision is covered in the Act where the statutory authority can withdraw a notice, but is the reverse true that, if the inspector decides not to issue a notice, can the responsible Minister insist that a notice is issued?

Mr Duigan interjecting:

Mr M.J. EVANS: No, if I am addressing a question to the Minister through the Chair, I would like to think that the Minister is listening to the question. I believe that if that is the case, it does open up a whole new area of administrative discretion that we have yet to address. I would also like the Minister to address the question of corporate offences, because a number of the Acts we are dealing with provide for offences to be committed by an

individual but, if an offence is committed under the aegis of a corporation, will all the directors and managers of that corporation who are responsible also be guilty of an offence? Therefore, is it envisaged that expiation notices will be issued to corporations, and, if it is, will they also be issued to all the directors and managers of that corporation as is provided under section 46 of the Public and Environmental Health Act? Will notices be issued to corporations and, if they are, will they also be issued to directors and managers of the corporation?

The Hon. G.J. CRAFTER: My understanding of the corporate responsibility is that the person who by law is vested with the corporate responsibility, the public officer of the corporation, is involved. I will take advice on that matter for the honourable member to see whether that interpretation is entirely valid. With respect to the question of responsibility, whether it is the Minister or the Minister's delegate in the circumstances, I think one should look at the existing system of administration of expiation notices, and the conflict to which the honourable member refers does not seem to have been a bug in the existing process, given the many tens of thousands of expiation notices that are administered.

I can only repeat the point made to the member for Victoria in response to his question that, where we have a Minister who is vested with a responsibility for the administration of this legislation, we might well be able to improve the practices and established systems for dealing with these that allow for, if you like, less opportunity for maladministration of these matters. In relation to a number of the offences that are referred to in the schedule, the rate of offending is very low indeed, and many of those would be the subject of Crown Law advice through the Attorney-General anyway or the subject of previous Crown Law advice which would set established patterns in this area. Where there were obviously unusual circumstances, expiation notices would not be seen as appropriate, and those matters would be dealt with in the normal way.

Mr M.J. EVANS: With a great deal of respect, the Minister has not addressed either of the questions. The Act sets our very clearly that the responsible Minister—not the Attorney-General, note, but the responsible Minister—clearly defined in the Bill has a discretion to withdraw a notice issued. Is it also intended that he should have the discretion to force the issue of a notice where an inspector decides not to take action? It strikes me that that is a far more powerful discretion in many ways and one that is far more liable to cronyism, nepotism or whatever, and corruption in a sense—not that I am alleging it but simply looking at the possibilities which this Bill would open wide. We previously had a well established system in respect of road traffic, but that is administered exclusively, almost, by the Police Force and the traffic division, and the procedures are well established. I accept that. However, we are now looking at the general proposition of broadening this to almost the whole range of Acts passed by this Parliament.

It seems to me that Ministers will now be given what is almost the judicial discretion on a day-to-day basis to withdraw notices that have been issued and bring matters before the courts—and I see that as quite reasonable because the court deals with it. Alternatively, where an inspector or a police officer has decided that a prosecution is necessary, will the Minister have a discretion to cancel that prosecution and instead issue a notice to a person considered suitable for such a notice? Also, is the Minister saying that expiation notices will be issued to the public officer of a corporation but that the other directors and managers who would normally be caught by a prosecution will not receive the same expiation notice?

The Hon. G.J. CRAFTER: First of all, I should say that the situation at present is that Ministers authorise these prosecutions, so, simply by the enactment of this legislation, there will not be a waving of a wand which in fact creates a scenario allowing for Ministers to be more vulnerable in the circumstances. If you like, they are vulnerable or secure now, whichever view is taken of the prosecution process that involves the Minister in making a final decison about whether to prosecute. One could argue in this process that there is an increase in the checks and balances in the system. There are a number of scenarios that could develop. Either an expiation notice could be issued by the delegate or the Minister, and, where it is issued by the delegate, that could be subject to review by the Minister. Where it is not issued by the delegate, and is referred to the Minister, the Minister can authorise the issuing of an expiation notice or can refer the matter to the court. In that scenario, there are more checks and balances in the system than under the existing law.

Further, in most departments there are prosecution officers who develop expertise in this area and have established patterns. They are in contact with the Crown Law department, for example, and with police officers. They receive training and the like and can introduce the professionalism to which the honourable member refers to overcome the fears that he has about maladministration in relation to the development of undesirable practices. I hope that that answers the honourable member's questions.

Mr M.J. EVANS: It does not because, when one looks at the Acts affected, one discovers it is not only Ministers who are issuing prosecutions. For example, under the Public and Environmental Health Act, local councils initiate prosecutions. The Chief Executive Officer of local councils initiates prosecutions. If council staff who have fully delegated authority to prosecute for quite serious breaches, attracting penalties of $10 000 under the Public and Environmental Health Act, are to be overruled by the Minister in their decision to prosecute—because it is quite clear from the Minister's answer that he does intend that Ministers should have the right, where an inspector has decided to prosecute, to in fact withdraw that prosecution and instead hand out an expiation fee—that will apply in cases where local councils would normally initiate the prosecution and keep the fine that resulted from it. They would have the deterrent value of issuing that prosecution in the local community in relation to, say, the discharge of waste in a public place.

Now that whole process can be set aside by the responsible Minister of the State Government on North Terrace, perhaps somewhat detached from the local conditions on which the council is relying, insisting, instead of a prosecution by the council, that an expiation notice be issued, thereby shortcircuiting the total process of maintaining that presence of the law in a local council area. I think that is a very serious thing. It is certainly, as the Minister says, that under some provisions Ministers may exercise that discretion to prosecute or not to prosecute.

The consequences of deciding not to prosecute are that no action is taken at all and the Minister would be much more accountable for a decision to simply allow someone to walk away free than he would for a decision to issue an expiation notice that could possibly be defended, but it introduces that principle of uncertainty. My greatest concern is that the Minister will be able to override the decision of the local council to prosecute when the council has decided that it is suitable for a serious offence under that Act, to draw one example, and set aside the whole principle of the local council deciding to prosecute a serious offender.

The Hon. G.J. CRAFTER: The honourable member paints a pretty gloomy picture of ministerial responsibility and seems to believe that this Act will overturn long established practices of ministerial responsibility, particularly with respect to delegation to local government, which is well established in our system of law. That this particular piece of legislation would be treated vastly different from another piece and would be used perniciously or in some other way to arrive at a situation in which maladministration occurred I cannot quite believe. I add further that a responsibility is now vested in a particular Minister—the Attorney-General—for the administration of this legislation as well. That will achieve another check and balance in the system and a degree of consistency which all members want to see in this area. With most pieces of legislation one could attribute those motives to people who are vested with serious responsibilities and powers of delegation. I simply do not believe that that scenario is a realistic one.

Clause passed.

Clauses 5 to 7 passed.

New clause 7a—'Approval required to prosecute an expiable offence.'

Mr M.J. EVANS: I move:

Page 3, after, line 25—Insert new clause as follows:

7a. (1) Subject to subsection (2), a prosecution for an expiable offence may only be commenced with the written consent of the Attorney-General.

(2) The consent of the Attorney-General is not required under subsection (1) where an expiation notice was issued in relation to the particular offence and the alleged offender did not expiate the offence in accordance with the notice.

(3) In proceedings for an expiable offence, a document apparently signed by the Attorney-General that appears to be a consent to a prosecution for the offence will be accepted, in the absence of proof to the contrary, as proof of the consent.

A whole area of principle needs to be debated thoroughly, which cannot occur this evening. I put on record my concern about the discretion to prosecute or not to prosecute that can be exercised in relation to serious offences. While I have substantial confidence in the law officer of the State Government (the Attorney-General) making consistent decisions across the board, as the Minister has alluded to, I believe that to safeguard that we need a provision such as this. I commend it to the Minister for his consideration and that of the Government.

The Hon. G.J. CRAFTER: Whilst I accept the thrust of what the honourable member says, I oppose the new clause as proposed. However, it does raise issues that require further consideration and some practical difficulties that need to be overcome. Nevertheless, it deserves full and thorough consideration and I will refer it to the Attorney-General so that it can be given further consideration in the other place.

New clause negatived.

Clause 8 passed.

Mr S.J. BAKER: I do not intend to proceed with the proposed new clause because it was consequential on a previous amendment.

Schedule.

Mr S.J. BAKER: The issues have been extremely well canvassed. Although members may speak three times to a schedule, I will speak only once to spell out the principle. All the speakers tonight have highlighted two major issues. One is the disparity between the expiation fee and the primary offence, and the other concerns the type of offences that are included within the schedule. I propose a block amendment to the schedule, which deletes all items relating to the Boilers and Pressure Vessels Act. I will not go through each amendment but there are good reasons why other items should not be included. Some peculiar offences are not appropriate for expiation. As has been demonstrated tonight, the inequities and difficulties that could arise as a result of these measures will result in justice not being done.

As a matter of course I intend to move all the amendments to the schedule, ranging from questions about safety under the Boilers and Pressure Vessels Act to excessive hours of driving whereby semitrailer drivers can place the lives of people at risk, dangerous substances which can be mishandled to the detriment of others, public environmental health concerning the discharge of wastes and all those matters that we have tried to glean with some consistency, although probably not very well given the time available. The point is that it is not appropriate for these matters to incur expiation fees.

The CHAIRMAN: Perhaps the member for Mitcham could move his amendment to the schedule regarding the Boilers and Pressure Vessels Act as a test for the remainder of his amendments.

Mr S.J. BAKER: I move:

Page 4—Leave out all the items under the heading *Boilers and Pressure Vessels Act, 1968.*

Mr M.J. EVANS: In principle I agree with what the member for Mitcham is saying. Obviously this one case will be used as a test. I am also concerned not about the same items, but about the principle—that many of what I would class as serious offences are contained in the schedule. Many offences that I would class as far less serious under those same Acts are omitted. There are anomalies between the two groups. I believe that we must stick very closely to the word 'minor' in the title of this Bill and be sure that everything covered is of a minor nature. I am not convinced that some of those items are minor, so I support the amendment in principle because it addresses that issue seriously.

Mr PETERSON: I also support the amendment, because I cannot see how a matter incurring a fine of $10 000 can be considered a minor infringement. The safety of workers and the general public is put at risk by the non-application of the law as it stands and in imposing expiation offences. I cannot understand how all the hours we have put in here arguing about the safety of workers and the public and industrial safety issues can be touched with a magic wand so that there is a $200 offence instead of a $10 000 fine in one case. It does not make sense to me, so I support the amendment.

The Hon. G.J. CRAFTER: The Government opposes this rather wholesale approach to removing offences from the schedule, because it really negates the whole thrust of this measure. It takes about half of the offences out and overlooks the nature of offending, the penalties that are brought down by the courts and how best one should use the resources that we have in order to achieve compliance with the legislation rather than using our resources—inspectors and others who give evidence before the courts—where a consistently low penalty is brought down and where a particular pattern of offending occurs. I referred to that in answer to an earlier question. The point that the member for Elizabeth has made, to which I have alluded, requires serious consideration in another place. It may well overcome some of the concerns that honourable members have raised with respect to the nature of the offences that are included in the schedule. That may well be the solution to the problems that have been raised.

Amendment negatived; schedule passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

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

That the House do now adjourn.

Mr S.J. BAKER (Mitcham): The Minister of Housing and Construction, of *bufo vulgaris genus,* treated this House to a tirade of abuse last Thursday. He excused the gross pork-barrelling of the ALP Government in respect of electorate office assistants on the basis that there is more pressure on such offices than is the case in Opposition ranks. The key to this reaction was the very strange phenomenon of an outbreak of RSI amongst ALP members' office staff as given publicity by the *News.* First, I have made a study of RSI and a number of other aspects of injury that can be sustained, particularly with VDUs, and addressed myself to a large amount of international literature. RSI, over-use syndrome, OCD, or whatever names it goes by should, according to international evidence, be only of short-term duration.

Whilst strain of muscles and ligaments is common amongst keyboard operators, including typists, the condition will become a debilitating injury only if allowed to go unrecognised and untreated. In western European countries, when the first symptoms become evident it is incumbent on the manager to take corrective action by altering the work scheduling and/or the nature of the work station and by the encouragement of exercises to stimulate blood flow in the shoulders and limbs. That is why a number of occupational safety practitioners in European countries, including Sweden, have said that there was no such thing as repetitive strain injury (the emphasis being on the word 'injury').

I have no doubt that something has gone drastically wrong in the five electorate offices reporting RSI problems. However, the one thing that was clear from my discussions with people overseas and so-called experts in the area is that no person who is operating a keyboard should be debilitated for a period of two years. Either members have been so uncaring that they have allowed the situation to deteriorate dramatically or there is indeed a propping up of ALP offices for political gain.

Despite the cries of 'foul' from the member for Albert Park and the slimy contributions from the Minister of Housing and Construction, the facts remain: members are abusing their staff or abusing the system. Electorate staff should not under normal circumstances get RSI because they do not fit within the classic mould of unbroken typing workloads. If the same offices are, as the Minister describes them, inundated with inquiries and complaints from the disadvantaged, a secretary would be continually interrupted and hence reduce exposure to RSI.

Evidence suggests that we have major risk in the case of huge workloads that are uninterrupted and the person maintains the same posture for exceedingly long periods of time. That cannot be the case in electorate offices unless the secretaries are doing nothing but typing—and that is different from my office. Other factors, such as stress, according to the international literature, play a major role. If the boss pushes staff to the limit or there is anxiety at home the risk of RSI would increase. Members opposite can determine in which category they belong: whether they are pushing their secretaries too hard (which is quite unbelievable in the circumstances of the workload situation), or whether indeed there has been some pork-barrelling.

The Hon. E.R. Goldsworthy: The bottom line is that they have extra staff.

Mr S.J. BAKER: Yes, the bottom line is that they have extra staff. To suggest that Opposition members do not have the same pressures as ALP members is quite crass. It obviously takes—and I say deliberately—no account of the duties associated with the shadow ministry or picking up the pieces of a destructive ALP Government.

Let us look at the statistics. John Olsen, the Leader of the Opposition, has not had any increase in staff since 1982, nor have any other members of the Liberal Opposition team, whether in the Upper or Lower House, yet 10 Ministers have had that privilege. Ministerial staff has risen from 112.1 full-time equivalents in 1982-83 to 143.6 full-time equivalents in 1987-88—a 28 per cent increase in five years. With everything that has been going on, members opposite are saying that the Government deserves extra staff but the Opposition does not. I would like to know how the two electorate office staff attached to the Ministers (the staff out in the offices) employ their time. They do not have to type Cabinet submissions or shadow Cabinet submissions, as do many secretaries on this side of the fence. They have a ready release, through the ministerial offices, if constituent responses become overly heavy. They are not responsible for Minister's diaries or the juggling of appointments. Indeed, the suggestion that this largess is for electoral advantage appears to have considerable credibility. The functions of some of these supernumeraries have been noted at election time.

At the same time the Opposition struggles to meet its obligations with inadequate resources. I remind members of the resources we have. We have one secretary for each member in the metropolitan area, with a slight difference for country areas. We have one secretary to handle the enormous workloads of being a local member and providing a strong Opposition to a Government which never seems to be short on staff. We do not have research facilities. In the Upper House, it is even worse: there, there is one-fifth of a secretary to meet the demands of members on our side of the fence. Even the Australian Democrats are treated better than the Liberal Opposition, as they have one secretary and also a research assistant when Parliament is sitting.

We have no research facilities at all at the local level. We have antiquated equipment, and the Government is now going through the process of testing second-rate word processing equipment, which, I presume, will slowly filter down to all offices. This Government makes equipping itself and looking after itself an art form in comparison with what the Opposition has been allowed over the last few years. I know that the Government is not interested in making democracy work in the fullest sense, but the way this Parliament is treated and the way the Opposition in this Parliament is treated makes an absolute joke of any attempt to achieve equity.

If we look at other Parliaments around Australia, this is one of the worst examples of inequitable treatment by any Government. To make it worse, members opposite raise an outcry when we ask a question about all these extra staff in ministerial offices and about the five people who have developed the RSI syndrome.

The Hon. E.R. Goldsworthy: Which has led to extra resources in their offices.

Mr S.J. BAKER: Yes, which has led to extra resources. They effectively have two persons, not for the price of one but rather for the price of two. Of course, the $200 000 that is going into Ministers' electorate offices could well be used to provide a little more equity in the system. This ALP Government is ripping off the system, treating democratic government as an absolute joke, but we heard the Minister

mention last week the poor situation faced in particular electorates. I believe that this Government has pushed credibility to the absolute limit.

Mr FERGUSON (Henley Beach): I intend to raise the subject of subliminal tapes but, before doing so, I will refer to what has just been said by the member for Mitcham. I find his contribution absolutely incredible. As far as his attempt to gain extra staff either for his own office or for other members of the Opposition is concerned, I have no bone to pick with him. I must say that I have never had an extra staff member and for many years I have worked in a marginal electorate, but I find it extremely difficult to understand how the member for Mitcham can put himself forward as an expert on what is happening in other electorate offices. The work varies from one electorate office to another and, if the member for Mitcham is as busy as he says he is in his own office, he would have no idea what is happening in other members' offices, so I find it quite incredible that he sets himself up as an expert on what may or may not be happening in other electorate offices within the State.

During the latter part of his address he presented a classic example of how he and his colleagues are putting stress on their staff. He used that as an example and a reason why he should get more staff. I do not argue with the fact that he should get more staff because, over the past five years, and in the first three years in particular, I have represented a marginal electorate and as a consequence I have placed my staff under stress. I have asked them to perform work above and beyond the call of duty, and they have gladly done so.

Many members on this side of the House (and I feel sure there are members on the other side) have done exactly the same to their own staff, but of course under those circumstances there is no reason why workers compensation claims should not arise out of this situation from time to time. I agree that something should be done about it, but I find it quite reprehensible to abuse and to reflect upon the electorate office staff who have gone on workers compensation. The member for Mitcham again cast reflections on those people who have made claims under workers compensation. That is a typical Tory attitude, and I find it quite incredible. If I get the opportunity to say more about this subject at a later stage, I will do so, but I now turn to the subject that I foreshadowed.

Once again I raise the question whether or not regulations should be introduced to cover the use of subliminal tapes. Since this question was last raised in this House, subliminal tapes have become more readily available and, if one were to enter any shop selling records, tapes and discs, one would be able to purchase a whole series of so-called subliminal tapes which claim to be able to assist people with such things as weight loss, 'stop smoking', stress control, increased memory power, 'the best in you', and so on, even to such subjects as subliminal seduction, sex enhancement and overcoming fear and worry. I believe that at the moment there is a list of 65 titles which allegedly are able to assist people in whatever field of endeavour they would like to conquer, and some of the claims made for the beneficial use of these tapes is quite extraordinary. For example, one of the advertising pamphlets for a subliminal tape suggests that anybody using the tape could free themselves from stress at any time and at any place, and the pamphlet states:.

> Release pressures caused by tight schedules, heavy workloads, short deadlines, personality conflicts, long hours, traffic congestion and office noise. Quickly. Effectively. As you relax, you'll learn to maximise your skills as you minimise stress—giving your job 100 per cent of your energy and talents.

One would assume that every politician, if he or she sat down and listened to the subliminal tape, would be able to increase their productivity by at least 100 per cent.

During my last address on this question, I recall the member for Morphett interjecting and posing the question whether or not these tapes are a hoax. I have since had the opportunity to take up that matter to produce the sort of research that one needs to have to look into this question. My research into this subject raises yet more queries as to whether in fact people are being hoaxed by the entrepreneurs who are selling this sort of material. It seems that, even in the scientific community, there is some disagreement as to whether the tapes work, and there is also some debate about whether any behavioural changes are due to the tapes or to the user's expectations.

The National Health and Medical Research Council had one tape tested in the National Accoustic Laboratory to see whether there was a masked message recorded below audible level. The NAL examined the tape, using spectral analysis filtering and auto correlation, but could not find any evidence of speech material buried in the noise. The tape sent to the NHMRC for testing was produced by International Motivation Corporation; the exercise may have been repeated with other brands, as a recent *Choice* article states that the NAL tested 'several subliminal tapes', but found no voice signals on any of them.

This raises the question of whether the general public are receiving any value at all on the promises that have been made to them by way of the glossy material that is used to sell these tapes. It may well be the case that all they are listening to is a pleasant record or the sound of waves breaking on the beach, and so on, but nothing of substance whatsoever, and the claims that are being made about the beneficial results from listening to these tapes may indeed be so much hot air. Nonetheless, *Choice* mentions 'a CSIRO scientist' who claims to have detected sounds on the tape that he has used for his own benefit and the health food shop proprietor to whom I spoke said that she could hear a female voice on tapes that she used (she distributes IMC tapes).

I have spoken also to people who used tapes without any satisfaction (they heard no messages), but I have not found anyone who has heard a message and has been dissatisfied with the tapes. It does seem that people who were helped by the tapes also 'heard' a message, it may be that a placebo effect operates where people expect to receive a message and interpret any positive change in their behaviour as evidence that they did receive a message. During my last grievance debate on this particular matter I did raise the question of whether using the tapes could be harmful to the person concerned. I have been given to understand that a user may have a habit which is a coping mechanism for a deeper problem. In 'curing' the coping mechanism the person is left without any additional insight into the underlying problem. On the other hand, if the coping mechanism is not 'cured' the person may become depressed and the underlying condition may worsen. The Australian Society of Hypnotists is concerned about subliminal tapes for this reason, regardless of whether or not the tapes contain a message.

I believe that this should be of greater concern than whether or not the tapes contain a message. If the tapes do not contain a message, then we are dealing with a case of simple fraud, but if the tapes do contain a message and that message is destabilising the mental illness of certain people, then the second problem is far greater than the first. Tapes are currently sold in outlets throughout Adelaide. Birks Chemist sells the *Adventures in Learning* series for $14.95 per tape. Side one of each tape is an audible self-hypnosis

program and side two 'contains a masked message'. The user can find out the message because a booklet is included in the sealed pack with the tape.

Mr GUNN (Eyre): Tonight I want to discuss problems with the administration of the native vegetation clearance authority. Most responsible people would know that it is necessary and desirable to maintain reasonable amounts of native vegetation in this State. However, by its decision to restrict the clearance of native vegetation, the Government has recently stolen the development rights of a very large number of South Australian citizens, who have been denied the opportunity to develop the full potential of their properties. Most of them would agree that they ought to maintain a reasonable amount of native vegetation; most of those people who are now affected have done the right thing in the past. The native vegetation clearance authority that has now been set up is so constituted as to make it very difficult, if not impossible, for people who have very large amounts of native vegetation on their land to develop their property and thus they are placed in an unviable situation. I believe that the Government must quickly come to its senses and reconstitute the native vegetation authority as a truly impartial body. Unfortunately, it appears that the people representing the environmental lobby have completely closed minds and, therefore, people are not getting a fair go.

My colleague the member for Chaffey has provided me with a classic example of how people have been affected. They are being grossly discriminated against and their financial viability has been called into question. That is bad enough, but they cannot even get answers from the Minister. Let us now have a look at some of the correspondence. I have been involved in trying to make representations on behalf of many of these people so affected. I refer to a letter that a gentleman wrote to the Department of Environment and Planning, on 12 August 1987. He stated:

> Your letter states that the present laws regarding land clearance do not make the property in question 'non-viable'. As explained in texts before I had planned to clear more land on the section in question, making it so that I could fallow and plant 1 500 acres each year, and this is viable. Your regulations have made it impossible to achieve this target and so the property is non-viable at this time.
>
> Sir, I have spoken with my solicitor recently about hardship due to non-clearance of this land, the lengthy negotiating with your department causing further hardship, and the extreme non-viability of this section due to the distance from my home and the lack of cleared land to work.
>
> I have approached your department to purchase the whole of this section, and you have refused, Without clearance the land is not viable to farm, and after the appointments I have had with personnel from my area and people from our farmer bodies, I am willing to go to court. Sir, would you please advise how this would take place . . .

The property has been made unviable. The department will not purchase it from him, so where does he go in relation to this land? Let us now look at some of his problems. The letter that he received from the Department of Environment and Planning stated:

> I am replying to your letters of 4 August 1986 and 24 February 1987 in which you requested the department consider purchase of your property.
>
> As you will be aware, the recent review of the Native Vegetation Management Act recommended that the Government purchase those properties made unviable as a direct result of the clearance regulations. To this end, the department has now received a report from the Department of Agriculture, assessing the impact of the regulations upon your property.
>
> That report recognises the non-viable nature of the property, but does not attribute that status to the present clearance regulations. As a result, the department will not be considering purchase of the property.
>
> To keep you informed on the processing of the Heritage Agreement and associated financial assistance, it is anticipated that the Agreement will be ready for signing within the next three weeks . . .

Well, that is a contradiction: the department maintains that his property is not viable, but it will not do anything about it. This saga goes back to 1984. This man has been trying to get some justice since that time. On 30 April 1986 he wrote to the Minister, and he received an acknowledgment of that letter on 9 May 1986, as follows:

> On behalf of the Minister I wish to acknowledge receipt of your letter of 30 April 1986 concerning compensation for the rejection of your application for native vegetation clearance.

He has received no further reply from the Minister.

The Hon. P.B. Arnold: Eighteen months ago.

Mr GUNN: Yes, that was 18 months ago. That is unfair, unjust and it should not be tolerated. The file on this that my colleague the member for Chaffey has provided me with is a litany of nonsense. The person to whom I referred has had to go through a most difficult period and he has achieved nothing. In the meantime, he is considerably out of pocket, and his viability has been affected. His development rights have been stolen from him. What justice does he get? The vegetation clearance authority has a responsibility to consider these matters factually, sensibly and in a practical way.

I received from the Deputy Premier on 7 September, a letter in which he provided a breakdown of what has taken place in this State up until January 1987, as follows:

> Applications decided—108.
> Granted—15.
> Partially granted—15.
> Granted with conditions—5.
> Partially granted with conditions—7.
> Refused—59.
> Exempt—2.
> Withdrawn—5.
>
> Since the introduction of the Native Vegetation. Management Act a total of $2 088 000 has been paid to 23 landholders who have entered or are entering into heritage agreements over a total of 16 435 hectares, including the 23 R2 properties which were purchased by the Government due to the properties being made unviable by the controls.

It is all right for the 23 property owners referred to, but all those other dozens of people who have been so affected by this exercise are in dire straits. I can provide some further examples. I refer to the case where a constituent of mine was given only 50 hectares. One could not get a contractor to come in and clear that area. There is the Robinson case, at Witera. There has been a great deal of media speculation about a big boost in payments for scrub retention. There has been a great deal of huffing and puffing, but not much constructive action. What about the case of Mr Schwartz, at Ceduna? They said give him 150 hectares, and have him sign a heritage agreement, which ties up a property for ever and a day.

I can say to those people who are causing the trouble in the Native Vegetation Management Branch that no matter what they do or think they will get their measure. They are causing other causes of action to be taken, and the native vegetation will not be protected. It will end up getting cleared. They are fools. The sort of conditions and responses that they give to farmers when they go on their properties are not helpful. Officers of the Department of Environment and Planning have accused me of interfering and of having too much to say. Well, that is my responsibility and that is my job. As far as I am concerned, they can go and sing for their supper. I will not be told by them how I will conduct myself. I am not going to sit idly by and see my constituents or other people around this State have their development rights taken away and their viability threatened. For example, they seem to find exotic plants and birds that happen to exist only on the few acres that a person wants to clear. There may be tens of thousands of acres, or in some cases hundreds of thousands, adjoining these properties but the

species identified do not happen to exist on those areas. It is an absolute nonsense.

I say to the Minister that it is about time that he took charge of these people, that a bit of commonsense was applied and that justice was given to these farmers. I refer to the problem that the Hardys had and I have spoken about the problem that Mr Schwartz had, and so I could go on and list a number of other people. I am literlly sick and tired of people at their wits' end, ringing up and complaining to me, and asking how they should get of of their financial difficulties. For example, I refer to the headings that have appeared in the paper, such as 'Farmers call for more cleared land'—and so the file goes on.

I am sick of going to the native vegetation clearance authority and trying to argue some justice for these people. I am told by one of my constituents, who took along a letter from me, as well as letters from some other people, that the contents of my letter caused some hilarity. Well, the next time I appear before the committee, if they are not happy with me, let them explain that and tell me why they thought that the contents of my letter were a joke. I am quite happy to front up. But I am most annoyed about the way that they have handled the situation, and I am most concerned about the injustice involved. If these farmers were given a reasonable amount of land to clear there would be no problem.

The Hon. P.B. Arnold: Or the Government could buy it.

Mr GUNN: Yes, or the Government could buy it. These people do not really want the compensation; they do not want the heritage agreement, because that will cause management problems and will not alleviate the unviable situation. So, I call upon the Minister and the House to examine these matters and for the vegetation clearance authority to look at each individual case on its merits. That is not taking place at the moment. It must ensure that justice prevails. If one began taking away the development rights from people out in some of these marginal seats, there would be some fun. I guarantee that it would not last for a day. One would have the honourable members—

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

Motion carried.

At 10.20 p.m. the House adjourned until Wednesday 21 October at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 20 October 1987

QUESTIONS ON NOTICE

GOVERNMENT PROPERTY

114. **Mr S.J. BAKER** (on notice) asked the Minister of Housing and Construction: When will the Minister provide the report promised in reply to the question without notice on 19 March 1987 in relation to the sale of Government property on Unley Road, Hyde Park?

The Hon. T.H. HEMMINGS: In 1975 the Police Department acquired the adjoining properties of 262 and 264-6 Unley Road, Hyde Park, for the establishment of a motor vehicle inspection centre. The property at 262 included a large residence, while 264-6 contained a disused sevice station with associated office and workshops. Although the Police Department occupied and developed the property at 264-6 there was no immediate use for the 262 property. Early in 1976, KESAB obtained approval to lease the premises at 262 Unley Road at the then market rental rate plus all rates and taxes for the property. Rental payments were waived in 1979 subject to: KESAB paying all rates and taxes; and, KESAB giving an undertaking to ensure that the building be adequately maintained for the balance of the term of the lease.

This action was taken to help KESAB maintain a significant community service within the State. Control of the properties at 262 and 264-6 was transferred to the Minister of Works in 1983 following the transfer of police facilities to Regency Park. KESAB continued to lease the premises at 262 and in November 1983 the KESAB Government Council expressed interest in purchasing both 262 and 264-6. Since the purchase of the property was important to enable KESAB to continue its work and have an asset and base from which its efficiency, facilities and services could be improved. An option to purchase the premises was granted in March 1984. Both properties were purchased by KESAB at the Valuer-General's valuation of $244 000. KESAB has subsequently sold the premises at 262 but still retains an interest in 264-6.

RURAL LAND

116. **Mr S.J. BAKER** (on notice) asked the Minister for Environment and Planning: Has the Department of Environment and Planning discussed any proposal with the District Council of Willunga to rezone rural land?

The Hon. D.J. HOPGOOD: The Department of Environment and Planning has discussed with the District Council of Willunga, a proposal to rezone rural land on the north-eastern boundary of Willunga township. This is in the context of the council's redevelopment proposal for the Willunga golf-course, which includes a 38 allotment subdivision. No supplementary development plan to rezone the land has been submitted for approval at this stage.

STA ACCIDENTS

185. **Mr OLSEN** (on notice) asked the Minister of Transport: For each of the years 1984-85 to 1986-87:

(a) how many accidents occurred involving buses operated by the STA;

(b) how many passengers were injured as a result; and

(c) what is the cost of third party insurance claims settled and outstanding arising from these accidents?

The Hon. G.F. KENEALLY: STA accident data does not distinguish between accidents that occur in traffic, engineering, management etc. Therefore, the breakdown of the number of accidents and costs relating to buses is not readily available without considerable research involving many person hours because each file would have to be analysed. The cost of providing the information cannot be justified.

WATER AND SEWERAGE RATES

278. **Mr S.J. BAKER** (on notice) asked the Minister of Water Resources: As at 1 September 1987, how many people/businesses owed the E&WS:

(a) $1m and over;
(b) $500 000-$999 000;
(c) $100 000-$499 000;
(d) $50 000-$99 000; and
(e) $10 000-$49 999,

in unpaid water and sewerage rates and what was the total amount owing to the department?

The Hon. D.J. HOPGOOD: The information in the format requested is not readily available and would cost a significant amount to obtain. However, information as at 30 June 1987 concerning the total amount of water and sewer rates outstanding is as follows:

	1986-87 $
Debitted less than 1 month ago	2 137 100
Between 1 and 3 months	7 113 355
Between 3 and 6 months (517 047)	
Between 6 and 9 months (163 947)	
Between 9 and 12 months (101 941)	
More than 12 months (744 412)	
Total more than 3 months	1 527 347
	10 777 802

As at 2 September 1987 a total of $26 119 528 was outstanding. This includes a high percentage of current charges raised less than three months ago. In respect of irrigation and drainage rates as at 14 September 1987 a total amount of $2 455 591.95 was outstanding which included charges not yet overdue.

CASINO LICENCE FEE

300. **Mr OLSEN** (on notice) asked the Premier: Of the $11.3 million paid by the casino operator to the Lotteries Commission in 1986-87, what proportion of this amount was a licence fee?

The Hon. J.C. BANNON: The licence fee payable by the casino operator is $5 000 per month.

FESTIVAL CENTRE TRUST PRODUCTION

301. **Mr OLSEN** (on notice) asked the Minister for the Arts: Following the revelation on page 2431 of the Auditor-General's 1987 Report that $67 000 was spent by the Adelaide Festival Centre Trust last financial year on a production which was not presented—

(a) what was the production; and

(b) why was it not presented?

The Hon. J.C. BANNON: The production that was not presented was the work *Strange Harvest* (formerly known as *Orlando Rourke*). *Strange Harvest* is an Australian musical that was commissioned by the Adelaide Festival Centre Trust with support from the Department for the Arts. It brought together considerable talents of several Australians including Alan John, Nick Enright and Jim Sharman. A joint presentation of *Strange Harvest* was planned between

the Adelaide Festival Centre Trust and the State Theatre Company, and in fact was included in their proposed program for 1987. Once work had commenced on *Strange Harvest* it became evident that the costs of mounting a production that was to the satisfaction of the Trust and STC was going to be considerably in excess of the budget allocated. A decision was made therefore to abandon the project. The sums showing in the Trust accounts were those costs that had already been incurred and that could not be avoided by the decision to abandon.

OCCUPATIONAL SAFETY AND HEALTH

304. **Mr OLSEN** (on notice) asked the Minister of Labour: Will the Minister table the finding of the survey referred to on page 125 of the Auditor-General's 1987 report that was conducted during 1986-87 to determine the degree to which Government departments were complying with a Code of General Principles for Occupational Safety and Health?

The Hon. FRANK BLEVINS: Yes.

WORKCOVER

311. **Mr S.J. Baker** (on notice) asked the Minister of Labour: What is the name of the professional actuary who determined the rates applicable to each industry category under WorkCover?

The Hon. FRANK BLEVINS: Mr R. Buchanon of MIRA Consultants Limited, Sydney, New South Wales.

WORKCARE

312. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: What items of information collected through WorkCare will be made available to the Occupational Health and Safety Commission?

The Hon. FRANK BLEVINS: None. WorkCare is the Victorian workers compensation system. WorkCover, which is the South Australian system, will publish aggregate data on compensable disabilities which will be made available to the South Australian Occupational Health and Safety Commission. The possible transfer of other information, having regard to the provisions of the Act, has yet to be discussed between the two statutory authorities.

DEPARTMENT OF LABOUR FUNCTIONS

313. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: What additional functions will be undertaken by the Department of Labour with the increase in manpower allocated to the 'Safety and Occupational Health In and Near the Workplace and Other Places' and the 'Regulation and Handling of Dangerous Goods and Substances' lines in the Program Estimates 1987-88, page 480?

The Hon. FRANK BLEVINS: The reply is as follows:

(a) The increase in staff allocated to 'Safety and Occupational Health In and Near the Workplace and Other Places' will be used to ensure a safe and healthy workplace for the 40 per cent of the work force which is not now covered by the Industrial Safety Health and Welfare Act, but will be covered by the Occupational Health, Safety and Welfare Act.

(b) Increase in staff for the 'Regulation and Handling of Dangerous Goods and Substances' will be used to ensure compliance with standards in premises storing class 6 and class 8 substances for which regulations have recently been introduced.

SEXIST LANGUAGE

314. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: Further to the report in the *News* of 22 May 1987, over what time frame does the Minister intend to remove sexist language (such as dogman, foreman, pressman) from industrial awards?

The Hon. FRANK BLEVINS: It is anticipated the removal of restrictive provisions and the rewriting of all awards into gender neutral language will be completed by the end of 1988 in line with an agreement made between the ACTU and the CAI at the Canberra conference.

INDUSTRIAL DEMOCRACY

317. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: Has the State Government responded to the Federal Government's green paper on industrial democracy and, if so, can a copy of the submission be provided under separate cover?

The Hon. FRANK BLEVINS: The South Australian Government has not responded to the Federal Government's Policy Discussion Paper on Industrial Democracy and Employee Participation (the green paper). A departmental report on the green paper has been prepared and is currently under consideration.

WORKER REHABILITATION CENTRE

324. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: When will a worker rehabilitation centre be established in Whyalla, what is the total establishment cost and estimated annual operation costs, and from where will these two items be funded?

The Hon. FRANK BLEVINS: The Whyalla Workers Rehabilitation Consultative Committee reported to the Minister of Health in November 1986 on the establishment of a rehabilitation centre in Whyalla. At present, negotiations are occurring between interested parties including WorkCover to implement the major facets of the report. It is sufficient for me to say that there will be no cost to the Government in the establishment and operation of the proposed services.

INDUSTRIAL AWARD DETAILS

320. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: What is the time frame for computerisation of industrial award details and when will dial-up access be available?

The Hon. FRANK BLEVINS: Access to some industrial award details of the Justice Information System computer should be available from early November 1987. It is planned that all State awards will be computerised by the end of

June 1988. The justice information computer system network has, for security reasons, no dial-up access available for computer terminals to connect to it.

WORKER COOPERATIVES

323. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: What was the outcome of the working party deliberations on worker cooperatives set up in 1984?

The Hon. FRANK BLEVINS: The South Australian Cooperatives Working Party presented a paper titled Workers Cooperatives, a Preliminary Report to the Minister of Labour, Minister of Community Welfare and Secretary of the United Trades and Labor Council on 14 May 1984. On its formation the Special Employment Initiatives Unit was requested to investigate further the establishment of supportive structures for worker cooperatives and early in 1985 presented a final report on this topic to the Government. This report was publicly opposed by the South Australian Unemployed Groups in Action (SAUGIA) in March 1985 (SAUGIA requested the provision of at least $2 million and the removal of all Government involvement and constraints). In April 1985 a special Task Force on Employment and Unemployment was established. Included in the task force's brief was further consideration of support for worker cooperatives. In its report (June 1985) the task force recommended that because of a limited cost effectiveness the provision of funds for the assistance and development of worker cooperatives should be seen as a low priority.

SAFA

361. **Mr BECKER** (on notice) asked the Premier:

1. Why does the South Australian Government Financing Authority maintain its 'stock interest account' at the Commonwealth Bank, Pitt Street and Martin Place Branch Sydney?

2. At what banks and branches in this State and other Australian States does the SAFA maintain banking accounts?

3. Are all the authorised signatories of SAFA at all banks, employees of SAFA and, if not, why not, and who are these people and where are they currently employed?

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

1. The Commonwealth Bank of Australia provides a complete inscribed stock registry service for the South Australian Government Financing Authority (SAFA). This service includes the payment of interest on inscribed stock which has been issued by SAFA. These payments are processed by the registry's main office in Sydney with cheques being drawn on a stock interest account which is maintained at the Pitt Street and Martin Place branch of the bank.

2. SAFA operates bank accounts as follows:

Reserve Bank of Australia, Adelaide branch; Westpac Banking Corporation, Adelaide branch; Commonwealth Bank of Australia, Adelaide branch; Bankers Trust Australia, Sydney branch.

3. With the exception of the account held at Bankers Trust Australia all authorised signatories on SAFA accounts are employees of SAFA. In the case of the Bankers Trust Australia account the signatories are senior officers of Bankers Trust and the account is operated under strict controls as authorised in a management agreement with SAFA.