HOUSE OF ASSEMBLY

Wednesday 11 April 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

SUMMARY OFFENCES ACT AMENDMENT BILL

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

That Standing Orders be so far suspended as to enable the sittings of the House to be continued during the conference with the Legislative Council on the Summary Offences Act Amendment Bill.

Motion carried.

PETITION: VISUALLY AND HEARING IMPAIRED FACILITIES

A petition signed by 16 residents of South Australia praying that the House urge the Government to provide facilities for people both visually and hearing impaired was presented by Mrs Kotz.

Petition received.

PETITION: BRIDGEWATER RAIL SERVICE

A petition signed by 169 residents of South Australia praying that the House urge the Government to establish a rail service to Bridgewater was presented by the Hon. D.C. Wotton.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answer to question No. 73 on the Notice Paper be distributed and printed in *Hansard*; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

MINISTER OF HOUSING AND CONSTRUCTION STAFF

73. **Mr BECKER (Hanson),** on notice, asked the Minister of Housing and Construction: What are the classifications and salaries of the 15 staff providing policy advice to the Minister, what information is provided to the Minister and at what intervals?

The Hon. M.K. MAYES: The establishment of the Office of Housing currently comprises the equivalent to 12.5 F.T.E.'s as detailed hereunder:

Position	Classification	Salary Range ($)
Manager	AO4	44 198-45 504
Senior Housing Officer	AO2	38 008-39 300
Publicity and Promotions Officer	PP4	38 008-39 300
Project Officers (3)	AO1	34 444-37 317
Project Officer	CO5	28 836-31 846
Information and Research Officer	CO5	28 836-31 846
Administration Officer	CO5	28 836-31 846
Administration Officer	CO3	24 328-25 736
Steno Secretary (0.5)	CO2	22 592-23 831
Clerical Officers (2)	CO1	11 584-20 388

Not all staff are engaged on providing policy advice to the Minister, and a more accurate division of the general tasks of the officers follows:

	No. of staff
Involved directly and regularly in providing policy advice to the Minister	3
Program Development	2
Involved in administering, promoting or monitoring the housing portfolio budget and related housing programs	4
Involved in collating housing information, undertaking housing research etc.	1
Secretarial/clerical/reception	2.5

In addition to the permanent staff establishment, the office employs consultants from time to time to undertake specific project research. A major function of the office is to undertake the review and development of housing programs and strategies. Project staff and consultants are involved in this work.

EMU FARMING

In reply to **Mr MEIER (Goyder)** 28 February.

The Hon. LYNN ARNOLD: At the present time provisions under the National Parks and Wildlife Act 1972 allow people to keep, breed and sell live emus but not to slaughter emus. This means that anyone keeping emus cannot sell emu products such as meat, skins or oil.

I have been informed by my colleague the Minister for Environment and Planning that amendments to the legislation are being considered. If the Act is amended the provisions relating to emu farming will have a similar intent to those enacted in Western Australia. this was agreed to at a meeting of the Council of Nature Conservation Ministers in 1989.

DOG CATCHERS

In reply to **Mr HAMILTON (Albert Park)** 4 April.

The Hon. M.D. RANN: The information previously provided to the honourable member sets out the position insofar as the obligations of councils are concerned. With regard to the particular complaints relating to Hendon in the Woodville council area, I advise that a check by officers of the Department of Local Government has revealed that the council has not received any recent complaints.

The City of Woodville normally provides a seven day a week service, with inspectors rostered on duty both Saturdays and Sundays. Those inspectors, however, are multidisciplinary inspectors policing several pieces of legislation, including the Dog Control Act. Due to staff resignations, council has more recently been restricted to a six day a week service. However, action is being taken to fill the vacancies and it is anticipated that the seven day a week service will again be available shortly. Until then, council's emergency telephone number is available if urgent action is needed.

If the council can be given the names and addresses of the Hendon constituents involved, the council will be more than happy to have its officers interview them with a view

to identifying the source of the nuisance and taking appropriate action.

PARKING FOR THE DISABLED

In reply to **Mr De LAINE** (Price) 29 March.

The Hon. M.D. RANN: Private car parks (supermarkets, hotels, etc.), to which the general public have access, are covered by the Private Parking Areas Act 1986. Regulations under this Act provide for private car park owners to enter into an agreement with the local council to enforce parking controls. Authorised council officers may then issue expiation notices and prosecute offenders. In reality, there are few such agreements, as councils have generally proved reluctant to become involved in the policing of private car parks without being paid a fee.

Ensuring that disabled people have access to disabled parking spaces is an issue which has been addressed by the recently completed report 'Parking for People with Disabilities in Private Parking Areas: Some Options for Improvement'. This study, which was jointly funded by the Department of Local Government and the Local Government Engineers' Association, found that the problem of non-permit holder use of disabled parking areas tends to occur primarily during the peak shopping periods of Thursday night and Saturday morning.

This report has suggested a number of ways that may alleviate the problem including educational campaigns, ensuring that signage is uniform to all car parks, and encouraging councils to be involved in enforcement. The options contained in the report are presently under consideration by officers of the Department of Local Government.

In respect of on-street parking, councils may, but are not required to, set aside permit areas for disabled persons under the Local Government Act parking regulations. Council parking inspectors police the parking regulations and very few complaints have been received by the department about the misuse of on-street disabled parking spaces by motorists who fail to display a disabled persons parking permit.

ACCESS FOR THE DISABLED

In reply to **Mr De LAINE** (Price) 5 April.

The Hon. M.D. RANN: Current building legislation requires that all new buildings must comply with Part 51 of the South Australian Building Regulations 1973, as amended, which prescribes the 'Provisions for Disabled Persons' in new buildings.

There are mainly two criteria under which existing buildings undergoing major upgrading can be made to comply with the 'Provisions for Disabled Persons', under current legislation.

1. If the building changes classification, that is, its use changes from a factory (Class 8) to a shop (Class 6), then Regulation 6.6 of the South Australian Building Regulations 1973, as amended, requires the building, under its new classification, to comply fully with Part 51.

2. If the alterations to the building together with any other structural alterations, completed or approved within the previous three years, represent more than 50 per cent of the original building then Regulation 1.6 states that the council '... May require the entire building to conform' with Part 51 'Provisions for Disabled Persons'.

GOLDEN GROVE DISTRICT CENTRE ZONE SDP

In reply to **Mrs KOTZ (Newland)** 21 March.

The Hon. S.M. LENEHAN: In response to the member for Newland's questions regarding the Golden Grove District Centre (not Regional Centre), I would like to make the following preliminary points before answering the specific questions raised.

First, the honourable member may not be aware that development at Golden Grove is subject to the provisions of the Golden Grove (Indenture Ratification) Act 1984, which prevails, to the extent of any inconsistency with the Planning Act, over the provisions of the Planning Act.

Second, an undefined site for a district centre in the currently proposed location was identified in the Golden Grove Act in 1984 and was subsequently included in the Tea Tree Gully Council portion of the development plan.

In this context, I will now respond to the specific questions raised. Consultation with all affected parties in relation to the Golden Grove District Centre Zone SDP has been and will continue to be undertaken in accordance with the provisions of the Golden Grove (Indenture Ratification) Act. The joint venturers have discussed the draft plan with council staff, including the City Planner, and with officers of the Department of Environment and Planning.

Council staff and council's representative on the Golden Grove Advisory Committee have discussed the draft plan with departmental officers. Council's representative and the City Planner were both present at the Golden Grove Advisory Committee meeting on 6 March 1990 when the draft plan was considered and the joint venturers agreed to provide further information relating to the proposed district centre, particularly in relation to the centre's hierarchy, its likely impact on adjoining centres, its trade catchment areas and retail floor space provisions. The Advisory Committee will further consider the amended plan prior to providing advice to me. It is worth noting that any member of the committee may make a submission to me on the plan. Finally, in response to a request by Salisbury council, the joint venturers have undertaken to discuss the amended plan with that council.

The retail floor space of a centre is not a good indicator of its position in the centre's hierarchy. Currently throughout the metropolitan area, designated district centres contain retail floor spaces ranging from 3 000 square metres to 43 000 square metres, depending on catchment.

The joint venturers have proposed floor areas of 28 000 square metres for primary retail services and 8 000 square metres for low intensity, bulky goods sales. As can be seen this 36 000 square metres total is somewhat less than 43 000 square metres suggested by the local member. Centre designation depends mainly on the range of facilities and services provided, and I understand that the facilities proposed in this centre are in accordance with a district centre designation.

As mentioned earlier, at the request of the Golden Grove Advisory Committee, the joint venturers have undertaken to provide further information on the proposed centre, particularly in terms of its likely impact on adjoining centres, its trade catchment areas and consequent retail floor space provisions. I am unaware of any earlier proposals for a district centre at Golden Grove, other than the original designation of the centre location in 1984.

In conclusion, the Golden Grove District Centre Zone SDP has not yet been formally submitted to me, but is currently being considered by the Golden Grove Advisory Committee, upon which Tea Tree Gully Council has a representative. All consultation has and will continue to be

undertaken in accordance with the procedures in the Golden Grove (Indenture Ratification) Act.

The location and designation of the district centre has been in place since 1984 and the first paramount objective of the Golden Grove Act requires the joint venturers 'to develop the land at Golden Grove in a manner that is complementary to the broader regional planning objectives, proposals and principles as set out in the Development Plan under the Planning Act 1982 and to ensure the efficient and comprehensive integration and the development area with the city of Tea Tree Gully and metropolitan Adelaide generally'.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Agriculture (Hon. Lynn Arnold)—

Citrus Board of South Australia—Report—Year Ended 30 April 1969.

Ordered to be printed (Paper No. 16).

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

Privacy Committee of South Australia—Report, 1989.

By the Minister of Forests (Hon. J.H.C. Klunder)—

Forestry Act 1950—Proclamation—Myora Forest Reserve.

By the Minister of Employment and Further Education (Hon. M.D. Rann)—

Local Government Superannuation Board—Report, 1988-89.

Roseworthy Agricultural College—Report, 1989.

Ordered to be printed (Paper No. 62).

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following interim report by the Parliamentary Standing Committee on Public Works:

Royal Adelaide Hospital Kitchen Redevelopment and Central Plating System.

The SPEAKER laid on the table the following report by the Parliamentary Standing Committee on Public Works:

West Beach Marine Research: Replacement Seawater System.

Ordered that reports be printed.

QUESTION TIME

TAXIS

Mr D.S. BAKER (Leader of the Opposition): My question is to the Premier. Has the Government now removed the market value of taxi plates, currently about $110 000, by changing the rules for hire cars? If so, why was this done without any proper consultation with the industry and, particularly, those taxi owners most directly affected?

The SPEAKER: The honourable Minister of Transport.

The Hon. FRANK BLEVINS: Thank you, Mr Speaker. I genuinely—

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: What I do not understand is why in this House they refuse to ask me questions. When I say to the honourable Leader, 'Thank you for the question', I mean it, Sir. So, the short answer to the question is 'No'. I believe that the House is entitled to a fuller explanation in my answer than that. The question of the value of taxi plates is one to be determined at some stage in the future. My own belief—and from sources within the industry—is that they doubt very much whether any reduction will occur in the value of taxi plates at all, because the reforms that we have introduced today are in an attempt to attract a quite different market than the taxis that you and I will ring for, and will continue to ring for as a matter of course.

We have removed excessive restrictions and regulations. Members opposite constantly prattle on about the private sector and about the Government getting out of the way of the private sector and allowing competition to flourish. I was brought up on the understanding that competition was something to be applauded. I am beginning to think that my mother was wrong because, whenever the word 'competition' is mentioned, the Opposition goes into a frenzy.

I believe that competition on the conservative side of politics has now become a dirty word. We all live and learn. What we are attempting to do, and what I believe we will do, with the cooperation of both the taxi industry and the hire car industry, is to get the single occupancy vehicle off our streets as much as possible by offering an alternative. I am sick of hearing people saying that they must get out of their cars—and members opposite say it—and get on public transport, when the alternative in the numbers required is simply not there. If only 10 per cent of the people got out of the cars and got on public transport, I would require half a billion dollars to service that need. I cannot do it for less. I believe that that need can be fulfilled in the private sector. For example, almost without exception—with one exception anyway—members opposite write to me demanding bus and train services, public transport services, in their electorates—and some of them are in the outlying areas—and the taxpayer does not have the capacity to fulfil all their wishes and all their requirements. We cannot do it.

What we do in the STA, we do very well and cheaply for the commuter, but we cannot go into some of the electorates where there is relatively a handful of people looking for public transport. We cannot send a $400 000 Volvo into every street in the fringe areas of Adelaide. The STA cannot do it, but members on this side of the Chamber believe that the private sector can provide this service. We have confidence in the private sector, which is something that the Opposition clearly does not have. There is a large unmet need in the community. What about people who cannot afford a taxi? What about the people who want to go across suburbs where the STA cannot possibly run? What do those people do? I will tell the House what they do: they do without; they stay in their homes. That is what happens.

What do people in the Hills do if they want to go between Hills towns? They do without, as well, and I believe that the private sector can fulfil those needs cheaply and efficiently. This morning, after the announcement, a representative of Amalgamated Taxi Services contacted me and was absolutely delighted, saying that this was the type of deregulation that the company had been waiting for. Another company, Astral Hire Cars Limited, which I have never heard of, also rang up, quite unsolicited. It is not interested in the $30 000 it pays for its plates but is pleased that it can now expand its business purely for the cost of the vehicles, and I congratulate that company on its initiative.

Another individual rang up wanting a licence to supply a service, as he has done for a number of years, between retirement homes. I said that would be possible providing the vehicle was sound and the driver was of good character. At the moment such people stay where they are because the STA cannot provide a service for them and it is unreason-

able to ask the authority to do so, because it has very high capital costs. The types of things it does, it does very well.

Members interjecting:

The SPEAKER: Order!

The Hon. H. Allison interjecting:

The Hon. FRANK BLEVINS: That is nonsense. As regards the taxi industry itself, what I have told it is this: no more taxi plates will be issued. The industry was expecting up to 100 plates, and it should be pleased. I told the taxi industry that it will have exclusive rights on ranking and hailing, which is a huge part—a majority—of the taxi business. I also told the industry that, with its infrastructure—with its $2 million radio rooms—it will be in the box seat to set up an alternative and complementary transport service to the STA in this city within the next four weeks, if it is any good in business. If its managers are not any good as business people, with their advantages, they deserve for others to come into the market and supply the service. I believe that Suburban, Amalgamated, United and Port Adelaide taxi services have the get up and go to grasp these opportunities. The Government has supplied the opportunities and the protection for those taxis already in the industry. However, the Government has told the industry that it must go out and get the unmet demand because, if it does not, someone else will.

WOMEN'S SPORTING OPPORTUNITIES

Mr De LAINE (Price): Will the Minister of Recreation and Sport inform the House whether the South Australian Government has a policy of ensuring equal opportunity for women to participate in sport and recreation? Last week, many thousands of South Australian women participated in Women's Recreation Week. It is important to ensure that these women have a continuing involvement in recreation and sport all year round.

The Hon. M.K. MAYES: Certainly, it is very fitting at the end of Women's Recreation Week that this question should be raised with me, because it is important to record the need for the community to address equal involvement in sport and recreation for women at all levels, whether it be as a player, a coach, an administrator, a public relations person, an official or as a supporter of women's activities within sport. We are seeing greater attention being paid particularly to our prominent and elite athletes who are achieving world records and gold medals at international events and the two major festivals of sport—the Commonwealth Games, which was held quite recently, and the Olympic Games.

I had the opportunity to launch our policy, entitled 'Policy and Plan for Women', last week at the end of Women's Recreation Week. That policy highlights what we intend to do in order to meet equal opportunity for women within sport and recreation. We have already committed ourselves to a number of policy decisions with regard to supporting women within sport and recreation. We have undertaken various surveys, particularly of child care, and shortly we will undertake a further survey to see what child-care facilities can be established in support of sport and recreation associations throughout the State, including fitness clubs, recreation organisations that support fitness, aerobic clubs and various other fitness organisations.

In addition, we are looking at our coaching programs, assistant coaching programs and apprentice coaching programs, and our need to develop administrators and supporters of women's sport. All these courses are being run through both the South Australian Sports Institute and the South Australian Recreation Institute. We intend to continue to make our commitment not only in terms of expertise but also in dollar terms in order to see the role and involvement of women grow in sport and recreation in this State. We have a successful record as a State in terms of sport and recreation achievements.

Just digressing for one moment, again I acknowledge our wheelchair athletes. That team includes a significant number of elite women athletes including Lynn Lillecrapp, who brought back another swag of medals—I believe it was four gold and one silver. Again, we have achieved the record for the fifth consecutive year as the winning State in wheelchair games.

Looking at the role of women in sport, we can be very proud of our achievements as a community, but we still have a way to go. A number of major issues have to be addressed, not the least of which is child-care facilities for women who want to participate, whether it be at the elite level or just for enjoyment in recreation and sport. We will address that vigorously as part of our policy and as one of our major targets over the next two or three years of this Government. I am pleased to say that the policy has been launched. It is available for people to digest and comment on, and I would certainly appreciate any comments that people in the community have about the policy and how it might be improved.

CLUB KENO

Mr BECKER (Hanson): Is the Premier aware that in the first Club Keno draw on three consecutive days—29, 30 and 31 March—exactly the same 20 numbers were generated and that, after the first two day's draws were published, three one dollar 'ten spot' tickets shared the $250 000 jackpot from the third day's draw with those same numbers?

Members interjecting:

The SPEAKER: Order! This is a serious question.

Mr BECKER: Were the winning tickets purchased from the same agency or at about the same time and, if so, which agency was it? Were the winners related, or connected in any way with the Lotteries Commission, and have the prizes been collected by the winners and, if so, when?

The Hon. J.C. BANNON: Yes, I am aware of it, as everyone should be, because the Lotteries Commission issued a press release on 1 April. That is 10 days ago that this specific matter was referred to. Indeed, the media were briefed on it also. It occurred as a result of problems with the software being used for the Club Keno game. It was detected, isolated and corrected rapidly indeed.

There is a technical argument that suggests that in this particular instance prizes need not have been paid, but the Lotteries Commission has honoured the winners by paying those prizes. In the meantime, Club Keno is going from strength to strength. So, that is all that needs to be said. I refer the honourable member to the press release that I mentioned. The company which provided the software, G-Tech Corporation, has assured the Lotteries Commission, according to the statement, that the problem was quickly and properly identified. The ultimate test for any new software is for it to be run in a live environment, and they are happy with the modifications that were made. There is a game of Keno about every five minutes when it is actually under way and it is working very well indeed.

Mr Lewis interjecting:

The SPEAKER: Order! The member for Murray-Mallee is out of order.

HOUSING TRUST INITIATIVES

Mr HAMILTON (Albert Park): Will the Minister of Housing and Construction inform the House of the Housing Trust's initiatives to address the housing needs of people with disabilities? The Minister would be aware that many constituents in my electorate have disabilities and have applied for Housing Trust accommodation. Will the Minister provide information that I can impart to these people as to any action the trust is taking to assist them?

The Hon. M.K. MAYES: I am delighted to be able to provide the member for Albert Park with this information. The trust is very sensitive to the needs of people with disabilities and to the need to address these issues in the way that they are being handled. From time to time I receive correspondence and personal contact from community members and other members of Parliament asking how the trust manages this particular issue and what contribution is made through funding towards helping people with disabilities maintain their independence in the community. This is the matter that has to be stressed in the whole aspect of the policy administered by the trust, because it is important that people with disabilities be able to function within the community and be a part of it just as we others are.

Providing the type of accommodation suitable to the needs of such people must be considered very carefully. It is very expensive, but it is important that such people have this consideration. A number of aspects of the trust's policy need to be looked at. Long-term rental accommodation on a wait turn basis for all applicants is a basis of providing housing stock for such priorities. In addition, the priority housing scheme provides support by way of early housing where an individual's housing requirements are considered to be extremely urgent. I am sure that many members would know of such cases and that the member for Albert Park has experienced situations involving a need to draw on that scheme.

The trust's rental stock includes 4 314 houses especially modified or constructed to suit the needs of people with physical or sensory disabilities. This represents quite a proportion of the trust's stock, given that it has about 60 000 units in South Australia. These specialised forms of construction are occurring more and more: about one in every 20 Housing Trust units now constructed has been designed specifically for people with physical or sensory disabilities.

So, it is important to note that the trust has a careful policy which it is developing as part of its ongoing program of housing and unit construction and which is deliberately and specifically directed towards people with these disabilities. Priority housing is particularly important for people with disabilities because in many cases their financial circumstances place them in a more difficult situation than that of the ordinary person seeking housing in the normal market. It is important to note that priority housing has a particular emphasis involving people with disabilities.

There is also a support referral scheme. Often members of Parliament are called on to support people experiencing a stressful financial and psychological environment because of their particular housing needs. Without the agencies offering that support, it would be even more difficult. We know from our own experience that it is important for the people concerned to receive that support from these referral bodies.

The trust currently provides about 134 properties through its community tenancy scheme, which again is a specialised area involving non-government associations and providing accommodation and related support services for people with physical, sensory and intellectual psychiatric disabilities. Of those properties, 38 accommodate people with physical and sensory disabilities and 96 provide accommodation for intellectually disabled people.

If we look at the overall picture we will see that the trust is devoting considerable resources to this issue for people with physical and sensory disabilities. I am pleased to say that the trust will continue to do that and will continue to look at new avenues in which it can, with the support of non-government agencies, raise funds, with a view to assisting people with physical and sensory disabilities.

CARDIAC FACILITIES

Mr S.J. BAKER (Deputy Leader of the Opposition): Will the Minister of Health intervene to overturn the decision by the South Australian Health Commission to refuse the Ashford Community Hospital the right to operate its cardiac facilities; and, in doing so, will he seek the advice of the Minister of Recreation and Sport, who is a member of the hospital board? Yesterday the Chairman of the Health Commission announced a decision which effectively precludes the use of cardiac surgery in Ashford's new facilities built at a cost of $12 million. The reason given for this refusal was inadequate support services provided for emergencies.

This reason is counter to evidence provided by, first, the Flinders Medical Centre and the Queen Elizabeth Hospital, both of which support the project; secondly, Dr Geoffrey Nunn, from Sydney, who has stated that this will be the best facility in Australia and of world standard; and, thirdly, the fact that the medical staff support, together with access to major public hospitals, is equal to if not better than any other arrangement in Australia.

As recently as 28 March the Health Commission conveyed to the Ashford board that it was satisfied with both the quality of the facilities and the medical support within and external to the hospital. The facility also would relieve pressure on the Royal Adelaide Hospital evidenced by the question raised last month by the Opposition about the death of a person awaiting heart surgery at that hospital.

The Hon. D.J. HOPGOOD: The short answer to the question is 'No'. However, I think the honourable member deserves a little better than simply a one word answer, so I will expand just a little on that. First, I think the amount of intervention that I have displayed in this matter has been appropriate. It has not been excessive, and I think to go further might indeed be seen as excessive—coming from someone who, of course, is not able to exercise the clinical judgments as those who are working in the field can.

Mr S.J. Baker: So, you are satisfied?

The Hon. D.J. HOPGOOD: If I was not satisfied I would be intervening, but I am not prepared to intervene. Having received deputations representing what might be called both sides of this debate, I further determined that it would be useful to allow the participants in it the right of some cross-examination. Therefore, I convened a meeting in this building not so very long ago where representatives of Ashford, the Royal Adelaide Hospital and the Health Commission met and discussed the whole problem from various viewpoints. That was not with a view to making any sort of decision on the spot because that decision had to be made by the Health Commission through its committees in the proper and well understood way.

However, it was an opportunity for officers of the Health Commission to perhaps get some idea of the validity of the various points that were being put across in the light of rebuttal—in the light of, as it were, a form of cross-examination. Since that time further meetings have been held

between officers of the commission and those people appropriately associated with this matter, and the decision has been conveyed.

I take up the very point that the honourable member has raised. I am not aware as to whether he has in fact seen the text of the letter conveyed to the Administrator of the Ashford Community Hospital. There is a paragraph in that letter (and I do not seem to have it immediately with me, I can obtain it; it is in my effects somewhere) which almost invites the Ashford Community Hospital to come again and to establish if it possibly can—

Mr S.J. Baker interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: The $12 million has nothing to do with this whole business. The $12 million was spent irrespective of whether or not this form of surgery was going to be applied at Ashford. That is well understood and has been for a long time. The paragraph simply said that, if Ashford felt that it had additional information that might convince the commission that it could provide the appropriate safety net, then it should bring it forward. As I understand it, Ashford does not intend to take advantage of that implied invitation, but it intends to take legal action.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: That is for Ashford to determine. If it wishes to take legal action, that is for it to determine. I would like to make the further point that in making this decision the Health Commission, as I understand it, has not been unmindful of the fact that Ashford is not the only private hospital interested in becoming involved in this field. There is some cause for concern over the possibility of our seeing within a few years perhaps even four or five private hospitals providing a service which at this stage and in the commission's judgment would be less than the full service which we think is appropriate to this form of extremely delicate surgery.

INDUSTRIAL RELATIONS

The Hon. J.P. TRAINER (Walsh): Can the Minister of Labour advise the House of this State's industrial relations performance in comparison with that of other States in the Commonwealth?

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: Yes I can, and I do it with some delight, Mr Speaker, because this is an important issue to the welfare of South Australia. Given recent events and statements in the media, it is important that everyone in South Australia understands and treats our industrial relations climate in perspective. For the calendar year 1989, figures from the Australian Bureau of Statistics show this State lost 67 days per thousand workers to industrial disputes. That is our lowest figure for a calendar year since 1985. It is also the second lowest figure for any State, with Tasmania beating us by three days with 64 days lost per thousand. The Australian average was roughly three times as high as our figure at 190 days per thousand. The worst figures for any State belong to New South Wales with 269 days lost per thousand workers.

These figures highlight that our industrial relations climate is better than most other States. Overall, we have a positive industrial scene, a fact acknowledged by both unions and employer groups. It is something that has developed over many years but we must all work hard to not only maintain it but improve it. The key to that is a calm and rational approach to industrial relations, working towards consensus and/or conciliation. Our Government is determined to continue to follow that successful approach.

AUDITOR-GENERAL

The Hon. H. ALLISON (Mount Gambier): My question is directed to the Premier. Following the decision by the Auditor-General (Tom Sheridan) to retire on 11 May, have discussions been entered into with prospective successors? Is the Premier prepared to give a guarantee that any successor will possess the prerequisite requirements of expertise in auditing and accounting?

The Hon. J.C. BANNON: The Government has not seriously addressed the issue as yet, although obviously there has been some discussion about a replacement for the Auditor-General. Of course, we would be looking for someone appropriately qualified.

MELBOURNE TO ADELAIDE TRAIN

Mr FERGUSON (Henley Beach): Has the Minister of Transport had any discussions with the consortium put together by BHP, TNT, Elders and Kumagai Gumi for the building of a very fast train from Melbourne to Adelaide? The *Business Review Weekly* on 30 March (page 43) states:

> According to the project's proposed timetable, the consortium's feasibility and construction, once approved, would be completed in 1996. The Melbourne-Sydney route would be followed by a Sydney-Brisbane extension within a few years (2.5 hours non-stop by 2000) and later by a Melbourne-Adelaide line (2.5 hours).

The Hon. FRANK BLEVINS: I thank the member for Henley Beach for his question. I have not personally had any formal consultation with this consortium, although I have from time to time mentioned to people working within BHP my interest in the concept. There is no doubt that it is an exciting concept and one which I believe, with some qualifications, we should all support. There is no doubt that if rail transport is to compete with road and air transport, then very fast trains are the way to go. It has been estimated—very roughly, admittedly—that the very fast train could deliver people between the principal cities of Australia, certainly of the eastern seaboard, as quickly as, if not more quickly than, air transport, and probably for about the same price.

As to the qualifications involved, one is the sheer cost of the infrastructure which could be very high indeed. Whether or not the consortium gets some commercial rights alongside the route to make the project feasible is something outside the South Australian Government's control. But I think it is something worth considering. There are also some very serious environmental questions that have yet to be resolved, because I know that a lot of landowners within the proposed routes have raised very real objections to the whole concept of the system going through valuable agricultural land. I believe that all those objections ought to be able to be overcome. In the past in Australia, we have built railways across the continent—not quite from north to south, but I still have hopes for that. Certainly, railways have been built throughout Australia. I would really like to see the whole railway movement gain some momentum. I believe that the very fast train proposal is one way to go.

Officers from the Office of Transport Policy and Planning have attended conferences on the very fast train concept to keep me up to date with what the consortium is considering. They have indicated to me that stage 3, which is the stage that would link Adelaide to Melbourne, is not contemplated

by the consortium until the year 2010. So, it is a 20-year project with regard to coming through to Adelaide. Nevertheless, with a project of this magnitude, I do not believe that those lead times ought to daunt us and make us believe that we should not further the proposal, provided all the safeguards are there. On the parochial side (and I know I should not be too parochial), I would support this project if for no other reason than the rails for it will be built in Whyalla by very experienced constituents of mine who do this kind of work for railways all over the world.

AUDITOR-GENERAL

Mr SUCH (Fisher): Is the Government considering recommending the appointment of Ms Anne Dunn, currently Director of the Department of Local Government, as the new Auditor-General and, if so, what auditing and accounting qualifications and experience does she have to be considered for the position?

Members interjecting:

The SPEAKER: Order!

Mr SUCH: The Opposition has been reliably informed that Ms Dunn is to be recommended for this position. It is understood that none of her previous positions with the Public Service Board in teaching, community welfare, or personnel, has involved accounting or auditing experience of the type traditionally required for appointment as Auditor-General.

The Hon. J.C. BANNON: I do not know what Ms Dunn has done to deserve this.

Members interjecting:

The Hon. J.C. BANNON: Well, it is probably not very pleasant for her to be named in this way and I feel even sorrier for the honourable member who has been given such a stupid question to ask. I know that he is a new member, but he ought to be warned about what the Leader and others will foist upon him to ask.

Members interjecting:

The Hon. J.C. BANNON: I imagine that the bit of paper he is waving was typed in the office on the top floor. Perhaps it is in his own handwriting.

Members interjecting:

The Hon. J.C. BANNON: I would be happy to see it. It is not proper to canvass names and confirm or deny these things in these instances. What I can say is that what the honourable member referred to as reliable information is exceedingly unreliable.

REVEGETATION

Mr HOLLOWAY (Mitchell): Will the Minister for Environment and Planning inform the House what action the Government is taking to promote awareness of the need to revegetate degraded South Australian farmland?

The Hon. S.M. LENEHAN: I am delighted to provide this information to the honourable member and for the benefit of the House. First, two extension consultants have been appointed to run a series of field days and workshops for farmer groups and for rural schools on the biological values of remnant vegetation. The management team, in conjunction with the Native Vegetation Management Branch extension officers and staff from the Department of Agriculture and the Pest Control Board, held the first series of field days to demonstrate this work at Wanbi on Wednesday 28 March this year. Part of this work included a demonstration on suitable methods of vermin control, including rabbits. Yesterday I alluded to the enormous problems that rabbits are causing in South Australia with respect to the preservation of our native vegetation.

Secondly, the Extension Section is also running a series of seminar/field days in conjunction with TAFE and Landcare groups on the value of natural regeneration, direct seeding and tree planting on farms, with an emphasis on using local native species. I cannot stress enough the importance of regeneration with respect to land care, and various departments are working positively with the rural communities in this area.

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: That is a most amazing comment, and I will not respond to it any further. I will not dignify the interjection with a response. Finally, using a national estate grant and in conjunction with the Woods and Forests Department, Dr Geoffrey Bishop of the Extension Section is conducting regeneration trials in degraded mallee near Cambrai. Seeding will begin from this autumn. The objective of these scientific studies is to provide general information about successful methods to rejuvenate degraded vegetation.

The SPEAKER: Order! Before I call on the next question, I point out to members that there is far too much noise in the Chamber. I cannot hear the answers and I am sure that most members cannot hear them, either. The member for Bright.

MARINO ROCKS MARINA

Mr MATTHEW (Bright): Is the Premier aware that Mintern Pty Ltd, a proponent of the Marino Rocks marina, has defaulted on the payment of about $17 317.71 in rates and fees for late payment on land for the project and that the City of Marion is now taking action against Mintern to recover the moneys owing? Will he investigate whether this is evidence that the company is not fully committed to the project?

The Hon. J.C. BANNON: The scourge of Marino strikes again. I thank the honourable member for his question, but I will have to take it on notice and try to determine, first, whether an investigation is warranted, secondly, whether there is any substance in what the honourable member said and, thirdly, whether it is significant and means anything.

LIGHTHOUSE RESERVES

Mrs HUTCHISON (Stuart): I direct my question to the Minister for Environment and Planning. Following the handover of the Cape Borda Lighthouse Reserve to the State Government for incorporation into the Flinders Chase National Park, has any consideration been given to the Commonwealth handing over other lighthouse reserves for inclusion into the National Parks system?

The Hon. S.M. LENEHAN: I thank the honourable member for her interest in this matter. The answer is 'Yes', we are interested in looking at some other areas, given the success of working with the Commonwealth Government in terms of the handover of the Cape Borda Lighthouse Reserve and all the buildings therein. Negotiations are continuing with the Commonwealth following this handover. The particular area that we are most interested in is Neptune Island, and that is the main subject of the current discussions. I hope that, once the new Federal Government has settled in, we can pick up the negotiations with the relevant Ministers and ensure that we proceed along the lines of the successful handover of Cape Borda to the National Parks and Wildlife Service.

LIVE SHEEP TRADE

Mr BLACKER (Flinders): My question is directed to the Minister of Marine. In any review of the viability of the *Island Seaway* and its servicing of the Port Lincoln leg, will the Minister and the Government ensure that the needs of stock producers, timber growers and lupin growers on Eyre Peninsula, and the users of phosphate on Kangaroo Island, will be taken into account, as well as the overall interdependency of Eyre Peninsula and Kangaroo Island? Since the withdrawal of the services of Samcor, the live sheep trade has provided an outlet for aged wethers. With that market now suspended, the regular sale of sheep for processing at the Kangaroo Island Tatking works has provided a valuable market. Although prices have been less than half those in the live sheep trade, it has meant that stock can be processed rather than destroyed.

Stock producers are now concerned at persistent rumours that the Kangaroo Island-Port Lincoln leg of the *Island Seaway* could be withdrawn. I am advised that there is a current contract of 10 trailers per week from Port Lincoln to Kangaroo Island. As no alternative to the regular contract to sell sheep from Lower Eyre Peninsula is available to producers, the loss of the service could result in sheep having to be disposed of on the farm.

Furthermore, there is concern that the *Island Seaway* is not being used as efficiently as it could be used. When the vessel arrives late at Port Lincoln, it is still required to leave on time, therefore denying the contractors adequate time to load. Last week, a semi-trailer load of sheep was left on the wharf. Prior to that, loads of timber and machinery have also been left on the wharf. There are regular loadings of five to six trailer loads of timber per week to Kangaroo Island.

I am further advised that producers, United Farmers and Stockowners officials, contractors, stock agents and other personnel have not been consulted in the review thus far. All are concerned that the overall interests of Lower Eyre Peninsula and Kangaroo Island are properly considered in any review.

The Hon. R.J. GREGORY: I thank the honourable member for his question, because it was one of some importance to the people who live within the electorate he represents in this House. The Department of Marine and Harbors has commissioned a survey into the operations of the *Island Seaway* and it is looking at the financial impact of its operations and what savings can be made to reduce the costs to people on Kangaroo Island. Before we do that, we need to have some understanding of the operations of the *Island Seaway* and whether what it does is absolutely necessary. In March, 1 000 tonnes was carried on the *Island Seaway* between Kingscote and Port Lincoln in the period during which it operated, 34 tonnes being carried between Port Adelaide and Port Lincoln. The people conducting the survey have had preliminary discussions with the United Farmers and Stockowners representative on Eyre Peninsula, and arrangements are being made to meet with representatives of the Rural Advisory Bureau in Port Lincoln as well.

POTATOES

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Agriculture advise the House whether the South Australian potato industry has been put at risk from the spread of potato cyst nematode as a result of the easing of the 1986 ban on the entry of West Australian potatoes into this State? Potato growers in my electorate have expressed concern that restrictions placed on Western Australia have been eased—

Members interjecting:

The SPEAKER: Order! The member for Hanson is out of order.

The Hon. T.H. HEMMINGS: —to allow potatoes south of Bunbury to come to South Australia, thereby putting their livelihood in jeopardy.

Members interjecting:

The SPEAKER: Order! The member for Mount Gambier is definitely out of order! The honourable Minister of Agriculture.

The Hon. LYNN ARNOLD: I thank the honourable member for this very important question, which I know is of concern to a number of members in this House. Indeed, some of these issues are very important to aspects of the economy, and I would have thought that members opposite would show enough interest to ask questions about these important sectors of our economy—but they do not. The member for Napier has the concern for his constituents involved in this industry to want to know about something that could represent the potato blight of the twentieth century.

Mr Ferguson: Don't forget the chlorpropham question.

The Hon. LYNN ARNOLD: That is also very important in regard to the potato industry, and I will deal with that matter as well. There was an outbreak of potato cyst nematode in 1986 near Perth and, as a result of this outbreak and the fear that it might spread to other States, a total ban was effectively put on the importation of potatoes into South Australia or other States. The potato cyst nematode is a major disease that causes severe yield losses and affects solanaceous crops such as potato, tomato, capsicum, and a crop that does not interest me at all, tobacco.

The potato and tomato industries are worth $40 million a year to South Australia, and the member for Kavel would be very concerned about that; I am certain he would not want to see such an industry put at risk. Eradication procedures have been put in place on the affected Western Australian properties, and surveying of the extent of potato cyst nematode in Western Australia has been undertaken on an annual basis since 1986. As a result of surveys conducted in 1987-88 and 1988-89, it is believed that a certain part of that State has been proven free of the nematode. The fields south of Bunbury have been found to be totally free of potato cyst nematode, and potatoes from those areas are being allowed into South Australia. They have to be washed and packed in 25 kilogram packages and consignments are inspected upon arrival in South Australia.

The important thing—and I raise this so that the honourable member can advise his constituents accordingly—is that this easing of the restriction has been supported by the Combined Potato Growers Association of South Australia. Likewise, there has been a similar easing of restrictions with respect to the movement of potatoes into the Northern Territory, Tasmania, Victoria and New South Wales. However, the situation is still serious with respect to other parts of Western Australia, because as late as October last year two further areas near Munster (near Perth) were identified as having the nematode.

The chlorpropham question is a different issue which involves the possible removal of the maximum residue limits on that chemical with respect to potatoes. The Leader of the Opposition is concerned also about this matter; indeed, he has written to me about it. The member for Henley Beach's interjection is timely, because today I have written to the Chairman of the Potato Growers of South Australia

about the Government's response to this matter. My colleague the Minister of Health has assured me that the recommendation of the NHMRC will not be implemented in South Australia at this stage, nor is it likely to occur Australia-wide while the industry is in the process of generating the required toxicological and residue data, which I know would be of interest to a number of members in this place.

Members interjecting:

The SPEAKER: Order! The Chair is aware of the Opposition's enthusiasm for anything agricultural, but I ask members to respond to Standing Orders by paying due respect to Ministers responding to questions.

LICENSED BOOKMAKERS

Mr OSWALD (Morphett): My question is directed to the Minister of Recreation and Sport. Does the Government intend to introduce legislation to allow licensed bookmakers to extend their betting services to other sports to safeguard their long-term viability and, if not, why not? Over the past decade, there has been a decline in the number of bookmakers and their turnovers on South Australian race tracks. At the same time, the Government sponsored TAB has extended betting services into car racing and football, the Lotteries Commission has again expanded its net over the gambling dollar with its Club Keno, and we are now about to see the casino introduce its video poker machines.

It has been put to me that unless the Government is prepared to allow bookmakers to become more competitive and expand their client base, the colourful sight of the Australian racecourse with its rows of bookmakers may become a thing of the past in this State.

The Hon. M.K. MAYES: I think it is important to acknowledge the work that has been done in this area with regard—

Mr Lewis: They've already given you 50 grand, have they?

The SPEAKER: Order! The member for Murray-Mallee will come to order.

The Hon. M.K. MAYES: Like the Minister for Environment and Planning, I will not dignify that interjection with a response.

The Hon. Frank Blevins: I think you should. I think it was a legitimate question.

The SPEAKER: Order! The Minister has been asked a question. He needs no help by way of interjection. He is the Minister with the responsibility, and I ask him alone to answer the question. The honourable Minister.

The Hon. M.K. MAYES: Obviously, the member for Murray-Mallee does not appreciate the finer detail of the industry. His colleague the member for Morphett—

Mr D.S. Baker: Forty-eight per cent doesn't make you a winner.

The Hon. M.K. MAYES: It certainly doesn't in your case.

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: I appreciate the member for Morphett's interest in this matter. Obviously, he is one of the few members who appreciates the bookmakers' concerns in terms of their ongoing need to keep up with what is happening in the betting industry. Certainly that is a very important part of the racing industry, the gallops in this State in particular.

We have been looking at a whole range of issues that need to be developed and addressed for bookmakers in this State, and I have indicated that previously. Discussions have been proceeding with the Bookmakers League, industry representatives—by 'industry' I mean the three codes' representatives—and the Bookmakers Licensing Board, which is also one of the important contributors in the area, having a very important role to play in terms of the recommendations that will be considered.

I understand that it will soon be considering the rules and regulations involved in the bookmaking industry, which are an important aspect of the overall structure of bookmakers' operations. So, if we look at what is happening with regard to bookmaking, we need to consider a whole range of organisations and activities within the racing industry in this State. With regard to those areas that need to be addressed, I am very supportive of giving bookmakers greater flexibility. I think it is probably inappropriate—

Mr Atkinson interjecting:

The Hon. M.K. MAYES: I hear the member for Spence voice his support, and I know a number of members in this Chamber would agree. I think there is an appropriate way, but it would probably be improper for me at this point to give a definitive answer on the part of the Government. As the Government has not considered all the details, I cannot give any commitment from its point of view. Of course, I have to take into consideration the deliberations occurring within the industry, particularly as they involve the codes, the licensing authority and the league itself. It is important that we acknowledge the role of those bodies in the process.

I have said—and I have put it on public record previously—that I think there should be greater flexibility for bookmakers in terms of opportunities for them to offer investors betting perhaps on football (that is one option) and maybe on other major events. I think that that would be an attraction for people who are on course and who may be interested in participating, one way or another, in another sport or activity. In fact, that would be an incentive for people to stay on the racecourse.

In addition, there are other arrangements with regard to the bet offers, and I think that that ought to be considered as well. As I say, it is important for those authorities and the industry to give that due consideration. At this time I am waiting for a response from those discussions and then I will no doubt have an opportunity to bring before Cabinet and our Party some of those options for consideration in this place.

Finally, I am personally in favour of a greater flexibility. As to the issue of telephone betting, I am very supportive of that concept, as members know. There has to be some lateral thinking about how it is applied, but that again is another aspect which could assist the bookmaking industry in this State, and I am certainly favourably disposed towards that. The honourable member can be reasonably satisfied that maybe in the next session of this Parliament we will be considering some amendments to the Racing Act.

DRUNK BUSTERS PROGRAM

Mr HAMILTON (Albert Park): Does the Minister of Emergency Services support the Victorian Drunk Busters scheme of detecting and identifying drunk drivers? Easter weekends are a notorious time for death and carnage on our roads. The *ICA Bulletin* of February this year contained the following article, headed 'Drunk Busters':

> The car phone has become the latest weapon in the community fight against drink driving on Victoria's peninsula roads, with motorists being asked to dial police when they spot an alcohol-impaired driver . . .
>
> As part of a program called *Drunk Busters*, the Frankston Rotary Club, with the help of the Peninsula Road Safety Committee, is issuing kits to interested drivers. The kit, which contains

an adhesive checklist for the sun visor, explains how to identify a possible drunk driver. All it takes is a direct call to D24 and police units in the general area will be alerted to look for the vehicle. The line may be kept open to a car phone while a motorist tails the suspect driver until the police arrive.

In some cases, police can go to the driver's home address and wait for his/her return to do a preliminary breath test.

The Hon. J.H.C. KLUNDER: I thank the honourable member for drawing my attention to this scheme. I can give him and the House an assurance that I will gladly investigate the feasibility of any scheme that has the potential or capacity to reduce the amount of drink driving that occurs and the associated tolls in terms of death, injury and property damage.

LEAD CONTAMINATION

Mr MEIER (Goyder): My question is directed to the Minister for Environment and Planning. Has the Minister seen the results of the soil tests carried out on the property of Mr Verne Mueller adjacent to the shooting range of the South Australian Field and Game Association, following lead shot pollution of that area? If so, what are the results of the tests? Will the Minister make the test results available to the public? What legal advice has the Government received concerning who should pay the estimated $2.8 million to clean up the lead contaminated property at Cromer near Birdwood? Why has the District Council of Mount Pleasant been excluded from negotiations on the management agreement between the Minister and the South Australian Field and Game Association?

The Hon. S.M. LENEHAN: I thank the honourable member for his question and for his obvious interest in the whole question of pollution of our land and soil, which is a major issue. The whole question of lead pollution is something that has been addressed by this Government and supported I believe by the Opposition in a number of areas around the State. The honourable member has asked a series of questions which require detailed answers. I shall take advice on these questions and provide the honourable member with the answers.

HENLEY BEACH ROAD UPGRADING

Mr HERON (Peake): Will the Minister of Transport inform the House about plans to upgrade Henley Beach Road and when those works will be scheduled?

The Hon. FRANK BLEVINS: I thank the honourable member for his question and acknowledge the interest that he has in this area. I do acknowledge and I have always acknowledged that the stretch of Henley Beach Road between Marion Road and Railway Terrace has one of the highest accident rates for its type in the metropolitan area. That is of great concern to me and the Government. Several improvements are required to reduce the accident rate and to provide a smoother traffic flow. As to the stretch between Marion Road and South Road, the Department of Road Transport has a preferred scheme involving the widening of that stretch of road by a variable amount on the southern side: four lanes plus a variable width median are proposed for that particular stretch. Median openings will be provided at more than half the side streets; where openings are not provided access will be by left-in and left-out only.

The benefits of the proposal will be less congestion, reduced accidents, benefits for pedestrians crossing the road and improved conditions for cyclists. Briefly, as to the South Road/Bakewell Bridge section, the scheme involves utilising about 10 metres of widening from the properties on the southern side. The Department of Road Transport already owns the majority of these properties. The road upgrading concept for this will be displayed by the Thebarton Council in the very near future for community consultation. If approval is granted, upgrading will include four traffic lanes, a wide median and a combined bus lane/parking lane on the northern side.

I know that the member for Peake also has concerns about Bakewell Bridge and I indicate that a report assessing several alternative alignments for a replacement bridge has now been completed and will be considered by the department and the Government. The member for Peake can rest assured that we appreciate the difficulties that motorists, particularly his constituents, are having on Henley Beach Road and using Henley Beach Road and we will be taking extensive steps to at least ameliorate those problems.

SITTINGS AND BUSINESS

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

That the House at its rising adjourn until Tuesday 15 May at 2 p.m.

Of course, this is the last day of this session in the new Parliament, and it is traditional that the mover of the motion should say a few words of appreciation for the assistance which we have all had in moving through this session—to give, as it were, an Easter message. Though I will be brief, certainly I am quite enthusiastic in saying the words that I am about to say. I guess that any Government tends to judge a session of Parliament on its productivity in terms of legislation, and I think that by the time we do in fact adjourn (I hope before midnight, but who really knows, because I do not have a complete feel for exactly what is happening in another place right now), we will be able to say once we have added up the sums that, indeed, this has been quite a productive session in terms of legislation that has been passed.

There are a number of people to whom we should pay some tribute for that having happened, and indeed for the smooth running of the House. First, I want to pay a tribute to you, Mr Speaker, for the very firm and yet gentlemanly way in which you have been able to keep us all in order, a task which is by no means easy at any stage. To the table officers, to all the staff, to the attendants, to the people who look after the various services which keep this place running, to the catering services, to the Library services, to the security services, to the messengers and to the many others who have an important role to play, I acknowledge their contributions. I guess we have become used to the excellence of the services we receive, but that is no reason to take them for granted. I certainly assure the House that they are not taken for granted.

As Leader of the House, I have been very appreciative of the cooperation that I have received in the mechanical aspects of dealing with legislation. I want to pay a tribute to the Deputy Leader of the Opposition, with whom I meet weekly and, indeed, to all members of the Opposition for the way in which, while not in any way derogating from their responsibilities of putting a point of view which is sometimes at variance with that which is being put by members of the Government, they have dedicated themselves to ensure that we address ourselves to business with a degree of despatch and efficiency. I certainly appreciate the cooperation that I have received in that.

As we move into a time of adjournment, I am reminded that there is one fairly important anniversary coming up,

in which I share, Sir, along with certain other members, and perhaps those other members would not want me to allow this time to pass without making some reference to it. I refer, of course, to the 20th birthday of the class of '70. For a number of reasons, the 1970 election saw the largest influx of new members into the House that I think has ever occurred—at least since the settling down of the two-Party system in the early years of this century. Nineteen members were elected to the House for the first time on 30 May 1970. Five of us survive. I am the only survivor on the Government side of the House, but the members for Hanson, Kavel, Light and Eyre will share with me in this 20th birthday celebration on 30 May. If that says nothing else, it certainly says something for our collective talent for survival. I am aware, of course, that the members for Davenport and Chaffey were elected in 1968, but they can celebrate their own birthdays in their own particular way.

On behalf of all my ministerial colleagues, I wish everyone all the best for the Easter break. I am sure that members will want to use the parliamentary break very productively. I do not think there are too many people even in the journalistic world who really think that members do nothing in the break. Indeed, for most of us the break tends to be perhaps even a harder working time than when we are within the confines of Parliament House, which at least gives us some excuse from time to time for not being able to go to this or that because simply we are required—by our Whips, if by no-one else—to be here. So, no doubt members will not get all that much of a break between now and when we reconvene, but I certainly wish them all the best for at least some sort of a break at Easter time.

Mr S.J. BAKER (Deputy Leader of the Opposition): I wish to respond on behalf of the Opposition. At this time I would also like to pay thanks for the tremendous efforts that are made on our behalf by the staff. Again, they have upheld the tradition which has been long-cherished by this Parliament. Members from other States visiting this Parliament marvel at the real service we get from the Attendants, the telephonists, the *Hansard* staff and the staff in the dining rooms. It is always done with a great deal of good humour and, indeed, we really appreciate it. I think it is one of the hallmarks of the South Australian Parliament that we have such good quality staff, and it makes life so much easier when the going gets somewhat tough.

I wish to thank the Clerks in their running of the House. Again, they have ensured that there has been a good despatch of business. To you, Mr Speaker, I say a special thank you because I believe that you have raised the tenor of this Parliament compared to the previous four years when we had some grave difficulties on a number of occasions. That is not in any way a reflection on the previous Speaker, of course, because we had a totally different set of circumstances facing us. We had a Parliament which was quite unbalanced. There was a fair amount of compulsion, if you like, placed on the Speaker of that time by the Government of the day. That is no longer the case, and I am pleased to say that you, Mr Speaker, have despatched you duties with a great deal of fairness and humour.

I, too, have enjoyed the relationship that I have built up with the Deputy Premier. We have agreed on the programs—it has not been overly difficult. The Deputy Premier has facilitated the private members' business in a way that has been very constructive, and I have appreciated the time that has been put into that and, indeed, the decisions that have been reached. Finally, I wish everyone in the Parliament a period of good health, of constructive and productive activity during the break so that we will come back and address the Budget on 2 August, which I understand is the recommencement date, with the same good humour that I have seen displayed in this House over the last two months and with the same degree of dedication and the same willingness to approach the issues in a fashion which I believe has been very productive. So, I wish everyone in this Parliament, and everyone associated with the Parliament, my best wishes over the next few months.

Mr S.G. EVANS (Davenport): I support the remarks that have been made by the two Deputies. I am grateful for the help and support that I have received over the years from people and from the staff of the different sections within this building. I note the Deputy Premier's comments about the members of the 1970 class who will soon reach within one year the age of majority. I welcome them to the club to which I belong, even though I belong to the 1968 class. The club to which I welcome those members is the one where they will now have to continue to pay their contributions to the superannuation fund without getting any more benefits. I welcome them to the club.

Mr LEWIS (Murray-Mallee): I wish to speak briefly to the motion. I support the remarks that have been made by the Deputy Premier and the spirit in which he made them. Quite often it is not recognised that measures that come before this House do not evoke controversy. They are agreed to by members on all sides of politics. There is no argument about them. Everyone is on the affirmative side of the question. That is not reported. The public too often get the mistaken impression that Parliament is a place of constant controversy, brickering and conflict, and that is not so. They get that impression from a few 20 to 30 second grabs recovered on audio or videotape for the purposes of rebroadcast. That is lamentable in some respects in that as members of this House we do ourselves no service in allowing that impression to be perpetuated after it was, in the first instance, perpetrated not by our doing.

In the second instance, and in support of what my Deputy Leader has said, I want to place on record my thanks to other members of this place for the way in which they have conducted themselves and to the staff around the Chambers, and I will have something to say about that in a minute. I congratulate those five members who have been here for 20 years and I wish them well.

I also place on record my thanks to one of the members who was elected at the same time I was, who will not be with us when the Parliament resumes next session—and I refer to my colleague the member for Custance, who now seeks a wider responsibility for the State of South Australia. I am sure that he will perform extremely well in that role as a Senator. There have been many occasions since Federation when members of this Parliament have transferred their commitment to and interest in public affairs to the Federal Parliament to good effect. Indeed, it needs to be remembered that members of this Parliament, ahead of probably all other Parliaments, made an outstanding contribution to the development of the notion of the Commonwealth, the national identity of Australia, during the last part of last century. Almost 100 years ago when the idea was novel it was being discussed in this place.

I wish my friend and colleague of many years, the member for Custance (John Olsen), the continued satisfaction that I know he deserves and, on behalf of the people I represent, I wish him the very best in the work he does there knowing that they, too, believe him to be a man of outstanding calibre. More is the pity that the present electoral system denied this Party to which we both belong and

to which those of us, almost exclusively, on this side belong the opportunity to govern notwithstanding that we won a majority of the two-Party preferred vote.

The other matters that I wish to mention in support of the proposition and in expressing my gratitude to the staff are the changes that are before us. They fall into two categories. At present, members in this place know just how vexatious it is to be badgered and unnecessarily inconvenienced by well meaning people who are members of at least six Government departments and who provide members of this place with services. They have prerogative decisions under their respective Ministers as to whether we do or do not get things. I thank them for the things that we have got and I draw to the attention of the House my concern that, on the other hand, there are many things that I believe we ought to have had but did not get.

We do not have adequate facilities here, nor do we have fair access to facilities in our electorate offices. Some of us have far more equipment and facilities than others. Some of us have bought that equipment at our own expense to ensure that we can better perform the tasks that we have a responsibility to perform. Other members have chosen, either for the simple fact that they cannot afford it or for other reasons, not to buy this equipment and to wait. Their constituents are disadvantaged accordingly. I do not lay blame on any public servant or on parliamentary staff for that decision. It was a policy decision of the Government, for better or worse, and I think it has been for worse.

I do not reflect on whether it is a question of fairness between Government members or Opposition members. In this context, all members of this place ought to be treated as equal, because to deny some members access to facilities that are given to others is to deny the fundamental roots of democracy. Some electorates get advantages that other electorates do not get. That means that those representatives are, by some measure, disabled in their ability to provide the service they were elected to provide by comparison with others. Without canvassing those matters more widely, but having drawn attention to them, before I sit down I will also say that, over time things change and, when they change, they are not the same.

As it turns out now, we find ourselves at the threshold of the 1990s, contemplating a different code of social behaviour. For instance, passive smokers have rights that are recognised in law. There is no question that, in this place, stress and tension have different effects on different people. We respond by seeking to alleviate that stress in different ways. Some people may choose to smoke and have done so in the past although, in the future, that prerogative cannot be exercised as freely as it has been because it impinges on the rights of other people here, not just members of Parliament but the people who have to work here.

As members need to recognise, elsewhere in the wider community it is no longer accepted that, because someone wishes to do something, everyone else should be prepared to allow that person to do so. It is a fundamental tenet of the Party to which I belong and, I believe, of this society, that everyone should be free to do anything, subject to the rights of others. In that respect, we need to examine the way in which we utilise the space within the four walls of Parliament House and the way in which doing so affects others. It is not just a matter of smoking: there are other questions as well.

With those remarks, I place on record my gratitude to the officers and staff, both permanent and casual, who have done so much to make it possible for us to continue doing our jobs. I trust that will continue in the future and I commiserate with those people who have such great difficulty in providing our services in that they do not know, as none of us as individuals can know, just how long we will be sitting on any given day. It is a great problem for people who provide services to us to do that in a way that might in any way be considered efficient by comparable standards outside this place.

This is a peculiar place in that it is different in many respects from any other institution in society. It is not a phrase I use intending mirth: I use it to try to describe the institution in a way that draws it to the attention of members so that they can understand that it is not easy for anyone to do the job that they are asked to do in providing the services we need and the services we have. I thank members for their attention and trust that, by the time we resume in late July or early August, we will have found some better resolution to the matters I have drawn attention to in the course of my remarks in thanking the people who have helped us so much during this session. In closing, I thank you, Mr Speaker, for the job you have done in presiding over our affairs and business.

Mr D.S. BAKER (Leader of the Opposition): I support the remarks of the two Deputies in thanking everyone in this place for the help they have given us. The working conditions in this place are very cramped and inadequate, and I hope that something will be done about that in the near future. I also support the remarks of the member for Murray-Mallee. Another famous class was the class of '79 and one of the members who entered Parliament in that year was John Olsen, the member for Custance. Although there is no certainty, I believe that John will not be with us when the next session opens. It depends on whether the Government will allow a joint sitting in the near future. However, we are confident about that.

Having only been in Parliament for four years, I pay tribute to John Olsen who led the Liberal Party for seven years. I believe that members on both sides of this House would say that he did his very, very best for the Liberal Party and in his efforts to become the Premier of this State. I also add that, with 52 per cent of the vote at the last election, he would feel cheated, as anyone who believes in fairness would.

An honourable member interjecting:

Mr D.S. BAKER: Other people also lost their jobs. However, I pay tribute to the member for Custance because he entered into the spirit of debate in this place and in leading the Liberal Party. He was aggressive in his approach and, as Leader of Her Majesty's Opposition, he did the very best for us. I pay tribute to him as a member of the class of '79 and perhaps other members of that class will support my remarks.

Mr OLSEN (Custance): On this occasion, as on previous occasions, I join with other members to acknowledge the courtesy, the support and the obliging way in which members of the staff who assist us as members of Parliament have carried out their duties. In my case, I thank them for their efforts over the past 10 years and during the course of this session. I endorse those remarks and thank all members of staff, no matter what their position within the Parliament House precincts.

This may well be my last day in the South Australian Parliament. As a Federal colleague of mine said, 'Who's to know?', which was rather an infamous quote used over the course of the recent Federal election campaign. If it is my last day in this Parliament, I thank all my colleagues for their support. I thank members of the Parliament from both sides and all Parties for the way in which they and I (and

my Party when I was leading it) worked together in the interests of parliamentary democracy in South Australia.

The past 10 years have been a challenging, interesting and rewarding experience, a phase in my life on which I will look back with a great deal of satisfaction in having had the privilege not only to serve in Parliament but to have led my Party during that time. I wish all members of Parliament an enjoyable, relaxing break and trust that, when you all come back in the August budget session, the task ahead will be challenging and rewarding to each and every one of you, but a little more rewarding to the Liberal Party than others.

The SPEAKER: First, I thank those members who have said kind words about my performance, but let me tell you that it buys you nothing—absolutely nothing. You will be treated just the same when we come back as you have been treated so far. No-one in this place owes more than I to the assistance of all staff in this place, particularly the table officers. All staff have gone out of their way to make my early days in this seat easier. I thank them very much for that. I congratulate the 20-year members for that achievement. As one of the class of '79, let me say that it did produce one or two outstanding members. Having been told when I entered this place in 1979 that I was a 'oncer', I have much pleasure in standing here now and responding.

As Chairman of the Joint Parliamentary Service Committee, on behalf of the staff I thank members for their kind words, which will be passed on. I wish all members well during the break. May you return refreshed and ready for the fray. May our endeavours be fruitful and may they bear fruit for the people of South Australia. I thank you all for your cooperation.

Motion carried.

STAMP DUTIES ACT AMENDMENT BILL (No. 3)

Returned from the Legislative Council with the following suggested amendments:

No. 1. Page 10, lines 21 and 22 (clause 7)—Leave out all words in these lines.

No. 2. Page 10, lines 23 to 26 (clause 7)—Leave out all words in these lines after 'prescribed property,' in line 23.

No. 3. Page 10 (clause 7)—After line 26 insert the following:

other than where it is shown to the Commissioner's satisfaction that the acquisition of, or dealing with, the relevant property has not occurred for the purpose of defeating the object of this Part.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council's suggested amendments be agreed to.

Mr S.J. BAKER: I am delighted that the Minister of Finance feels that way, because these were part of my original amendments. I am pleased to see that there will not be as much discretion on the part of the Commissioner to make decisions. There is to be a change in the way the Commissioner will handle these very difficult, vexing cases involving unit trusts and companies not listed on the Stock Exchange. The three amendments are amongst the number that we moved. I am sorry that more of our amendments were not agreed to by the Upper House: so be it. I believe that the amendments actually improve the Bill considerably.

Motion carried.

FREEDOM OF INFORMATION BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to provide for public access to official documents and records; to provide for the correction of public documents and records in appropriate cases; and for other purposes. Read a first time.

The Hon. G.J. CRAFTER: 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

It represents the second stage of the Government's commitment to make information in the possession of it and its agencies accessible to members of the public.

Much information in the hands of the Government can be and is made available at present. The introduction of the administrative scheme which has been in operation since 1 July 1989 ensured that individuals have access to Government records relating to their personal affairs.

This Bill will lie on the table until the resumption of Parliament for the budget session so that interested parties have the opportunity to examine it and make submissions on it.

Under this Bill members of the public will have access to a wide range of information held by the Government and its agencies.

This Bill is based on three major premises relating to a democratic society, namely:

(1) The individual has a right to know what information is contained in Government records about him or herself.

(2) A Government that is open to public scrutiny is more accountable to the people who elect it.

(3) Where people are informed about Government policies, they are more likely to become involved in policy making and in Government itself.

A number of rights and obligations are established. These are:

(1) A legally enforceable right of access to documents in the possession of Government.

(2) A right to amend inaccurate personal records held by Government.

(3) A right to challenge administrative decisions to refuse access to documents in the courts.

(4) An obligation on Government agencies to publish a wide range of material about their organisations, functions, categories of documents they hold, internal rules and information on how access is to be obtained to agencies' documents.

The rights conferred are not, of course, absolute. They are moderated by the presence of certain exemptions designed to protect public interests including the Cabinet process, the economy of the State and the personal and commercial affairs of persons providing information to, and dealing with, the Government.

Freeedom of information legislation was first enacted in Australia by the Commonwealth Parliament in 1982, followed by the Victorian Parliament in the same year, with legislation being enacted in New South Wales last year.

This Bill draws on the experience of the operation and administration of the legislation in these other jurisdictions. At the time the Victorian legislation was introduced it was acknowledged that the legislation would need to be reviewed periodically. The need for review has also been acknowledged in the Commonwealth sphere.

The operation of both the Commonwealth and Victorian legislation has now been subject to reviews by parliamentary committees, in the case of the Commonwealth legislation,

by the Senate Standing Committee on Legal and Constitutional Affairs which reported in 1987 and, in the case of the Victorian legislation, by the Legal and Constitutional Committee, which reported in November 1989. As well as these parliamentary reviews both Governments have conducted internal reviews of their Acts.

Thus, since the 1983 report of the Interdepartmental Working Party on Freedom of Information there is now valuable experience available on which to draw in framing freedom of information legislation. The Bill draws on this experience and on the New South Wales legislation which has also drawn on the experience in the Commonwealth and Victoria. The result, I believe, strikes a balance between rights of access to information on the one hand and the exemption of particular documents in the public interest on the other. This is not to say that in the light of experience in South Australia, this balance between rights and exemptions may need to be changed.

Not only has the experience of the operation of freedom of information legislation in other jurisdictions in Australia been drawn on but valuable experience has been gained from the operation since 1 July 1989 of the administrative scheme to allow individuals access to records relating to their personal affairs. In the first six months of the operation of the scheme a total of 1 830 formal requests were made for access to personal records, of those requests approximately 94.8 per cent had access granted, 2.1 per cent were refused and .5 per cent were awaiting a decision as at 31 December 1989. Significantly the agencies receiving the greatest number of requests were those involved in providing services in the fields of health, education, child-care and policing. The scheme is also playing a valuable role in educating the public sector and the privacy committee is to be commended for the way it has, in a very short time, come to terms with the requirements of the policy to provide access to personal records and in assisting agencies in implementing the policy. The first annual report of the committee for the year ending 31 December 1989 has been tabled.

Attention is drawn to several features of the Bill. 'Agencies' subject to the legislation are defined in clause 4 (1). Agencies that are exempted from the legislation are listed in schedule 2. By virtue of clause 6 courts and tribunals are not agencies and matters relating to a court's judicial function or the determination of proceedings before a tribunal are not an agency or part of an agency.

Included in the definition of agency are municipal and district councils. The Government believes that there are no qualities inherent in the structure and functions of local government which render the democratic justification for legislation of this kind less applicable to local government than to any other level of government. The Government therefore accepts in principle that local government be included in the legislation and has done so in this Bill.

However, the precise terms of the inclusion of local government in this Bill is something that will need to be the subject of discussion with local government. The relation of the provisions of the Bill with the provisions of the Local Government Act 1934 will need to be further examined, as will the appropriateness of the exemption provisions for documents in the possession of local government.

The need for further consultation with local government is acknowledged and these consultations will occur during the winter recess.

Part II of the Bill sets out the information agencies must publish and have available for inspection by members of the public.

Part III provides for applications for access to agencies' documents and how applications are to be dealt with. Clause 12 provides that a person has a legally enforceable right to access to an agency's document.

Agencies must deal with applications within 45 days (clause 14). This is the same time limit as applies under the other Australian legislation.

Provision is included (clause 17) for agencies to require advance deposits before dealing with an application.

Clause 28 provides that agencies may refuse to deal with an application if dealing with the application would substantially and unreasonably divert the agency's resources from their use by the agency in the exercise of its functions. This is similar to Commonwealth and New South Wales provisions.

Agencies may refuse to give access to documents that came into existence before the Act came into operation, but provision is made that an agency cannot refuse access to a document that is reasonably necessary to understand a document to which access has been given under the Act. Also a right of access is given to documents that contain information concerning the personal affairs of the applicant irrespective of when the documents came into existence.

Provision is made for agencies to consult with other bodies before giving access to certain documents. Agencies are required to consult with:

- another Government or a local government, if the document contains matter concerning the affairs of that Government or local government;
- a person, if the document contains matter concerning the personal affairs of that person;
- a person, if the document contains information relating to trade secrets of that person, information containing commercial value to that person, any other information concerning the business, professional, commercial or financial affairs of that person;
- a person, if the document contains information concerning research that is being, or is intended to be, carried out by or on behalf of that person.

Part IV of the Bill deals with the right of a person to have an agency's records amended if the records contain information concerning the person's personal affairs and the information is, in the person's opinion, incomplete, incorrect, out of date or misleading.

A three tier process of review is provided for. Where an applicant is dissatisfied with an agency's response he or she can apply to the agency for a review of the decision. A person who remains dissatisfied following an internal review may apply for a review to the Ombudsman or Police Complaints Authority and/or the District Court.

The Ombudsman is given power to review a determination made by an agency (clause 39). This gives the Ombudsman jurisdiction to investigate agencies which he is unable to investigate under the Ombudsman Act 1972 since the agencies covered by the Bill are wider than those covered by the Ombudsman Act. And, since 'agency' is defined in clause 4 (1) to include Minister, the Ombudsman will also be able to investigate a Minister's determination not to release a document (except where the Minister has certificated that a document is a restricted document). These provisions are in accordance with the recommendations of the 1983 working party but are wider than those in any other Australian Act in allowing the Ombudsman to review whether a 'Minister's document' should be released. The Police Complaints Authority is given power to review a determination made in relation to police documents.

Clause 52 provides for fees and charges. It provides that the Minister may, by notice in the *Gazette*, establish guide-

lines for the imposition, collection, remittal and waiver of fees. In establishing the guidelines the Minister must have regard to the need to ensure that disadvantaged persons are not precluded from exercising their rights under the Act and the need to ensure that fees and charges should reflect the costs incurred by agencies in exercising their functions under the Act. I am pleased to note that the principle of cost recovery was supported by the Opposition as far back as 1986.

Exempt documents. The Bill follows the New South Wales Act in creating three classes of exempt documents, namely, restricted documents, documents requiring consultation and other exempt documents. Documents requiring consultation have already been discussed.

Restricted documents are Cabinet documents, executive council documents, documents exempt under freedom of information legislation of other Australian jurisdictions and documents affecting law enforcement and public safety. Clause 45 provides that a certificate signed by the Minister stating that a document is a restricted document is conclusive evidence that the document is a restricted document. A certificate ceases to have effect after two years; a further certificate can be issued.

The District Court is given jurisdiction to consider the grounds on which it is claimed that a document is a restricted document, notwithstanding that the document is the subject of a ministerial certificate (clause 43). The District Court can consider the document and, if it is not satisfied that there are reasonable grounds for the claim, can make a declaration to that effect. If the Minister does not agree with the court he or she must give notice to the applicant and to the Parliament with reasons for the decision to confirm the certificate.

The categories of exempt documents are designed to ensure that the confidentiality of information is protected where this is required for the proper and efficient conduct of government.

Particular attention is drawn to the exemption of Cabinet documents. A document is a Cabinet document if:

- it is a document that has been prepared for submission to Cabinet (whether or not it has been so submitted);
- it is a preliminary draft of such a document;
- it is a document that is a copy of or part of, or contains an extract from such a document;
- it is an official record of Cabinet;
- it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet;
- it is a briefing for a Minister in a Cabinet submission.

Clause 1 (2) *(a)* of schedule 1 specifically provides that a document is not exempt as a Cabinet document if it merely consists of factual or statistical material that does not disclose information concerning any deliberation or decision of Cabinet.

Part III of schedule 1 deals with a variety of documents for which exemption from disclosure may be claimed. That claim may be overruled by the District Court. The documents are: internal working documents, documents subject to legal professional privilege, documents relating to judicial functions, documents the subject of secrecy provisions, documents containing confidential material, documents affecting the economy of the State, documents affecting financial or property interests of the State, documents concerning the operations and commercial activities of agencies, documents subject to contempt, documents arising out of the companies and securities legislation and private documents in public library collections.

Clause 1 is formal.

Clause 2 provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3 sets out the objects of the measure, the means by which it is intended that those objects be achieved and Parliament's intentions in relation to the interpretation and application of the measure and the exercise of administrative discretions conferred by the measure. The clause provides that nothing in this measure is intended to prevent or discourage the publication of information, the giving of access to documents or the amendment of records as permitted or required by or under any other Act or law.

Clause 4 defines terms used in the measure and makes other provision with respect to interpretation of the measure.

Clause 5 provides that the measure binds the Crown not only in right of the State but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

Clause 6 provides that for the purposes of the measure the following are not to be regarded as an agency or part of an agency: a court, a judicial officer of a court, a registry or other office of a court, the members of staff of such a registry or other office in relation to matters relating to the court's judicial functions, a tribunal, an officer vested with power to determine questions raised in proceedings before a tribunal, a registry or other office of a tribunal and the members of staff of such a registry or office in relation to the determination of proceedings before the tribunal.

Clause 7 provides that if a document held by an agency is deposited in the Public Records Office, the document is, for the purposes of this measure, to be taken to continue in the possession of that agency.

Clause 8 provides for the transfer of the responsibilities under the measure of an agency which ceases to exist to the agency that takes over the functions of the agency, or if there is no takeover, to an agency nominated by the Minister.

Clause 9 requires the responsible Minister for an agency to publish, within 12 months after the commencement of this measure and at intervals of not more than 12 months thereafter, an up-to-date information statement and information summary and sets out what an information statement and an information summary must contain. The clause does not require the publication of information if its inclusion in a document would result in the document being an exempt document.

Clause 10 requires an agency to make copies of its most recent information statement and information summary and each of its policy documents available for inspection and purchase by members of the public. Nothing prevents an agency from deleting information from the copies of a policy document if its inclusion would result in the document being an exempt document otherwise than by virtue of clauses 9 or 10 of schedule 1 (that is because it is an internal working document or a document subject to legal professional privilege). The clause provides that an agency should not enforce a particular policy to the detriment of a person if the relevant policy should have been, but was not, made available for inspection and purchase in accordance with the clause at the time the person became liable to the detriment and the person could, by knowledge of the policy, have avoided liability to the detriment.

Clause 11 provides that clauses 9 and 10 do not apply to an agency that is a Minister or an agency exempted by regulation from the obligations of those clauses.

Clause 12 gives a person a legally enforceable right to be given access to an agency's documents in accordance with this measure.

Clause 13 sets out how an application for access to an agency's documents is to be made.

Clause 14 sets out who is to deal with applications for access and the time within which they must be dealt with.

Clause 15 prohibits an agency from refusing to accept an application merely because it does not contain sufficient information to enable identification of the document to which it relates without first taking such steps as are reasonably practicable to assist the applicant to provide such information.

Clause 16 provides for the transfer to another agency of an application for access in the case where the document to which it relates is held by another agency or the document is more closely related to the functions of the other agency.

Clause 17 empowers an agency to require an applicant for access to pay an advance deposit if in the opinion of the agency the cost of dealing with the application is likely to exceed the application fee.

Clause 18 sets out in which cases an agency may refuse to deal or continue dealing with an application.

Clause 19 requires an agency to determine an application for access within 45 days after it is received (unless the application has been transferred to another agency or the agency has refused to deal or continue to deal with the application). If it is not dealt with within that time the agency is, for the purposes of the measure, to be taken to have determined the application by refusing access.

Clause 20 sets out when an agency may refuse access to a document.

Clause 21 sets out when an agency may defer access to a document.

Clause 22 sets out the forms in which access may be given.

Clause 23 requires an agency to notify an applicant for access of its determination or, if the document to which the application relates is not held by the agency, of the fact that the agency does not hold such a document.

Clause 24 provides that clauses 12 to 23 have effect subject to the provisions of clauses 25 to 28.

Clause 25 deals with the giving of access to a document that contains matter concerning the affairs of the Government of the Commonwealth or of another State or of a council.

Clause 26 deals with the giving of access to a document that contains information concerning the personal affairs of any person (whether living or dead).

Clause 27 deals with the giving of access to a document that contains information concerning the trade secrets of any person or other information that has a commercial value to any person or any other information concerning the business, professional, commercial or financial affairs of any person.

Clause 28 deals with the giving of access to a document that contains information concerning research that is being, or is intended to be, carried out by or on behalf of any person.

Clause 29 gives a person who is aggrieved by a determination of an agency under Part III of this measure an entitlement to a review of the determination and sets out how an application for review is to be made. On an application for review the agency may confirm, vary or reverse the determination. An agency that fails to determine an application for review within 14 days of its receipt is, for the purposes of the measure, to be taken to have confirmed the determination in respect of which a review is sought. However, a determination made by a Minister or the principal officer of an agency is not subject to a review under this clause.

Clause 30 gives a person to whom access to an agency's documents has been given the right to apply for amendment of the agency's records if the document contains information concerning the person's personal affairs, the information is available for use by the agency in connection with its administrative functions and the information is, in the person's opinion, incomplete, incorrect, out of date or misleading.

Clause 31 deals with applications for amendment of agencies' records.

Clause 32 sets out who is to deal with applications for amendments and the time within which they must be dealt with.

Clause 33 prohibits an agency from refusing to accept an application for amendment merely because it does not contain sufficient information to enable identification of the document to which the applicant has been given access without first taking such steps as are reasonably practicable to assist the applicant to provide such information.

Clause 34 requires an agency to determine an application for amendment by amending its records in accordance with an application or by refusing to amend its records. An agency that fails to determine an application within 45 days after receipt of the application is, for the purposes of the measure, to be taken to have determined the application by refusing to amend its records in accordance with the application.

Clause 35 sets out in which cases an agency may refuse to amend its records.

Clause 36 requires an agency to notify an applicant for amendment of records of its determination or, if the application relates to records not held by the agency, of the fact that the agency does not hold such records.

Clause 37 provides that if an agency has refused to amend its records the applicant may, by notice, require the agency to add to those records a notation specifying the respects in which the applicant claims the records to be incomplete, incorrect, out of date or misleading and if the applicant claims the records to be incomplete or out of date, setting out such information as the applicant claims is necessary to complete the records or to bring them up to date. An agency must comply with the requirements of a notice and notify the applicant of the nature of the notation. If an agency discloses to any person any information in the part of its records to which a notice relates, the agency must ensure that when the information is disclosed a statement is given to the recipient stating that the person to whom the information relates claims that the information is incomplete, incorrect, out of date or misleading and setting out particulars of the notation added to its records and the statement may include the reason for the agency's refusal to amend its records in accordance with the notation.

Clause 38 gives a person who is aggrieved by a determination of an agency to refuse to amend its records to a review of the determination and sets out how an application for review is to be made. On an application for review the agency may confirm, vary or reverse the determination under review. An agency that fails to determine an application for review within 14 days after its receipt is, for the purposes of the measure, to be taken to have confirmed the determination in respect of which a review is sought. However, a determination made by a Minister or the principal officer of an agency is not subject to a review under this clause.

Clause 39 provides that a person who is dissatisfied with a determination of an agency that is liable to internal review after review by the agency or who is dissatisfied with a determination not subject to internal review may apply for

a review of the determination to the Ombudsman or the Police Complaints Authority. The application must be directed to the Ombudsman unless the determination was made by a police officer or the Minister responsible for the Police Force, in which case it must be directed to the Police Complaints Authority. Where such an application is made, the Ombudsman or Police Complaints Authority may carry out an investigation and, if satisfied that the determination was not properly made, direct the agency to make a determination in specified terms. There is no power under this clause to inquire into the propriety of a ministerial certificate.

Clause 40 provides that a person dissatisfied with a determination of an agency after review by the agency may appeal against the determination to a District Court. On such an appeal the court may confirm, vary or reverse the determination to which the appeal relates or remit the subject matter of the appeal to the agency for further consideration and make such further or other orders (including orders for costs) as the justice of the case requires.

Clause 41 sets out the time within which an appeal must be commenced.

Clause 42 provides that an appeal will be by way of rehearing and that evidence may be taken on the appeal. It also provides that where it appears that the determination subject to appeal has been made on grounds of public interest and the Minister makes known to the court his or her assessment of what the public interest requires in the circumstances of the case subject to appeal, the court must uphold the agency's assessment unless satisfied that there are cogent reasons for not doing so.

Clause 43 deals with the consideration by a District Court of restricted documents.

Clause 44 provides that if, as a result of an appeal, the District Court is of the opinion that an officer of an agency has failed to exercise honestly a function under the measure, the court may take such measures as it considers appropriate to bring the matter to the attention of the responsible Minister.

Clause 45 deals with ministerial certificates as to restricted documents.

Clause 46 sets out how notices that an agency is required to give by this measure may be served.

Clause 47 puts the burden of establishing that a determination is justified on the agency.

Clause 48 provides that for the purpose of any proceedings, a determination under this measure that has been made by an officer of an agency is to be taken to have been made by the agency concerned.

Clause 49 provides that if access to a document is given pursuant to a determination under the measure and the person by whom the determination is made believes in good faith, when making the determination, that the measure permits or requires the determination to be made, no action for defamation or breach of confidence lies against the Crown, an agency or an officer of an agency by reason of the making of the determination or the giving of access and no action for defamation or breach of confidence in respect of any publication involved in, or resulting from, the giving of access lies against the author of the document or any other person by reason of the author or other person having supplied the document to an agency or Minister.

The clause also provides that neither the giving of access to a document pursuant to a determination under the measure nor the making of such a determination constitutes, for the purposes of the law relating to defamation or breach of confidence, an authorisation or approval of the publication of the document or its contents by the person to whom access is given.

Clause 50 provides that if access to a document is given pursuant to a determination under the measure and the person by whom it is made honestly believes, when making the determination, that the measure permits or requires the determination to be made, neither that person nor any other person concerned in giving access is guilty of an offence merely because of the making of the determination or the giving of access.

Clause 51 provides that a person acting honestly and in the exercise or purported exercise of functions under the measure incurs no civil or criminal liability in consequence of doing so.

Clause 52 empowers the Minister, by notice in the *Gazette*, to establish guidelines for the imposition, collection, remittal and waiver of fees and charges under the measure, sets out the matters the Minister must have regard to in establishing such guidelines, provides for the recovery of fees and charges and empowers a court to reduce a fee or charge that in the court's opinion is excessive.

Clause 53 requires the Minister to report annually to Parliament with respect to the administration of the measure and requires agencies to furnish to the Minister such information as the Minister requires for the purpose of preparing the report.

Clause 54 empowers the Governor to make regulations.

Schedule 1 sets out classes of exempt documents.

Schedule 2 sets out exempt agencies.

Mr OSWALD secured the adjournment of the debate.

WORKER'S LIENS ACT 1893

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

That a select committee be appointed to consider and report to the House on the operation of the Worker's Liens Act 1893; and whether it should be amended or repealed.

The Worker's Liens Act 1893 enables workmen, head-contractors and subcontractors to register a lien over the land or interest in land of an owner or occupier who has consented to work being performed on the land. A lien may also be registered by a person who supplies materials for use in construction, even though that person may not perform any work on the land.

In addition to registering a lien, workmen and subcontractors may claim a charge over money payable to a head-contractor or subcontractor by whom they are employed or with whom they have contracted. The charge is limited to $200.

Upon the bankruptcy or liquidation of the owner or occupier of the land or the head-contractor, a charge of lien holder is treated as a secured creditor and, subject to prior registered encumbrances, is entitled to be paid in full from the proceeds of the asset secured in priority to other creditors.

To a large extent the Worker's Liens Act is an anachronism. The Act, when passed in 1893, was intended to offer some form of protection to working men and small independent tradesmen. It assisted these men in obtaining payment for their labour. When introducing the Bill the then Attorney-General, Charles Kingston, stated:

It was monstrous that a workman who at the instance of the owner of the land did certain work on a property, practically improving the value of it, should, owing to the failure of the owner, be deprived of the wages he had justly earned.

The Worker's Liens Act now has consequences far beyond the intention of its framers. The Act affords protection to large subcontractors and suppliers, who may be listing companies of greater substance than the builder to whom they are subcontracting with or supplying materials to.

Over the years there has been much debate as to whether the Act should be retained or repealed. The main reason advanced for the retention of the Act is that the lien represents some form of security to a supplier/subcontractor without which he may not be prepared to extend credit either at all or to the same extent. Most building work is performed on credit, in the main provided by subcontractors and suppliers. The repeal of the Act would remove the 'security blanket' and it is argued would lead to a tightening of credit in the building industry with a detrimental effect on the industry as a whole.

On the other hand, it is argued that bankruptcy and liquidation law have been worked out over many years to provide a fair method of distribution of assets and the Act provides a means whereby some creditors gain an unfair advantage over others.

One of the most common reasons put forward for the repeal of the Act is the expense, delay and hardship suffered by the home owner when a builder or subcontractor becomes bankrupt or goes into liquidation in the course of construction. There is often difficulty in getting the lending institution to advance further money for the completion of the building once liens have been registered on the property. Further, in the case of a subcontractor the owner can get drawn into what is essentially a dispute between the contractor and the subcontractor. The owner might have paid all that was due to the contractor but may still find that liens are being registered on his or her land by subcontractors or, what amounts to the same thing, people who have supplied materials to the intermediate contractor.

The Act gives special protection for creditors in the building industry which is not afforded to creditors in other industries. These are considerable arguments for both the repeal and the retention of the Act. The whole issue needs to be examined thoroughly, and we believe a select committee is the appropriate way to commence this process.

Motion carried.

The House appointed a Select Committee consisting of Messrs M.J. Evans, Ferguson, Groom, Ingerson and Such; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to have power to act during the next recess and report on the next day of sitting.

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL

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

That the select committee on the Bill have leave to sit during the sitting of the House today.

Motion carried.

WORKER'S LIENS ACT 1893

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

That the select committee have leave to sit during the sitting of the House today.

Motion carried.

CORONERS ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1—After line 13 insert new clause 2a. as follows:

Jurisdiction

2a. Section 12 of the principal Act is amended by striking out paragraph *(db)* of subsection (1) and substituting the following paragraph:

(db) the death of any person where there is reason to believe that the death occurred, or the cause of death, or a possible cause of death, arose, or may have arisen, while the deceased was accommodated in an institution and that the deceased was suffering from mental illness or intellectual retardation or impairment (other than mental impairment consequent on the immediate cause of death), or was dependent on the non-therapeutic use of drugs;.

No. 2. Page 2, lines 18 to 25 (clause 5)—Leave out subsection (5) and substitute the following subsection:

(5) Where there is reason to believe that a death occurred, or a cause of death, or a possible cause of death, arose, or may have arisen, while the deceased was accommodated in an institution and that the deceased was suffering from mental illness or intellectual retardation or impairment (other than mental impairment consequent on the immediate cause of death), or was dependent on the non-therapeutic use of drugs, the person in charge of the institution, or the part of the institution in which the deceased was accommodated, must immediately report the death, or cause the death to be reported, to a coroner.
Penalty: Division 6 fine.

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

That the Legislative Council's amendments be agreed to.

Motion carried.

POLICE SUPERANNUATION BILL

Consideration in Committee of the Legislative Council's amendments:

Page 8 (clause 13)—After line 4 insert subclause as follows:

(7) The board must, within six months after the end of each financial year, provide each contributor with a written statement of the amount standing to the credit of the contributor's contribution account at the end of the financial year and the amount by which the balance of the account has been increased pursuant to subsection (3) in respect of that financial year.

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

That the Legislative Council's amendments be agreed to.

Motion carried.

REMUNERATION BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, lines 23 and 24 (clause 3)—Leave out all words in these lines and insert—

(d) fees;
and
(e) any other benefit of a pecuniary nature.

No. 2. Page 4, line 31 (clause 17)—After 'determination' insert 'or the date of commencement of this Act'.

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

That the Legislative Council's amendments be agreed to.

Motion carried.

LIQUOR LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 April. Page 1398.)

Mr S.G. EVANS (Davenport): This is not a major Bill, but it proposes significant changes in one or two areas, to which the member for Bragg has referred. In relation to hotel licences I refer to the editorial from the AHA's publication *Hotel Gazette of South Australia* of April 1990. Under the heading 'Victoria's recipe for possible disaster', it states:

> It is with a sense of genuine concern that the hotel industry in South Australia views recent licensing changes in Victoria. A recent review of that State's Liquor Licensing Act has led to a significant increase in liquor outlets—including, would you believe, some restaurants becoming 'taverns'. This, of course, has changed completely the nature of their business. And the effects on the overall liquor and hospitality will vibrate for a long time.
>
> New South Wales is reviewing its Act—and is considering many of the Victorian provisions. Undoubtedly some non-hotel operators in South Australia will be encouraged to push for similar provisions here. What nonsense!
>
> South Australia's Act was reviewed in 1985 and changes implemented. Flowing from the 1985 Act has been a 'freeing up' of liquor licensing—while providing an environment which encourages high standards, reinvestment, redevelopment and new investment. Hotels are not a protected species. On the contrary, they are in a most competitive market. The hotel industry is not a 'closed shop'. Flexibility in our Act allows for a multitude of options from tourism to entertainment, while at the same time maintaining obligations on those who seek to provide a full service.
>
> The South Australian Government should feel satisfied with the outcome of the 1985 Act. It has led to a more vibrant and competitive industry. It has allowed innovation, entrepreneurship, while, as mentioned, maintaining services, investment and standards. The overall liquor industry is finely balanced and currently is progressing in a positive direction in South Australia—a direction which is envied elsewhere. The Australian Hotels Association believes that what has happened in Victoria will be to the detriment of the total industry—resulting in lower standards, less investment and employment fragmentation. It must not happen here.

The history of the situation is one that I have discussed on other occasions. Australia, New Zealand and the United Kingdom are the only three countries in the world that have the local pub system as we know it. In other parts of the world it is more likely that taverns or licensed bars, and not hotels, are the traditional suppliers of alcohol on licensed premises. There is no doubt that Victoria was the first State to move for a change and it is worth looking at some aspects of this move, bearing in mind the statement that I just read from the *Hotel Gazette of South Australia.*

In relation to the proposed changes in New South Wales, the document sent to the Restaurant and Catering Association of New South Wales stated:

> The Government proposes to rationalise the present 10 licence categories to three—hotelier; on licence; and off licence. All licensed restaurants would automatically come under the on licence category . . . This is something the association has argued for for many years. Under the new proposals restaurants would be able to serve liquor, in their reception areas, without requiring patrons to have a meal.

I know that the Hotel's Association would complain about that. At the time of the most recent Grand Prix, we encouraged visitors not only from this State and other States but from other parts of the world. Many of those people were not familiar with our hotel system: they were more familiar with the tavern and bar situations, yet some of the licence applications for a reception/bar area to supply visitors with liquor, whether or not they had a meal, were refused. I think we could open up that area. I know that restaurants can apply for a general facility licence, but I do not think that this type of licence is necessary. Some restaurants have small bars but are not allowed to use them because they do not have a general facility licence, and this might be something that they and their patrons do not want. This environment would be better for a family than are some of the local pub environments.

I have a great respect for the services that hotels have provided over the years. However, some still need a rap over the knuckles with respect to the age groups they allow and seem to encourage. Recently I was in a hotel when the wife of the licensee asked two young men whether they were 18 years of age. They hesitated and looked at me, because I had seen them not an hour before in a high school year 10 play. She asked them to fill out a form and state their name and date of birth. They noticed me there and left because they knew that I knew they were both 16 years of age. I give credit to that publican's wife and to the staff for the way in which they operate. I know that many hotels operate in the same way, but some do not and this causes problems for the local families.

In the main I have no complaint with the services that hotels offer. However, they must remember that at one time we had 6 o'clock closing and people who went to restaurants had to have a meal; or, if they were hotel guests, they could have a drink with their meal. No doubt country taverns bent the rules, with the publican's permission, and guests could have the odd drink in the dining room or somewhere in the hotel without a meal after the appropriate time. I do not complain about that.

However, closing hours have been extended to 10 o'clock, then 11 o'clock and 12 o'clock, and some hotels can now run discotheques until all hours of the morning. By building better dining rooms, some have really become restaurants. They not only cater for in-house guests; indeed, some of them have moved away from providing rooms for in-house guests—and I do not object to that—and have encroached into the restaurant area. I know that certain people in this State in restaurant and motel businesses are concerned about this encroachment. I think we will see restaurants, motels, caterers and some clubs and bottle shops joining together and putting up arguments as to why there should be some significant changes to free up the liquor licensing laws of this State, just as the Minister of Transport demonstrated today in relation to hire cars and taxis. The House should be warned that those moves are likely to occur. I refer to one or two points in the discussion paper issued by the Chief Secretary's Department of New South Wales in October 1989. Proposal 20 is as follows:

> It is proposed that:
>
> the requirements that liquor may only be served in restaurants with or ancillary to meals be relaxed to enable unrestricted sales in reception areas;

With unrestricted sales one can walk to a restaurant near one's home and have a drink, walk home and not have to worry about drink driving. It continues:

> to protect the primary purpose of restaurants and the interests of other licensed persons in the vicinity, there should be a continuing restriction on the size and location of reception areas;

New South Wales is not arguing that these reception areas should become like front bars of hotels but that they should be restricted, providing a small area where people can have a drink before a meal. That cannot be done in this State under the present law. An ordinary restaurant licence does not allow me to stand at the bar of a restaurant and wait for my guests to arrive. Restaurants should be able to provide a small reception/bar area for patrons to wait for friends, and I think we should consider that provision. Proposal 20 continues:

> the nature and extent of continuing restrictions should be discussed with the industry;

So, in New South Wales the Chief Secretary is prepared to discuss that aspect of the industry before any moves are made, and when they talk about the industry, they talk about the total liquor industry. Our State's liquor laws are

not the same as those in New South Wales; in many areas our laws are slightly less restrictive. So, in some ways New South Wales has a greater reason to argue for change in certain areas than have the operators of restaurants, clubs or motels in this State.

In 1985 a Victorian study indicated that 63 per cent of Victorians said that they would like to see the development of local cafes or small bars, generally open day and night, where one could choose to drink alcohol, coffee or whatever, or eat a meal or snack. That is more like the European and Canadian situation. I believe that we would get the same or a similar response in this State. It also found that:

> The outcome of that review led to legislation in 1988 which enabled restaurants to supply liquor without meals in part of the restaurant that comprises no more than 25 per cent of the total public area of the licensed premises.

Here the report is saying that a restaurant could have a bar area no greater than 25 per cent of the total restaurant area where people could have a drink, whether or not they had a meal. Victoria changed the law in that area, and I know that that was of concern to the AHA in Victoria and in South Australia. The result is outlined as follows:

> Only a limited number of applications and relatively few approvals—some 120 or 10 per cent of the total—have been granted under these relaxed provisions to date. A report by the Victorian Liquor Licensing Commission summing up the first 18 months operation of the new laws says the law is working very well and people now have a greater choice about where they can share a drink and fears that restaurants would become *de facto* hotels have been proved to be unfounded.

We need to take note that in practice it has not been the monster to attack the hotel industry's trade as the industry expected. In answering criticism, in relation to New South Wales, the report states:

> Although the number of restaurant licences has increased dramatically over the last 10 years, our proportion of the liquor market has only grown from 4 per cent to 5.3 per cent. People will not treat restaurants as substitute hotels and as Victoria has proved restaurateurs are not interested in being publicans. The function of a restaurant will remain the provision of fine food.

The report further states:

> The Victorian experience has provided a model for new laws which has worked well and not threatened the economic viability of the hotel industry.

My colleague, the member for Adelaide, spoke for some time on that matter and referred to the noise emanating from some hotels late at night. This relates not only to hotels, because it can occur in relation to discotheque-type operations in the city and the member for Adelaide referred to that as well.

I am concerned that often we get complaints about activities from people who move to an area knowing that a problem exists and then they complain about the hotel. I refer to one instance in my electorate in respect of a hotel that has been there for about a hundred years. A person bought the building next to the hotel, a house zoned residential adjoining the hotel car park and wanted to change its zoning to run a small business. Permission was quite rightly refused by the council because that would have put pressure on the next house down. The new owner came to me and asked whether I would help draw up a petition to take to the people in houses in the area to object to the hotel's late-night operations and the noise that kept the owner and his family awake.

I said that I would help draw up the petition because that was my job, but that I would not collect signatures and I would not have the petition in my office. He went out and collected signatures and I believe that he appealed against the hotel's licence. Indeed, I believe that the court did impose one or two provisions on the operator on the renewal of the licence, such as a bit more lighting at the back of the car park and some attempt to try to clear people out from the car park as soon as possible after the hotel closed. The point is that until that time there were no complaints of any significance about the noise emanating from that hotel. I have had the odd complaint now and again when some ratbags have come from out of town and caused some hassles, but that has been seldom in the 20 years in which I have represented the area.

People come into an area knowing what the facilities are and then start a protest against it. I believe that that is where the complaint is grossly unfair to the hotelier or the licensed premises operator, if it is not a hotel. The AHA has a need to come out and say that such matters should be considered and be part of the argument, or even be thought about in the Act. It is totally unfair for someone to buy a property next to a hotel car park and then want to change the value of the property by taking action detrimental to the operations of the hotel. Everyone knows, once licensing laws are passed where hotels and clubs can open to midnight or later, that a yahoo group will create trouble and noise and that it is difficult to control them.

That argument is different to what the member for Adelaide raised in respect of people in the street parking their cars across driveways and so on. The problem of liquor is one of difficulty in our community in respect of young people. Had we left the age at 20 years as it was in 1969-70, and if people had heeded some of the warnings given then, we would not have the problems that we have now.

I support the Bill subject to two amendments being agreed to, but we need to have another look at the licence system in particular if we want this State to become a tourist industry State and try to take away some of the inhibitions that apply presently.

Mr OSWALD (Morphett): When the Bill was first put out for public comment many submissions were received and I believed that it had much merit. Certainly, I supported large sections of it. I had some difficulties with it but generally those difficulties have been accommodated in another place. A couple of amendments have come down from another place to which I will refer, and particularly to one amendment about which I feel strongly. I will come to that shortly.

Some of the good points in the Bill that I should put on the record on behalf of those people I seek to represent include the reference to the powers that have been given to local councils to intervene. Any additional power that has been given to local councils to intervene should be applauded. In Glenelg I have one of the more difficult hotels in this State, and it has been interesting over the years that hotels have changed from places where one could go in the evening with friends and have a quiet beer at the bar and then after a few hours drift on home. Some hotels have become entertainment complexes.

I refer to the St Leonards Hotel, and members of the House may be interested to know that the hotel management has, in an attempt to try to accommodate the concerns of local residents, just gone to the trouble of pouring a concrete slab seven to eight inches thick across the top of the hotel to try to control the noise therein. If hotel management has to go to the extent of pouring a slab of concrete across the hotel roof to contain noise, it is probably an admission that it has a noise problem when the disco starts thumping.

Mr Ferguson: Very heavy overheads.

Mr OSWALD: Yes, very heavy overheads. Not only did the hotel management pour a concrete slab across the top of the hotel but it also double glazed the high rise building

behind the hotel and carried out other noise reduction works. The hotel also employed security guards because of the problems in the street, and it fenced off the car park to try to contain the larrikins there. It even put on buses from the hotel to one of the local car parks at the seafront and ferried people from the car park up to the hotel.

All this took years of negotiation between local residents, the council and the hotel. I can recall complaints to my office two or three years ago about the hotel. I communicated those complaints to the council and advised local residents of the position of the law concerning those complaints. In one case, after about eight or nine months and letters to the Attorney-General, we eventually had a hearing before the court and a conference took place. However, no ruling was given but certain suggestions were made by the bench.

Then, once again, a year went by before the matter was brought back before the courts and, in the meantime, the local residents had to undergo night after night of noise, abuse and generally undesirable living, for those who went to Glenelg because it was a nice place to live. To be fair, the hotel has made a genuine effort to try to tidy up its act, but because we are getting these isolated hotels scattered around Adelaide, such as the St Leonard's Hotel, and others in the northern part of the metropolitan area, they have become entertainment complexes, which bring to them people from all over the metropolitan area. The community behaviour of these people leaves a lot to be desired. I believe the Government, on my reading of the second reading explanation and the Bill, has made a genuine attempt to give council more powers to go to the courts and try to put the case on behalf of local residents so that the court can take it into account. That is to be applauded.

I refer to clause 7, which is the one with which I have difficulty. Section 22 in the original Act provides:

> Where, in the opinion of a court, proceedings have been brought frivolously or vexatiously, the court may award costs against the person by whom the proceedings were brought.

The Government now wants to amend that by inserting the words 'or has exercised the right to object to an application' so that that provision would provide:

> Where, in the opinion of a court a person has brought proceedings, or has exercised the right to object to an application frivolously or vexatiously, the court may award the cost against that person.

What that will mean is that groups of residents, consisting of four, five or less, from a group of houses near one of these hotels, will be put off making their complaint for fear that it could be ruled as vexatious and then have the costs awarded against them. I believe there is a very real chance of that happening. Even if the Minister, as a lawyer, says that there is no chance of that happening, the threat of it now being written in legislation makes one become suspicious.

The people who advise these would-be complainers could say, 'Well, in 1990 the Government changed it and added those words, so it must be thinking about using them, otherwise it would have left the Act as it originally was, which covered a vexatious complaint.' But, by taking the next step and for all intents and purposes firming it up, it will stop the ordinary person whom this Act is meant to represent and stand for from coming forward and making a complaint. I would like to think that the Minister would go along with the Opposition on this matter, remove its amendment and revert back to the original Act.

I guess we will have problems with this because it has been to another place and it has come back here with this amendment still standing. I guess the Minister has a reason for retaining it, and I am interested in that.

However, I know from discussions amongst residents in Glenelg, at local government level and those who live in the vicinity of the St Leonard's Hotel, they have talked about this clause and they feel that it would frighten off certain people from lodging a complaint. I will be urging the Government to have it removed.

While this Bill is before the House, it also allows me to raise another area of concern in relation to liquor licensing, that is, under-age drinking. It is a fact of life that that goes on. I have sympathy for the barman, and I have great sympathy for the publican who is trying to do the right thing. The AHA, I think it was, suggested the pub ID card, which I think is a marvellous idea and should be proceeded with. Maybe they are waiting on the driver's licence proposals. But not everyone has a driver's licence, and if there is any move afoot to bring in the pub ID card there will be no objection from me. I think it is a marvellous idea and it should be encouraged.

In conclusion, I will say that I do think that the Attorney and his department have done a good job in trying to put these new regulations into the Act and make it easier and clearer to understand. It does give the councils a chance to intervene much more easily than they could before. I do believe that on the whole the licencees of licensed premises are a group in the community who have the interests of the industry at heart. They do not want to see problems in their hotels. I believe they are genuinely trying to tidy up their act. It is not their fault that they get a larrikin element foisted upon them from other parts of Adelaide.

I applaud the effort that the local publican at Glenelg has made and the money he has expended. By the same token, we have to respond to the concerns of the community. There is no reason at all why the residents of Glenelg, as with the residents of North Adelaide or Elizabeth, should put up with a larrikin element. I believe that a lot of it is a policing matter. In other Bills, I believe we must give the police powers to move on these larrikin elements, powers in relation to loitering, and allow them to move people on when they are becoming unruly or objectionable. That is a policing matter, and I think the Government must address it in the future. As far as this Bill is concerned, I support it except for that clause on the vexatious complaints. I would like to see the Government remove it when we come to the Committee stage.

The Hon. G.J. CRAFTER (Minister of Education): I thank all members who have contributed to this debate. I think that any amendments to liquor licensing laws raise the interest of most members of this House. Indeed, we all have many and varied licensed premises in our electorates and, as a result of the activities of those premises, we receive representations in one form or another. So, it is always of interest to consider how the law can be improved in this area. We are operating in a changing community. The needs of the community are changing. The community now enjoys much more recreation time. As to the opportunities that licensed premises provide for entertainment, particularly for younger people in the community, we need to ensure that the law meets those changing needs.

I think that we have been well-served in this State. The Royal Commission into our liquor licensing laws in 1965, which brought about the 1967 legislation, served this State well. It was premised on a fair distribution of licensed premises throughout the metropolitan and country areas of this State and, indeed, on those licensed premises accepting a responsibility for overall distribution of a range of services, whether in the sale of liquor from premises, in the

provision of meals or accommodation, or in forms of entertainment.

That has been changed from time to time and, more particularly, by a very thorough review of our liquor licensing laws conducted in 1984 and 1985 by Mr Young of the Consumer Affairs Department (as it then was) and Mr Secker, who later became the first Licensing Commissioner in this State and who now enjoys a similar position in the State of Western Australia. However, that work that those men did in reviewing the laws (as they then were), and the drafting of the subsequent Act, I believe has further enhanced the licensed club, hotel and restaurant industry in this State and has also enhanced our tourism potential. However, we need to continually review those laws, and that is what now appears before us as a result of a very thorough review of the operations of our current law.

Members have commented in some depth in this place and in another place on the measures that are before us. I will take a little time of the House to comment on the contributions that have been made by a number of members opposite in this debate. The member for Bragg supported the measures with two exceptions. He commented, as did a number of other members, on the expanded role that councils will play in their right of intervention to cover undue offence, annoyance, disturbance, noise or other inconvenience with respect to the activities of licensed premises. Local government is in a good position to be the advocate of and represent the communities that are affected by such undesirable occurrences surrounding licensed premises. Councils have the capacity to negotiate and arbitrate on these matters and, if necessary, to take them to the Licensing Court for further action. The member for Bragg referred to clause 47 in the Bill as introduced in in another place (clause 48 in the Bill before us). Most of his statements related to means of obtaining proof of age and his support for a proof of age card. This has been commented on by other speakers.

There is some inconsistency in the arguments advanced by the Opposition in respect of identification cards, given the Opposition's vehement disapproval of the Australia Card, which was proposed by the Federal Government and which would have provided a ready identification for young people. In fact, during debates in this place members opposite have supported that very concept, so there is some contradiction and confusion in the eyes of members opposite about forms of identification of members of our community. The amendment does not change the law in relation to proof of age on licensed premises but merely expands the power to allow a member of the Police Force to seek proof of age where he suspects that a minor has consumed or is in possession of liquor in a public place. This will help the police, particularly at pop concerts and the like.

The honourable member referred to clause 45 and I can only assume that he was referring, once again, to the Bill that was introduced in the Legislative Council. I believe that the clause to which he referred was dealt with in another place: the amendment was withdrawn and does not appear in the Bill that is currently before us.

A number of members opposite commented about the effect of clause 7, which clarifies section 22 of the principal Act to make clear that the Licensing Court may award costs against a person who exercises the right to object to an application where, in the court's opinion, such right is exercised frivolously or vexatiously. Proceedings can be construed in different ways and it could be argued that the court should read existing section 22 broadly to include a party to proceedings and, therefore, by definition, to include an intervenor or objector. The court currently holds this interpretation. The amendment merely seeks to clarify the existing provision; so, the concerns that members have raised are without foundation.

The main concern is that this may discourage objectors, in particular concerned residents, from exercising the right to object to protect the amenity of their locality. The amendment, in addition to clarifying the existing situation, would protect applicants in those cases where frivolous or vexatious objections caused considerable cost. There is a fine balance, which is acknowledged, between preserving objectors' rights and ensuring that applicants are not exposed to unreasonable costs and delays. I believe that the court would not award costs against residents objecting to protect their community simply on the ground that the objection was frivolous or vexatious in the circumstances that members have explained to the House. The Licensing Court is an appropriate body to maintain this balance, that is, to protect legitimate objectors and applicants.

The member for Bragg did not refer to the amendment under clause 61 but indicated that he will oppose the clause. I will comment briefly on the Government's position although, undoubtedly, it will be raised again in the Committee stage. The honourable member opposes this amendment on the ground that Government agencies should be in a position to bring proceedings within one year and, if a Government agency cannot, to use the honourable member's words 'get its act together and issue proceedings within a year', it deserves to 'miss out.' The Government agrees with this position under normal circumstances but this amendment is designed to cover circumstances in which the actual offence can often not be detected within one year of the date on which it was committed.

For example, it is often not until the returns which accompany but which are not part of the recording of liquor transactions are submitted that offences actually come to light. Breaches of section 106 of the Act, which deals with profit sharing, will be detected only when annual returns of persons in a position of authority are submitted, and often concern events that occured 15 to 18 months previously. It is for those reasons that the Opposition's proposed action, as indicated by the honourable member, is opposed by the Government.

The member for Adelaide also commented on numerous aspects of the Bill and clearly indicated that the thrust of clause 3 and the definition of 'live entertainment', clauses 8 and 9, which address the sham meal practice, and clause 29, which expands a council's grounds for intervention, are matters that have caused concern within the electorate of Adelaide. The honourable member supported the broadening of section 42 which is amended by clause 12 and which deals with the requirements for the granting of a producer's licence, but he questioned whether there should be some sunset provision to avoid abuse. I advise the House that this would be achieved through the licensing authority's imposing a condition on the licence. If the licensee did not comply with the condition, for example, to have premises completed in accordance with approved plans, say, within a period of 12 months, disciplinary action could be taken and it could end with the licence being revoked.

The honourable member further discussed in general terms noise and behavioural problems in the vicinity of licensed premises. I believe that section 114 of the principal Act, which covers the complaint and conciliation process, has worked well in practice. Since commencing the function of Commissioner in 1988, the licensing authority has received 27 complaints under section 114 from residents or from their local councils. Of these, 22 complaints have been conciliated by the Commissioner and five complaints have

been referred to the court. Of the five complaints referred to the court, all but one appears to have been resolved. An extract from a recent decision of a Licensing Court judge demonstrates very clearly the authority's position in a number of the matters that have come before the court as follows:

> I say one more thing. I think that the licensee has been reluctant to admit fault and, in the past, there certainly has been fault. It is quite possible that the threat of court action is the only thing that really moves the licensee. Quiet reigns until the threat is removed. I may be wrong but I suspect that to be the position. If I am right and this problem surfaces again and a new complaint be proved, then I will come down on the licensee like a ton of bricks.
>
> Noise and disturbance will not be tolerated while I am a judge of this court. Licensed establishments can expect early closure if complaints are made out. This is no idle threat. It is a promise that this court will act and act decisively even if that means loss of income and profits. Citizens should not be subjected to the sort of things that have been apparent in this case, certainly in the past.

That gives an indication of the strength of the resolve of the Licensing Court bench when allegations brought before it are made out and proven. As we all know, some of them are of a serious nature as to the extent of the disturbance caused, particularly in residential communities.

Other contributions by members indicated a number of measures which were substantially outside the ambit of the Bill before us. However, their comments were appreciated. To some extent, the member for Murray-Mallee commented on the deregulation of this area of licensing. He said, as he has previously expressed (and it is well known), there is no need for a licensing authority in this State. The member for Davenport also foreshadowed further and many reforms. Many members of the House would agree with a number of the reforms suggested with respect to the extension of current restrictions on licensed premises to serve the community further.

With those comments, I thank those members who contributed to this debate on this series of amendments to the Liquor Licensing Act. I also thank the Opposition for its indication of support for the measure as a whole.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—'Power to award costs.'

Mr OSWALD: This clause refers to frivolous or vexatious statements. I will not repeat what I said in the second reading debate. I listened very carefully to the Minister's reply when he said words to the effect, 'I don't think the courts would interpret complaints as frivolous or vexatious if someone from the community made a complaint.' That is really not enough reassurance for local residents who now see these words added to the legislation and who are concerned that they will be used. The additional words are 'or has exercised the right to object to an application'. The Government must have some reason for adding those words. Everyone has the right to object to an application. If those extra words are taken out, we revert to the wording of the original Act, which provides:

> Where, in the opinion of the court, a person has brought proceedings frivolously or vexatiously, the court may award costs against that person.

I would have thought that was enough. By adding these words, we get back to the lingering fear on the part of ordinary people—those whom we seek to represent—not lawyers who stand back and say that the courts would not rule actions as frivolous or vexatious. The whole purpose of the Liquor Licensing Act (and this clause in particular) is to open up the courts to allow ordinary people who are being harassed and harangued at 3 a.m. or 4 a.m. by larrikins falling out of hotels and continuing with their drinking rampage in the streets around the hotel to lay a complaint. I can think of many of my constituents who would like to lay complaints but, if they know that this provision has been expanded and firmed up, their enthusiasm to do so will be headed off, because of the lingering doubt, 'What if my complaint is ruled vexatious or frivolous? It is not frivolous to me at 2 a.m. when I am awakened by bottles landing on my roof or worse.' They think, 'As that provision is there, maybe we had better not go to court.' We are frightening people away from attending the Licensing Court and complaining, which is their right.

I am a lay person in this sort of matter, and it would concern me and most of the people I seek to represent. It is all very well for a lawyer to say that a court would not rule in that way. If that is so, why include it? Why not revert to the wording in the section of the original Act which allows the court to rule on frivolous and vexatious complaints? I am not really satisfied about why the Government has included those words. Whilst I have the utmost respect for the Minister as an individual, he will not be in the court, and I have only his word when he says, 'I think the court would not rule that a matter was vexatious or frivolous if it was not.' It probably would not, but the Act allows the court at present to rule on something that is frivolous or vexatious. In my view, the additional firming up is not required. It will just stop the normal person in the street from attending and making a complaint.

Mr INGERSON: The Opposition intends to oppose this clause. We will not move an amendment but simply oppose the clause on the grounds put forward strongly by the member for Morphett. There are occasions where people legitimately put their point of view before the court and where the court determines legitimately that that is frivolous. People who see a significant development in a hotel within close proximity to their home would not see it in exactly that light. I support strongly the comments of the member for Morphett.

The Hon. G.J. CRAFTER: As I said in the second reading debate, the Act already provides for frivolous and vexatious applications on the part of objectors. In their experience, the courts have not found for an applicant with respect to costs on the basis of vexatious or frivolous matters being brought before them. As was shown in the figures I quoted earlier, a considerable number of these matters have come before the court. To set aside the right for the court to bring down that penalty against frivolous or vexatious matters would be an error. The fear of the court, indeed of the community, should be not so much that an individual or group of individuals would bring a frivolous matter before the court on behalf of the community, because that would happen rarely, but rather that vexatious matters could be brought by corporations and those seeking, for some commercial advantage, to delay and frustrate the processes of the development of licensed premises.

This has occurred in the planning jurisdiction, and it is a right or a remedy that needs to be placed firmly in the armoury of the judiciary in dealing with these matters. I would share the concern of the member for Morphett if there was a basis for it as I have had some experience in this jurisdiction in the past, but that has not been the case and I believe that the court has dealt with these matters very sensitively and properly. This has been shown to be so and I have quoted from a recent judgment of the court to substantiate that position. To set aside this matter in the way sought by the Opposition would weaken the power of courts substantially and would not help the very people we

are trying to help, particularly in some circumstances. This clause seeks to clarify the existing law and nothing further.

The Committee divided on the clause:

Ayes (22)—Messrs L.M.F. Arnold, Atkinson, Bannon, Crafter (teller), De Laine, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Noes (22)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald, Such and Wotton.

The CHAIRMAN: There are 22 Ayes and 22 Noes. There being an equality of votes, I give my casting vote for the Ayes.

Clause thus passed.

Clauses 8 to 43 passed.

Clause 44—'Complaint about noise, etc., emanating from licensed premises.'

Dr ARMITAGE: Whilst I agree with the substitution of this paragraph in the Act I do not believe that it strengthens the position enough. I will not go through the litany of problems reported to me by my constituents as they are well known. They are major problems caused by the behaviour of persons making their way to or from licensed premises and being unduly offensive, annoying, disturbing or inconvenient. I remind the House of the example that I quoted in my speech last night of the improvement in the residential amenity when one of the major hotels in my electorate provided a private security guard to patrol the immediate vicinity of the hotel. I was interested to hear a similar example in relation to a hotel in the electorate of the member for Morphett.

I do not believe that we ought to put the responsibility of maintaining public order on the Commissioner. In fact, we should enact laws which will seek to disperse people as soon as possible from the vicinity of a hotel. Whilst I am not certain that other methods of doing this, such as the old rule of no drinking within a certain distance of licensed premises, dispersed people very quickly, nevertheless I ask the Minister—although I know that there could be potential difficulties—to look at some way of providing a security presence in hotels to disperse people. Perhaps such a proposal could be tied to a formula relating to the number of patrons and the number of security guards. I make this request because of the proven improvement in residential amenity such a proposal has been shown to have.

The Hon. G.J. CRAFTER: I am not sure whether the honourable member is referring to clause 44 which refers to the Commissioner of Police being able to lay complaints with respect to noise emanating from licensed premises. However, his point is taken. Of course, it is open to the court to attach a condition to the renewal of a licence. Complaints may be brought at any time of the year with respect to the continuation of a licence in its present form or the suspension or cancellation of a licence. A condition could be attached to a licence requiring the licensee to employ security persons to provide assistance in the car park or the area surrounding licensed premises, to decide who can enter the premises or to ensure that certain people leave. I think there is a range of options currently available to the court and indeed to the community to take advantage of successful initiatives that may in some way occur or, it is hoped, eliminate the cause of nuisances.

Clause passed.

Clauses 45 to 60 passed.

Clause 61—'Summary offences.'

Mr INGERSON: The Opposition is concerned about this clause, as I mentioned during my second reading speech. Why is there a need to extend this provision to two years? There is a lot of concern in the industry about the delays that occur and about the possibility that people could be sitting around waiting much more than at present. Will the Minister give us a reasonably detailed explanation of the need to extend this provision to two years?

The Hon. G.J. CRAFTER: I am sure there would be greater concern in the industry if people were able to breach the Act and then not be prosecuted for it because of time bars. In my second reading I gave an explanation, and I am pleased to go over some of that again because it really is a matter peculiar to the licensing industry and the way in which evidence comes forward which can then be investigated and lead to successful prosecutions for breaches of the Act.

It is not possible that offences can be detected within the one year time frame which applies with respect to many other Acts of this Parliament. For example, it is often not until the returns, which are not part of the recording of liquor transactions, are submitted that offences come to light. For example, breaches of section 106 of the Act, which deals with profit sharing, will often be detected only when annual returns of persons in positions of authority are submitted, often involving events occurring 15 to 18 months previously. It is for those practical reasons—and I suggest there are many of them—that the current provision should remain.

Clause passed.

Clause 62 and title passed.

Bill read a third time and passed.

EQUAL OPPORTUNITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 April. Page 1096.)

Mr INGERSON: The Opposition, in principle, supports this Bill but has some areas of concern we would like the Minister, in his reply, to explain, particularly in the area of employment and the economic effect that this Bill may have on the community. This Bill seeks to amend the Equal Opportunity Act to prevent discrimination on the ground of age in all areas in the Act, including employment within a framework of appropriate exemptions.

The Hon. Diana Laidlaw pioneered legislation in this field by introducing a private member's Bill in the Legislative Council on three occasions—in March 1988, February 1989 and August 1989. On the second occasion, the Bill was passed in the Legislative Council. In June 1987 the Bannon Government established a task force to monitor age discrimination. It reported in March 1989, although its findings were not made public for some months. The task force concluded that there was sufficient evidence to justify considering the introduction of appropriate legislation to cover age discrimination. It found that the most common examples of age discrimination were in the areas of employment, retirement, the provision of goods and services, and education.

The Bannon Government accepted the recommendation of the task force and in October 1989 introduced the legislation just days before the announcement of the State election. At the time, the Government was criticised for inadequate consultation. Since October 1989 there have been significant developments interstate with respect to age discrimination legislation. A discussion paper has been cir-

culated by the Western Australian Equal Opportunity Commission strongly recommending amendments to that State's Equal Opportunity Act to cover age discrimination.

In May 1989 the Victorian Law Reform Commission released a public discussion paper, and later this month a second paper will be made public which will include draft legislation. It is expected that that legislation will be introduced in 12 months. In New South Wales an interdepartmental working party was established in April 1989 and is expected to report shortly with legislation likely to follow later this year. At the Commonwealth level there is a strong likelihood that a Labor Government will legislate to cover age discrimination. The Liberal Party, if elected on 24 March, was committed to disbanding the Human Rights and Equal Opportunity Commission. This would have meant there would be no structure available for complaint at a national level.

This background underlines the fact that age discrimination is riding a legislative wave. This reflects, in part, the increasing political clout of the Grey Power lobby. However, there is concern among employer groups, both in South Australia and interstate, about the proposed abolition of a compulsory retirement age and how the Bill will operate in practice. National firms are anxious to see consistency in age discrimination legislation enacted by all the States.

This Bill defines discrimination in clause 85a, and the provision is identical to that contained in the principal Act. The clauses relating to discrimination against applicants and employees, agents, contract workers and within partnerships is identical to that contained in the principal Act and as proposed in the Laidlaw private member's Bill. Exemptions are provided, including the requirements of an award or industrial agreement made or approved under the Industrial Conciliation and Arbitration Act.

Employees under Federal awards constitutionally will also be beyond the ambit of the discrimination in employment provisions. In this area considerable concern has been expressed to me, and I know to many other members of the House, of a potential problem in relation to determining youth employment. We will be watching very carefully for developments to occur in this area over the next few years. It has been put to me that there may be a hidden agenda in terms of employment under awards, but I do not believe that that is the case. However, there is significant concern in this area of youth employment, and it is an area where, during the Committee stage of the Bill, I would like to question the Minister further.

Clause 85 *(f)* (5) provides that the imposition of a standard retiring age by an employer is not unlawful but clause 85 *(f)* (6) provides that this exemption will expire on the second anniversary of the commencement of the legislation. This clause is causing some concern in the community because there is no doubt that unless we have legislation in all States that principally does the same thing (I am not saying that we should not have legislation that in essence is going in this direction), we could have considerable problems as people move from one State to another.

It seems in this area in particular, because it will affect so dramatically Federal awards and any superannuation schemes that the Federal Government may develop in the future, that this clause, whilst it is heralded as having an expiry date or sunset clause, in essence is the clause that we hope the Minister can explain in more detail in Committee. I hope he will explain the purpose behind it because it seems to the Opposition that it is taking a very dramatic position before any of the other States have taken the same sort of line. As I said, it is a curious provision.

The Government has indicated it will establish a working party to report on the issue of compulsory retirement. It would seem sensible to the Opposition to recognise that this change should not occur until after the working party has reported. I recognise that, by putting in the sunset clause, in essence that may be what is desired, but it is not explained clearly in the second reading speech and perhaps the Minister can take up that in Committee and explain the reason for including such a controversial concept in the Bill.

Employer groups are particularly concerned about this issue. Certainly, complex questions are involved in one State unilaterally moving to abolish a compulsory retirement age. The practical application of the employment provisions has been questioned, as I said, and questioned principally on the grounds of how we are going to make this provision work in relation to employment, particularly the advertising of employment.

Many employers of youth are concerned and want to know the position clearly. They want it clearly spelt out how they can advertise and not break the law but still have the opportunity to make what is a necessary financial and training decision in some instances to employ young people. They want to be able to make sure that any advertisement placed by employers will clearly enable them to get the message across that they are interested in young people applying for jobs, but want to ensure that this law does not prevent an employer from saying that all age groups in essence should be applying.

That is an important issue because it is at the advertisement stage or the actual beginning of the announcement of employment that every opportunity needs to be given to people of all age groups, but more specifically, as we have a significant youth unemployment rate in this State (above 25 per cent now) it is an area where we need to ensure that when we legislate we do not cut out the opportunity for young people to be employed. Many companies have said when they wish to pursue a youthful corporate image, for example, hamburger chains, they want to make sure that they can stipulate clearly in their advertisements the sort of direction they wish to take.

Discrimination by associations and qualifying bodies in clause 85 *(g)* and *(h)* is basically the same as the principal Act, as is discrimination in education. However, the Government has deleted from its October 1989 Bill a provision which sought to exempt from discrimination on the ground of age the case of an application for admission to an educational institution being refused because training was provided only for students above a particular age.

Of course, there is the possibility of an adult seeking admission to kindergarten, or a child seeking admission to, say, a TAFE subject which has no prerequisites. An amendment to cover this possibility was considered by us, but it was defeated in another place and the Opposition does not wish to pursue it in this House. However, it is an important issue on which I would like the Minister to comment, because many people in education are concerned about this matter.

Provisions relating to discrimination by persons disposing of an interest in land and in the provision of goods and services are identical to the principal Act, as are the provisions in relation to accommodation. However, while the Residential Tenancies Act in part already covers discrimination on the grounds of age, accommodation is more than the rent of a house, unit or flat. Accommodation also embraces the tourist industry, hotels, motels, caravan parks and bed and breakfast accommodation. Several operators have businesses specifically designed for adults seeking a

weekend away from children. In some cottages the decor is not child friendly.

Clearly, the Government has not consulted the tourist industry. In the USA, for example, the State of Maine specifically excludes inns with fewer than eight rooms from the provision of age discrimination legislation. It seems appropriate to move that way in South Australia, and I note that that has been accepted in another place.

General exemptions to cover charities, sport, projects for the benefit of persons of a particular age group and insurance are in line with the principal Act. Clause 85*r* provides that the Minister must within two years prepare a report with recommendations on whether Acts that contain age discrimination provisions should be amended or repealed. We support the tabling of that report.

The Laidlaw Bill provided an award of compensation in respect of frivolous proceedings, which seems to be eliminated from this legislation. The Opposition intends to support the Bill but, in Committee, I will ask the Minister several questions.

Mr OSWALD (Morphett): Before we go into the Committee stage, I would like to comment on the Bill for a couple of minutes. I would like to refer to organisations operating in the community such as Don't Overlook Mature Expertise (DOME). I spent several hours with that organisation the other day and was highly impressed with its operations, its objectives and the way in which it conducts its interviews, as well as the caring attitude it has towards its clientele. This organisation seeks to find employment for people in the upper end of the age spectrum. In many instances, it picks up where the Commonwealth Employment Service leaves off. One thing I understood when I left that organisation was that there are many people in the community aged 45 years and above who are very employable and who have years and years of productive work in front of them but, because they are getting to the upper end of the age spectrum, they find themselves unable to get employment.

I know that this question of employment is a vexed one, and that we all seek to find employment for our young people. I applaud what the member for Bragg has been saying, that it is his desire to do something about youth unemployment. I have sympathy for both the Federal and State Governments, in trying to reduce the youth unemployment figures, but I do not think enough is said in the community about trying to find positions for those who are over 45 or 48 years of age.

Looking around this House, I notice that most of the members here start to fall into that category. I believe that everyone of us believe that we have a good 15 or 20 years of productivity within us. I certainly believe I have, and I would have thought that most honourable members believe that also.

Mr Brindal interjecting:

Mr OSWALD: I hear an interjection from my left, from an honourable member who I would hope has many more years of productivity left in him than I have. There has been this move over the years to concentrate on youth unemployment, which we must do, but there has also been a tendency within the employment area to say that if a person is over 40 they are starting to fall off the perch, so to speak, which I think that is a sad thing. There is nothing better in an organisation sometimes than to have a wise head on old shoulders.

The feeling that people experience when they reach that age of 40 years and over and they are told that their services are no longer required is one of devastation and hopelessness. They start to wonder what life is really all about. I understood that from my discussions at DOME. Men and women who have been in regular employment might suddenly at 42 be summoned into the boss's office and told, 'You are no longer required here. We are now going to employ a younger person.' That employee may have 15 or 20 years of productivity left and, in his mind, he thinks that he has been put on the scrap heap.

The Equal Opportunity Commission has been looking at this subject for some time, and it has made some valid argument as to why we should not exclude from consideration for jobs people at the upper end of the spectrum. I have been an employer of labour for most of my life, and I have employed many people. It is probably up to the employer to decide whether basically he wants someone in their thirties, forties, or twenties when he advertises for a position. However, the point is that he must advertise for the position and allow those in the community who feel that they still have a contribution to make to apply on an equal basis. As I said initially, I think it is a sad indictment that over the years we have tended to just look at spectrums in the age brackets and to forget that those who are moving up in their years still have a major role to undertake.

I do not want to take up too much time of the House. The member for Hayward will have a few words to say in this area. However, I would recommend to any members who have not been around to visit organisations such as DOME that they do so. The organisation has matured considerably over the years. It started off as a fledgling organisation, I suppose, some years ago. People who were losing their jobs got together to try and bring a bit of esteem and self-confidence into their lives. As I said initially, it has now picked up where the CES has left off. Indeed, the CES is now sending clients to DOME to be assisted in finding positions. No-one in this House should ever say that because someone is getting up in years towards the age of 40 or 45 they should not be considered for a position.

We all believe that we have something to contribute to this life. I applaud the Equal Opportunity Commission for the work it has done. It has gone into this matter in great detail. I believe it has put forward a very valid case. I understand the Employers' Federation point of view, when it says that employers should always have the right to employ whom they choose. I do not argue the point on that. But, by the same token, I have great sympathy for those in the community who are at the upper end of the age bracket. We know that those employees still have many years to contribute and they should not be excluded from applying for work. So, if this Bill goes through Executive Council as it is, then advertisements will be clear of references to ages and will allow everyone to apply.

One could well argue that aged people may apply to work on the counters at McDonald's (someone raised that with me), and maybe that will happen, but I think market forces and a range of other matters will probably mean in the long term they might be in a minimal category. I support the legislation, and I would urge its rapid passage.

Mr BRINDAL (Hayward): With other members of the Opposition, I support the general thrust of this Bill. In doing so, I follow a tradition which I believe has been set by the previous member for Hayward. I acknowledge and respect the contribution of the member for Morphett, and point out to members of this House that the previous member for Hayward was a great advocate in this place for DOME, and in my contribution to this place I will endeavour to follow the tradition which she set. However, I am worried about certain aspects of this Bill. I wonder how it is possible

for a legislature to, in fact, legislate to change attitudes and values that are often ingrained in our society. I note that the Hon. Di Laidlaw has considerably added to this debate, and in some ways has pre-empted the introduction of this Bill into this House, since she introduced the first private member's Bill in March 1988. However, I wonder whether the Government has been steamrolled, as I note that the task force set up in 1987, which was to have taken 12 months, took two years to report, and this legislation is the result of legislation which was brought into the House perilously close to the last election.

Be that as it may, there is nothing wrong with this legislature being the first in Australia to introduce such legislation. We have a proud tradition for this sort of activity in many vital areas, over a great number of years. I note that, although we may be the first, the legislatures of Western Australia, Victoria and New South Wales are almost certain to follow suit very shortly. I point out, as did the Hon. Legh Davis in another place, that it was disappointing to see the report of the task force in South Australia into age discrimination. For all its deliberations, the final report was some 11½ pages long. In part, it states:

> This report, therefore, has not attempted to document examples of discrimination. From its initial investigations, the task force reached the conclusion that sufficient evidence already exists to confirm that discrimination on the grounds of age is as common in society as is discrimination based on the grounds that have already been made unlawful.

When one is asked to make a judgment on whether age discrimination legislation should be introduced, I believe that the work of that task force was essential. Therefore I am disappointed to record that its report, short though it was, was also predicated on a presumption that it existed. However, the report of the Western Australian Equal Opportunity Commission (Discussion Paper No. 1) was some 121 pages long and I found that much more interesting and enlightening in the cause of furthering this debate.

However, I go back to questioning whether in fact by legislation we can change the attitudes of society. I refer members to the comments of Anthony Radford, who is a well-respected member of the Flinders Medical Centre community and an expert in the field of the ageing. He argues that the myths which contribute to deterioration in old age include the following:

> The myth of withdrawal and disengagement from interests and activities which may find older people being involuntarily excluded from their interests and activities. The myth of homogencity which suggests that all old people have the same interests and needs. It ignores the several generations contained in the over 65 group. The myth of senility which over-emphasises the incidence of senility (which only affects 5 per cent of over 65s).
>
> The myth of progressive institutionalisation which presumes that all older people will inevitably end up in institutionalised settings like hospitals, nursing homes and hostels. In fact, a very small proportion of older Western Australians are institutionalised, and research indicates that in Australia 10 to 30 per cent of those in nursing home care do not need that level of care. The myth of ineducability which falsely presumes that mental powers will necessarily decline with old age.

Every member of this House knows that those myths are perpetuated in our society and I doubt that it is within the power of this legislation or this Legislature to cure. We can be many things to many people but we cannot be the panacea for all the attitudes and values of society.

While supporting the general thrust of the Bill, the three points that I would like to cover have been fairly adequately canvassed both in this and another place, namely, employment, education and legislative discrimination on the ground of age. Having said that I did not think that the report of our own task force was adequate, there is ample evidence from the United States, Canada and Western Australia to suggest that there is, indeed, some discrimination of people on the ground of age. I tie that remark to my earlier comment about myths within our society. Those factors must be a worry to us all.

I have heard members talk about discrimination in employment at both ends of the spectrum. Many members who have children who are reaching working age will know the high level of frustration that many of them experience. A lot of young people complete their high school education and may even have tertiary qualifications but find themselves unemployable by a group of employers who seem to demand from people starting in the workforce a level of experience that they cannot possess. Such employers do not say that they are discriminating on the ground of age but claim that it is a discrimination on the ground of experience. However, experience and age have an integral relationship, one with another. Therefore, if a young person is discriminated against because he or she does not have experience, that person is actually discriminated against on the ground of age. That is most frustrating.

I know of a number of young people who have faced this situation. It is soul destroying and when we in this place condemn people because even at the age of 30 they might never have worked, I suggest that if any of us had to go through 12 months or two years of trying to get a job, using every effort at our disposal, and were rebuffed every time, we would end up feeling so devalued as human beings that we would give up, too, so we cannot blame those people who are now long-term unemployed. We should rather blame ourselves and the society that has created those people. We have a share in the blame.

At the other end, I have worries about a compulsory retirement age. I have long believed that societies such as the Chinese society had it right when, rather than discarding people like a used car when they reached a certain age, they valued them for their powers, and the older they got the more they were venerated for their experience and wisdom. Our society could well learn a lesson from that. Until fairly recently, it was considered that the experience of judges was so important that many of them could sit on the bench long past their most productive years and did so with impunity on the ground that they had acquired great wisdom.

However, I do not know that legislation alone can solve these problems because often legislation such as this—and I again commend the Government for its effort—raises as many problems as it solves. Members on both sides of the House would be well aware of some potential snares in the drafting of the legislation, even with regard to the employment provisions. However, I point to a well documented matter which was reported in the *Weekend Australian* of 17 and 18 March under the heading 'Anti-age discrimination legislation poses problems'. I am sure that the Minister would be familiar with the problems raised in that article, namely, the differential in retiring age and the fact that pensions are linked to age.

If time permitted, it would be interesting to debate whether some of these age provisions are age discrimination or sexual discrimination or a combination of both because the age at which a woman receives a pension benefit is different from the age at which a man receives a pension benefit. That article pointed out that there was no logical reason for that discrimination, as follows:

> But women could stand to lose one important benefit—a lower pension entitlement age—if anti-age discrimination is written into legislation. Under the Federal Government's pension arrangements, women are entitled to the age pension at 60 years of age, but men do not quality until they reach 65. While men might claim the arrangements discriminate against them on the ground of sex, Federal anti-age discrimination legislation could provide further grounds for the difference in eligible ages to be challenged.

That point must be taken seriously. The article continues:

The Federal Government said it would monitor the superannuation investment levels of women for at least five years before looking at raising the pension eligibility age of women to the same level as men. A 1988 Department of Social Security (DSS) policy issue paper titled 'Towards a National Retirement, Incomes Policy' says there are three main arguments for raising the pension age entitlement for women. These are to remove sex discrimination, to lower the cost of paying pensions, and to reduce incentives for women to become dependent upon social security payments and to maintain the labour force participation.

I am sure that members opposite would not like people in this State or in Australia generally to accuse the Government of the last two points.

The Hon. Rob Lucas raised a number of matters in respect of education and I know that is very dear to the Minister's heart. I acknowledge that, in another place, amendments were made to provide for lower minimum ages. However, while I concede that that assists with the problem in terms of enrolment in a variety of institutions, from the CSO to universities, I wonder whether that could not represent an impedance. I am aware of the generation where there was no necessary qualification to be admitted to matriculation, and a member of my family, some generations removed, in fact had his degree from Adelaide University at the age of 18. He was a very gifted person and went on to perform well in the service of this community. I wonder whether the inclusion of minimum ages mitigates against such people. In fact, it does, and perhaps that is fair.

I would also take up a point raised in the other place but not addressed where, under this legislation, a parent might demand that their child be contained within a year level at school. The Minister would be aware that it is not enacted within legislation but it is the custom of the Education Department that children shall be promoted in accordance with their age so that social and peer group development and maturation takes place in cohorts that are acceptable generally to society. By that mechanism, we have avoided the situation common in the primary school period of most members of this place where we would remember that, among all the 12-year-olds in grade 7, there was often a 15 or 16-year-old who had not had the ability to pass on to high school.

Under the provisions of this Bill, I believe it would be possible for parents to demand that, because their child had not reached a certain level of educational standard, they be held back. I believe that that is fraught with peril, because the advice of the Teachers Institute and various teaching professionals is that many of the provisions within the educational system are linked to a year level or an attainment standard, and they are not therefore an age discrimination provision. However, if a child of a greater age is held back, the standards and other factors that apply to that child would have to be the standards applicable to that level.

While I know that the Minister has committed this Government to the phasing out of corporal punishment in the next one to two years, I point out by way of an example that, while it exists, corporal punishment can be administered to children perhaps from the age of eight to 16 years. The point I make is that, if a child were kept back in that situation, he or she might be kept back at a level where corporal punishment could not be administered and, therefore, a different provision would apply to that child.

My final point relates to age discrimination in legislation. It has always been easy and convenient, I expect, for legislatures and society generally to label people in terms of their age. We have liked to assume that, at a certain age, a certain level of maturation applies. We all know that that is not true. When it comes to the review of legislation, I believe it will be very difficult for the Government to move away from age discrimination under various Bills. I would like it to do so, and would applaud it if it could, but age is perhaps the easiest and most easy to be tested. The age at which one can purchase cigarettes is 16 years. Perhaps there is a better criterion, but I wonder what level of test could be applied and how the Government could set up the necessary testing mechanisms. The age at which we can vote is 18. Again, should that be equally applicable to all citizens? If not, what test could be applied and by whom? We could go on through all aspects of the law, all of which embody an age provision, one that I doubt can be easily escaped.

Whilst I commend the Bill and I commend the Government's efforts in that regard, I raise those questions in genuine concern, because I believe that, while we should be moving away from discrimination on the ground of age and shifting towards ability, maturation and other better tests, that will be difficult in each of the areas of legislation, employment and education. However, I commend the Government and wish it well with this legislation.

Mr FERGUSON (Henley Beach): I will not detain the House very long with my contribution. However, I wish to indicate my support for this Bill. It reflects one of the Government's election promises, and it is pleasing to note that it has reached the Parliament so speedily. I believe that it was necessary to fully research this legislation before action took place, but I acknowledge the efforts of the Hon. Diana Laidlaw in another place in promoting this piece of legislation. The task force reported that there was evidence of discrimination in employment, retirement practices, the provision of goods and services, accommodation and education.

So far as employment is concerned, I understand that the Commissioner for the Ageing is constantly receiving telephone calls from people who have received notice that they must finish up at the age of 60. This causes a great dilemma, because age pensions are not available in most cases for males until the age of 65, and it is more common than people realise that termination notices are handed out at the age of 60. I wish to express my concern in relation to the provision of age pensions as equal opportunity legislation is being taken up in all State Parliaments.

As members would know, at present women can take up an age pension at 60 years but men must wait until 65 years. As a way of evening the score, I would like to see the age pension available to all people at 60 years, but I am afraid that the Commonwealth Government may elevate the age at which women can receive the age pension to 65 years. That would cause a great deal of grievance in many constituencies, certainly in mine.

Even though this matter is not within our jurisdiction, it is pertinent because, as equal opportunity legislation is enacted in the States, there will be pressure on the Commonwealth to bring in its own equal opportunity legislation, and I am afraid of what might happen in relation to the provision of age pensions. It is quite common for firms to advertise positions stating that no person over the age of 40 or under 25 years may apply. This is a concern in terms of discrimination. It also works in reverse, with some advertisements stating that no person over 25 years may apply.

As far as goods and services are concerned, the main problem of discrimination relates to the supply of credit to aged people. Many superannuated and pensioned people live in houses 30, 40 or more years old that require repair. The case has been cited of a bank that would not extend a mortgage to a 60-year old woman to replace the roof on her

house, although that bank was prepared to lend her money at a higher interest rate.

Discrimination in relation to accommodation usually affects younger people in cases where landlords are most reluctant to rent to them. It is also a problem for older people where landlords are reluctant to rent to people whom they consider to be an accident risk or who have become infirm. Unfortunately, discrimination has also been shown by the Education Department, particularly TAFE. In some instances, these institutions are reluctant to enrol older people for training and retraining purposes. As far as discrimination is concerned, retraining is a problem in many areas. A certain national firm in Adelaide would not allow people over the age of 40 to attend staff retraining and development courses. For these reasons I support this Bill and look forward to the time when it is proclaimed and operating in South Australia.

The Hon. G.J. CRAFTER (Minister of Education): I thank members for their contributions to the debate on this measure and for the indication of support from the Opposition. This Bill will add to the broad provisions that exist already in the equal opportunity legislation in this State to provide a fairer and more just society. Since the first days of European settlement it has been a hallmark of the State of South Australia—and something in which we pride ourselves still—to have a free and fair society. This Bill will enhance further this aim in our community.

The Bill fulfils the Government's election commitment to address the issue of discrimination on the ground of age and brings into effect the recommendations of the task force established in June 1987 by my colleague the Minister of Employment and Further Education. The task force comprised the Commissioner for Equal Opportunity, the Commissioner for the Ageing and the Director of the Office of Employment and Training. I thank those members for the contribution that they made in a most thorough analysis of this matter prior to recommending the steps that the Government is now taking.

The task force reported in March 1989 and concluded that there was sufficient evidence to justify the introduction of legislation aimed at improving societal attitudes in the area of age discrimination and setting a legal context for handling grievances. The task force report and a draft Bill were released for public comment by the Minister for the Aged in September of last year. The task force consultations and research found evidence of discrimination in employment, retirement practices, the provision of goods and services, accommodation and in the sphere of education. It had drawn to its attention a wide range of examples of discrimination experienced in the community. Some of these reflected insensitive management or bad client service practices, but there were many examples of age being used as an indirect and inappropriate criterion when other more specific criteria were available.

The use of age as a criterion for employment was found to be very common, ranging from the protection of workers benefits to advertisements for vacancies. Members have referred to these matters in their speeches this afternoon. For example, a survey of advertisements in the Situations Vacant column over three days indicated that approximately 100 positions contained a specific age requirement. So, there are many examples in the evidence before the Government and the Parliament and in the experience of members that will bring forward similar examples to justify the measures before us.

A number of members raised issues that do not require further explanation on this occasion, but the member for Bragg raised the question of the economic impact of this legislation. The advice that the Government has and its assessment of it indicates that this legislation will not have a significant economic impact on the community. The areas of potential economic impact tend to involve junior award wages and compulsory retirement provisions. Those matters have yet to be addressed, they are still the subject of further consideration, and provision is made for that in the legislation before us.

If an employer is currently operating in accordance with equal opportunity principles, it is not expected that significant costs will be incurred by the addition of age as a potential ground of discrimination. On the other hand, if an employer bases the profitability of an enterprise on discriminatory practices, that is another matter and it will obviously need to be addressed by that enterprise. However, I think we cannot and should not overlook the fillip that may well flow to our economy and to the well-being of our community in many facets of its life, both economic and otherwise, by allowing the full participation of people in our community regardless of age.

It was my experience in the United States following the passing of the Elderly Americans Act that many aged persons in the community who would be retired in this country are participating fully in employment in economic generating activities in American society. This must add to the economy of that country and, indeed, the well-being of individuals and society as a whole. I think a lot is to be gained from increased participation by each person in the life of our community.

When one looks at the age profile of our population and the demographic trends—particularly in South Australia—one can see that there may be a need to provide a method whereby we can retain in, and bring back to, the work force people who are currently excluded from it. So, there may well be a very positive economic effect of this legislation as time passes, but we should bear in mind that some key areas are still to be addressed by the Government, and subsequently by this Parliament, before the full effect of this legislation is felt in the community.

Other matters relating to advertisements and advertising in general have been raised by members who have explained to a large extent their concerns about the approach taken by this measure in relation to such matters and, similarly, in the area of education. I do not think that anyone would deny that there are some practical difficulties associated with the application of this legislation, but they are not seen as immovable problems. In fact, the advice of the authorities is that they can be surmounted and the greater good that this legislation will bring should be paramount in consideration of these matters.

Many of the issues raised this afternoon—and, indeed, in another place and in the community—when analysed are not strictly age based matters. They can be justified on other grounds, such as the social capacity of children, education needs and many other issues that arise in the sphere of education and, I suggest, also in some other spheres of concern that have been expressed with respect to this legislation. I thank members for their indication of support for this very important piece of legislation and commend it to the House.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Functions of the Commissioner.'

Mr INGERSON: With any major change such as the one this Bill will produce, there is a need for the community to have well explained brochures and education programs so

that people understand what effect the change will have on them. The Commissioner for Equal Opportunity has produced some excellent documents, and in most instances these documents have clearly explained the interpretation of the Act. Unfortunately, some documents have differed when it comes to interpretation but, in general, the literature has been accepted by industry, by the sporting fraternity (where there were some significant discussions) and by those involved in the employment area.

Because there will be significant concerns, particularly in the employment area, it seems to me that examples of what can and cannot be done should be included in any promotional material produced by the commission. What does the Government intend advising the Commissioner on age discrimination, particularly in relation to youth wages? One provision in the Bill talks about employment under contract and very specifically points out that age discrimination cannot in any way be set out in an employment contract yet, a few provisions later, it talks about recognising differences in awards. As all members know, in awards there is a very specific argument in relation to youth employment which is recognised by different amounts of pay per hour.

It seems to me that one section of the Bill provides that there cannot be any discrimination under an employment contract, particularly as it relates to young people, but that in the area of awards that can occur. So, when employers employ younger people under contract it appears to me that there may be a possible misinterpretation, particularly when one advertises. If an employer advertises under an award the advertisement can seek the employment of young people under certain conditions, but it appears that one cannot do that when employing under contract. That area obviously needs to be properly explained.

The Hon. G.J. CRAFTER: The example that the honourable member gives is one of the many obvious, practical examples that will have to be addressed by the Commissioner in any education program, that is disseminated with respect to the administration and application of the equal opportunity legislation generally and, in this particular instance, with respect to age discrimination. I can advise the House that the Commissioner has already commenced the preparation of an education program that will include practical examples.

It is simply not the sole responsibility of the Commissioner or, indeed, the Government. We will seek the cooperation—and I am sure we will receive it—of employers, trade unions and many other organisations in the community which will participate in the education program that will, of necessity, be undertaken over a number of years to assist the community in coming to grips with this law and the benefits that it will bring to the community.

[*Sitting suspended from 5.56 to 8.30 p.m.*]

Mr INGERSON: Prior to the dinner adjournment we talked about the need for the age discrimination provisions to be introduced in a practical sense in the community. Will the Minister advise the Committee how the difficulties that I referred to will be overcome and put into practice in the community?

The Hon. G.J. CRAFTER: As I was saying before the dinner break, the Commissioner has already begun work on the development of an education program for the implementation of this legislation. As a major component of the legislation will not be further considered for some time a phasing-in process of the legislation will enhance the education process that is planned.

Earlier in this debate I commented not only on the role that the Commissioner plays or, indeed, Government agencies play, but on the responsibility that is placed upon employers, unions, other organisations, and the community in general to advance this concept. I have every confidence that those organisations and, indeed, many people in the community who are concerned about eliminating discrimination of this type will accept a sense of responsibility to educate the broader community on the importance of understanding and putting this legislation into practice.

Further, it should be acknowledged—and rightly so—that the Commissioner and officers of her staff have an impressive record of developing education programs and broad based community consultation with respect to evolving rather than simply enforcing legislation of this type. It is generally accepted that this form of legislation needs to evolve, to be understood by the community, and to be put into practice in the fullness of time rather than simply to be enforced. The track record is there, it has worked successfully in this State and it has been appreciated by the community at large.

Clause passed.

Clause 5 passed.

Clause 6—'Insertion of new Part.'

New sections 85a, to 85c passed.

New section 85d—'Discrimination against contract workers.'

Mr INGERSON: As I mentioned in my second reading speech and during questioning in relation to the functions of the Commissioner, this new section states clearly that, in a contract arrangement with workers, it is unlawful to discriminate against the contract worker on the ground of age. Will the Minister advise how this new section will be implemented, when it appears to me and to many employers to be quite opposite to what exists today in all awards?

There is no doubt that a lot of junior workers are employed by contract. It seems to me that an employer will be able to negotiate their general wage structure in accordance with general principles and in line with awards, so that a general basis of employment in relation to junior workers will apply irrespective of whether it is by award or by contract. In principle, a contract is no different from an award because in both cases a certain amount is agreed to be paid. This new section is in conflict with all awards. Will the Minister explain how this new section will be administered?

The Hon. G.J. CRAFTER: I am advised that, given previous experience in this area, it is not anticipated that this matter will have any detrimental effect. I notice that in the other place similar questions were asked and it was reported that the task force had examined this issue in detail and discussed the proposal with employers and the Department of Labour. The Government has taken the view that award based junior wages should be able to continue at this stage, but the matter should be considered in the industrial arena.

There is considerable debate in relation to junior award wages at both State and national levels and a proper assessment of industrial and business implications would need to be conducted before a final decision is taken. The industrial arena is seen as a more appropriate forum for the resolution of these matters.

Mr INGERSON: Whilst I accept the Minister's argument—and I think everyone here would accept that the industrial arena is the place in which to resolve these situations—the reality in commerce is that not only the industrial laws of the land are involved in the employment of people but any other applicable Act. In this case, this Act would also be applicable, and rightly so, but it creates a significant problem for the community if two different standards are applied to a contract of work. As I said, it is

my understanding that a contract of work, whether it be under award conditions or under a contract separately signed, is, in essence, the same thing. If similar conditions do not apply there will be difficulties. Perhaps the Minister can give us some idea of when this new section will be made into law and whether it will be part of the sunset clause applying in new section 85f. It is my understanding that this is not the case, but I think it is important that we do not get a law that is applicable some six months down the track when we believe it is applicable today.

The Hon. G.J. CRAFTER: The matter of the timing will be in the hands of the Government when it is decided that that section should be proclaimed, subject to the considerations I have expressed to the House. It should be said that there is an avenue for these matters to be considered by the industrial tribunals where there is an award. But, many of these young people are not covered by a written contract of employment as such, nor are they protected by any award. I think there is great concern in the community about that. I certainly have had many concerns expressed to me by parents who see their children employed in most undesirable situations.

I think that this legislation is coming to grips with something that is simply broader than the age discrimination issue, although that is one component of it. But it does touch on something which is a little more fundamental, if you like, in terms of wage justice and protection under what we would accept as the normal terms of employment in the community. So, I think it is a complex matter that is dealt with appropriately by the legislation before us. Of course, it does embrace consideration of many issues greater than simply the matter of age discrimination.

New section agreed to.

New section 85e agreed to.

New section 85f—'Exemptions.'

Mr INGERSON: I move:

Page 4, lines 26 and 27—Leave out subsection (6) and substitute the following subsection:

(6) Subsection (5) will expire on a day to be fixed by proclamation, being a day not less than three years after the commencement of this Part.

We believe a longer period is required in this new section. This provision relates to the elimination of standard retiring age in terms of all industrial agreements. That is the essence of the provision. We believe a period of two years is too short. This has significant ramifications not only in our State but also federally. Until the Federal Government moves to recognise that there should not be any retiring age (and that has an effect on superannuation, retirement and many issues), for this State to have an expiration provision of two years instead of a longer period is absolutely ridiculous.

I believe that the idea of having no set retirement age is good. But if the State goes out on a limb and puts itself in the unique position in Australia of only allowing two years to negotiate or at least to have a look at these problems, I think that is unrealistic. There is no suggestion at this stage that the Commonwealth will move in such a direction. By far the majority of awards in this State are Federal awards. So, we would have a very important anti-discrimination device that would apply to less than half the workers in this State.

So, it seems to me that it is very important that we do not set ourselves out to be the trendsetters—but in an environment where we cannot really produce the goods. If this is left with a two-year sunset provision, I believe we will be back here in two years time making this amendment again. At this stage it is not thought that the Commonwealth will move this quickly. As I said, more than 50 per cent of awards in this State are Federal awards and all workers covered by them would not come under this Act in any case. So, it seems ridiculous to go down that track. Will the Minister explain why this is two years, and will he consider going to three years?

The Hon. G.J. CRAFTER: I should clarify that the Federal awards to which the honourable member referred may not in fact state a specific retirement age, anyway. Many awards do not. Therefore, that may not mean the elimination of the application of those awards to this legislation, if they remain silent in that area. It is not true to say that South Australia is going it alone in this area. New South Wales, Victoria and Western Australia are in the advanced stages of preparation of similar legislation and may well be in advance of this State, given the sunset clause that is provided in this new section. The position that this Parliament is in at the moment should be put into that context. I think it is true to say that Queensland is now also interested in legislation of this type. To that extent, I think the honourable member may reconsider the statements that he has made in that context.

The question about two or three years really is simply deferring decisions that have to be taken. They are difficult decisions. A good deal of work has to be done, but one cannot just keep putting this off if one is serious about enacting anti-discrimination legislation of this type. So, it is considered that a two-year time frame is appropriate and proper, for the review to be conducted and for information to be provided to key groups in the community.

The Opposition's proposal would result in a three-year period before the provisions come into effect. I think that that is too long a period for legislation of this type, especially given that it is likely that some other States will be abolishing compulsory retirement ages as from the date of proclamation of their Acts, so as to take immediate effect. That is the information we have at this point of time. Therefore, we would seek to retain the original sunset clause (although perhaps it is more appropriate to call it a sunrise clause in these circumstances) rather than simply putting this matter off for an extended period of time.

Mr INGERSON: The Minister has not convinced me that his argument is valid. One of the areas that I did not talk about was the area of pensions, where we already have discrimination between male and female as regards the ages of 65 and 60. The Minister might correct me if I am wrong, but I understand there is no movement in that area in the Federal arena. That is probably the biggest single concern in relation to discrimination concerning pensions and superannuation. It seems to me that this State will be moving to introduce laws which cover less than 50 per cent of the community; only those covered by awards in our State will be affected by this legislation. Anyone who is covered by a Federal award and/or receives a Federal pension or superannuation will have separate rules that are quite significantly different from what is in this legislation.

Our major concern is that we have seen this sort of legislation drag on for considerable lengths of time, albeit with good intentions. The time frame of two years is really very short to get this sort of very dramatic change in our community. I again request that the Minister consider the amendment.

The Hon. G.J. CRAFTER: One has to question how serious the Opposition is about enacting legislation of this type, if it simply wants to delay the essence of it for very long periods. The simple fact is that pensioners or superannuants are not affected by this legislation, and to claim that they are is not right. Superannuants are exempted from the Bill and so are pensioners, who are covered by Commonwealth legislation. The Commonwealth does not have

a direct head of power in this area. It would have to use external affairs powers, as it has done in other areas of anti-discrimination legislation, and to say that we should wait for the Commonwealth to come into this area is simply a ruse, I suggest, to defer the crunch of this legislation. If we are serious about it, we have to set a realistic time frame, work on it and resolve the difficulties that arise as we work our way through these next two years.

Amendment negatived; new section agreed to.

Remaining new sections (85g to 85s) agreed to.

Clause passed.

Remaining clauses (7 and 8) and title passed.

Bill read a third time and passed.

LEGAL SERVICES COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 1183.)

Mr INGERSON (Bragg): I wish to ask you, Mr Deputy Speaker, what is the state of this Bill, because it appears that a series of amendments is proposed and, in essence, they comprise the totality of the Bill. We seem to be in an odd position, in that we are considering a money Bill that has come from another place. We appear to be dealing with it back to front. In essence I am being requested to give a second reading speech on a Bill that really does not exist, and I seek clarification from you as to where we stand.

The DEPUTY SPEAKER: For the benefit of the member for Bragg, the Chair can advise that the Bill came from the Upper House with the clauses to which he has referred in erased type. Because the Legislative Council is not in a position to insert such clauses, they therefore must be inserted in the Committee stage of the Bill in the House of Assembly by the Minister, if that is the will of the Committee. In his second reading contribution the honourable member can canvass those clauses in erased type. The Chair has no objection to his so proceeding.

Mr INGERSON: We are placed in a rather unusual position which, I suppose, highlights more than anything else that the Government has introduced a Bill in another place without its having done its homework and recognising that a money Bill cannot be introduced in another place. We again have this difficulty at the end of the session with the Government wanting the Opposition to deal with legislation backwards and about face.

I want to put on record that the Opposition's concern is that the Government cannot get its act in order. While it is a very important Bill—the Opposition understands the important ramifications of it—I find it staggering that the Government does not understand that money Bills are not introduced in another place. As I said, we have this ludicrous situation of having a Bill before us that is not a Bill. Rather, it is a matter to be discussed in Committee.

Having made those brief comments, the Opposition supports the Bill or whatever it is we call it. We support it, knowing that the most important aspect of the Bill is to enable the commission to have a statutory charge registered in respect of real estate owned by applicants for legal aid. Properly administered, this provision will allow an extension of legal assistance to applicants who possess valuable assets but who do not have sufficient liquid assets to pay legal costs immediately or the income to support borrowing against those assets.

South Australia is the only legal aid body in Australia which does not have power to impose a charge in these circumstances. The Legal Services Commission has formulated preliminary guidelines in the Bill. In many circumstances, payment would be expected out of an estate after death or on transfer. The Bill also provides for an increase in the Commonwealth representation on the commission from one to two members in order to enhance communication between the commission and the Commonwealth.

The Bill also makes the conditions of employment of staff more flexible. I understand that the Director of the commission is angry about the proposal. She initiated discussion on the present position which provides for all appointments of staff to be made by the Governor. The Director proposed to the Government that the commission fix the terms and conditions of employment of its staff and appoint them, except the directors, who will continue to be appointed by the Governor. The commission, I might point out, is independent of Government according to its statute and is given a global budget. It is not proper for the Minister or the Commissioner of Public Employment to be involved directly in the commission.

It is proposed that we look at clause 6 to make sure that the commission can appoint its staff on the terms and conditions it fixes and that the Director be appointed by the Government. The change in name of the Legal Aid Commission of the Commonwealth to the Office of Legal Aid Administration of the Commonwealth is recognised. In making those brief comments, the Opposition supports the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for these matters which enhance the capacity of the Legal Services Commission to provide and access legal services to people in the community who otherwise would be denied access to legal representation before the courts and in other conflicts that they have where recourse to the law is required.

As the honourable member says, it also deals with a number of matters relating to the administration of the Legal Services Commission. The debate that is occurring in the community at present about access to legal services is particularly pertinent in respect of this measure, because it will enable another group of people in the community to obtain legal advice and assistance who otherwise would not normally be able to purchase legal services in an open market situation.

It brings into the sphere of accessing legal advice that group of people who are asset rich but income poor. They are an important group in our community who are presently in a most frustrating situation. Whilst there is a discussion about the global issues of the administration of justice, the role of the courts and the role that lawyers play in our community, there are matters that can be dealt with here and now and the imposition of a statutory charge which will enable the Legal Services Commission to extend the number of persons qualifying for legal aid was one of those matters that I would have thought could provide that broadening of the net regarding persons in our community whom we would like to see gaining access to legal counsel. So, for those reasons and the other reasons I have memtioned, I commend this Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Employment of legal practitioners and other persons by the Commission.'

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

Page 2, line 5—Leave out 'determined from time to time by the Commission' and insert 'from time to time determined by

the Commission and approved by the Commissioner for Public Employment'.

This amendment, and the subsequent amendment which I intend to move, are procedural matters because, as was explained, the Bill was introduced in another place and, because it is regarded as a money Bill, these amendments are in erased type. The explanation for that is not that the Government did not have its act in order but simply a matter of the most efficient use of the resources of both Houses. The Government is in a difficult position, because when Bills which are the responsibility of the Attorney are introduced in this House, there is criticism they should have been introduced in another place. Once again, it is done for the efficient use of the time of both Houses particularly towards the end of the session. I think it is in our interest and the community's interest, and really it may mean that some members are inconvenienced to the extent that Bills arrive here in a different form, certainly in erased type. I think that that is a small price to pay for more efficient administration of the affairs of this place.

Amendment carried; clause as amended passed.

New clause 7—'Legal costs secured by charge.'

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

Page 2 after line 6—Insert new clause 7 as follows:

Insertion of s. 18a

7. The following section is inserted after section 18 of the principal Act:

Legal costs secured by charge

18a. (1) Where, pursuant to a condition on which legal assistance is granted, legal costs payable to the Commission by the assisted person are to be secured by a charge on land, the Director may lodge with the Registrar-General a notice (in a form approved by the Registrar-General) specifying the land to be charged and certifying that legal costs are to be charged on the land.

(2) Where a notice is lodged under subsection (1), the Registrar-General must register the notice by entering a memorandum of charge in the register book or register of Crown leases.

(3) If the land to be charged is not under the Real Property Act 1886 a notice specifying the land to be charged and certifying that legal costs are to be charged on the land may be registered in the General Registry Office.

(4) Where a notice is lodged with the Registrar-General registered in the General Registry Office under this section, the Director must inform the assisted person in writing of the action so taken.

(5) On the registration of a notice under this section, legal costs payable to the Commission by the assisted person are a charge on the land for the benefit of the fund.

(6) If any default is made in the payments on account of legal costs, the Commission has the same powers of sale over the land charged as are given by the Real Property Act 1886 to a mortgagee under a mortgage in respect of which default has been made in the payment of principal.

(7) Where the amount secured by a charge registered under this section is paid or recovered or the Commission determines that such a charge is no longer required, the Director must—

(a) in the case of a charge on land under the Real Property Act 1886—request the Registrar-General to remove the charge;

(b) in the case of a charge on land not under the Real Property Act 1886—register a notice of the removal of the charge in the General Registry Office.

(8) The Registrar-General must, on receipt of a request for the removal of a charge on land under the Real Property Act 1886, register a memorandum of the removal of the charge in the register book or register of Crown leases.

(9) No stamp duty or fee is payable in respect of any notice lodged or action of the Registrar-General pursuant to this section.

I move this amendment for the reasons that I stated previously.

New clause inserted.

Title passed.

Bill read a third time and passed.

STATUTE LAW REVISION BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 1184.)

Mr INGERSON (Bragg): The Opposition supports the Bill. It converts penalties into divisional penalties. Secondly, it converts all provisions into gender neutral language, which I strongly support. Thirdly, it deletes obsolete or spent material, for example commencement provisions. Fourthly, it substitutes the so-called old legalese with modern expressions. I think every member in this House would say, 'At last we are starting to see some logic in the way in which law is written in this State.'

However, having had the privilege of participating in a Committee debate twice today, in which amendments to another Bill were considered, I believe that our moving in this way is, on the one hand, interesting and gratifying but, on the other hand, we are going backwards at 100 miles an hour. We may be using English that at least we can understand, but the verbiage—and I would even go as far as to say the garbage—we have been attempting to write into the law by way of very simple charges is really a major problem for this House. Whilst this Bill is heading in the right direction in attempting to bring up to date all the old statutes, we ought to take a lesson and translate our actions into what we are doing today.

It has been pointed out that some 800 changes to the law have been necessary as a result of this Bill. All of those amendments were checked closely and, whilst small in nature, they have definitely improved the old law. As I said, it is a pity that we could not do that today. It is with great pleasure that the Opposition supports this Bill.

The Hon. G.J. CRAFTER (Minister of Education): This brief measure that is before us is a result of the ongoing work of the Commissioner of Statute Law Revision and, as the member for Bragg has said, it brings those four broad categories into effect with respect to these Acts we are about to amend. I think it is most desirable to see the Acts amended in this way to bring the relevant statutes into line with more modern usage and practices with respect to penalties, gender neutral language, deletion of obsolete and spent material, and the upgrading of the language. Obviously, this will be ongoing work for the House to give effect to the reports and recommendations of the Commissioner of Statute Law Revision. It is an important element of our work and provides substantial assistance to those who use our statutes regularly in the courts and in the legal profession but also to the broader community.

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

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

Adjourned debate on second reading.

(Continued from 10 April. Page 1369.)

Mr INGERSON (Bragg): The Opposition supports this Bill, which requires a court, which finds a defendant guilty of an offence where the circumstances are such as to suggest that a right to compensation has arisen, to give reasons for not making an order for compensation if that is its decision. It also provides for the maximum amount of compensation for the Criminal Injuries Compensation Fund to be increased. Further, it prevents a court from awarding compensation

from the Criminal Injuries Compensation Fund where the injury arose out of the use of a motor vehicle, except where damage to property occurs or where the injury, loss or damage is compensable under the Workers Rehabilitation and Compensation Act.

The Bill provides for a payment of up to $3 000 for the cost of funeral expenses to be paid out of the Criminal Injuries Compensation Fund. It allows the Attorney to raise payment out of that fund of an amount up to $10 000 where the Attorney is of the opinion that other compensation does not represent adequate compensation for pain, suffering and other non-economic loss. The Bill also allows the Attorney to make an *ex gratia* payment to victims of crime even though an offence has not been or cannot be established but it is obvious that a person has suffered injury as a result of an offence but, for one reason or another, no person is convicted of an offence. While the Opposition has concern about the discretion of the Attorney-General to make an *ex gratia* payment to a victim out of the Criminal Injuries Compensation Fund, it is my belief that some latitude should be given to the Attorney of the day. The Opposition strongly supports this measure.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this small but important measure. The Bill gives rise to the implementation of the Government's election policy on victims of crime, which was a cornerstone of the community security platform. One of the highest priorities that a Government can have is to provide for the protection and security of the whole community, particularly those who are vulnerable through old age, youth or infirmity. A vital part of community security is caring for the victims of crime, and that has been in the background for far too long.

Since 1985, the Government of this State has taken decisive steps to improve the position of victims in the criminal justice system and our work in this State has been acknowledged by many sources within Australia and overseas. I refer to the National Committee on Violence, which noted in a 1989 discussion paper on victims of violence:

> The South Australian Government became the first Australian jurisdiction formally to recognise the rights of victims when it took steps towards implementing the United Nations declaration.

An increasing number of victims in this State are receiving compensation from offenders as a result of orders for compensation being made by sentencing authorities under section 53 of the Criminal Law Sentencing Act, which was passed by Parliament in 1988. To ensure that courts turn their mind to the question of compensation for victims by offenders, that section is amended to require a court, if it does not make an order for compensation, to give reasons why it has not done so.

The Criminal Injuries Compensation Act 1978 is amended as promised during a recent election campaign by increasing, from $25 000 to $50 000, the maximum amount of compensation payable to a victim of crime under the Act. Provision is also made for the payment of the funeral expenses of a person who dies as a consequence of a criminal offence. The amount payable is the actual cost of the funeral or $3 000, whichever is the lesser. The $3 000 limit is in line with the maximum amount payable for funeral expenses under the Workers Rehabilitation and Compensation Act 1988.

Both Acts are amended to provide that no compensation may be awarded under the Acts where an offence arises from a breach of statutory duty by an employer in relation to the employment of the victim and the injury is compensable under other legislation. This amendment is made because the Act provides a code for an employer's liability to compensate a worker in these circumstances. A further amendment is made to the Criminal Injuries Compensation Act 1978 to empower the Attorney to make an *ex gratia* payment in those more rare but difficult situations in which a person is a victim of crime, even though an offence has not been or cannot be established. It is quite often evident that a person has suffered injury as a result of an offence but, for one reason or another, no person is convicted of that offence. However, that still leaves the victim.

In such cases, the usual practice is for an *ex gratia* payment to be approved and paid out of general revenue. This amendment will enable the compensation to be paid out of the Criminal Injuries Compensation Fund, which is a more appropriate source of payment for that victim. These matters and some minor drafting amendments to the Criminal Injuries Compensation Act will greatly enhance the capacity of victims to be compensated as a result of criminal activity in our community. It will also give the community a greater degree of community security, particularly in our ability to care for the victims of crime.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Amendment of Criminal Injuries Compensation Act 1978.'

Mr INGERSON: In essence, this clause increases the level of compensation for victims of crime. Will the Minister advise the Committee what is the current rate that is collected, how it is collected and how much is currently in the fund? I ask for that information because this Bill provides for a very significant increase in compensation and questions have been raised with me about how much money is in the fund.

The Hon. G.J. CRAFTER: The increase in payments to the fund will be minimal in the current financial year, due to the fact that the increased maximum payment applies only to injuries sustained after it becomes effective, and few would reach a decision in that time frame. However, in subsequent years, an estimate of the full year cost based on current activity is some $600 000, which is made on the basis of about eight cases being awarded the maximum and some 25 payments averaging to approximately $35 000.

As at 31 March 1990, the fund balance was $3 646 939.83. An initial estimate of the levies to be paid into the fund in the current financial year was $1.772 million. On the basis of receipts to 31 March 1990, the revised estimate for the current financial year is $1.85 million. To date, no projections have been made on estimated levies for 1990-91 but, if the recent trend continues, an estimate of approximately $2.1 million would be reasonable.

Mr INGERSON: In saying that there seems to be an accumulation of funds, I point out that there is no criticism of that, given the purpose of the fund. However, a lot of money has accumulated and the Government is still taking out of the community purse a significant amount of money. It is reasonable to request the Minister to give some future prospects for the fund to determine whether the levy rate will still be necessary. I understand that motorists pay a significant amount of money into the fund. It is a bit like Foundation South Australia where there is a massive accumulation of funds and no justification for that to continue to occur.

The Hon. G.J. CRAFTER: The honourable member is certainly on the wrong track. There is a much greater awareness in the community now of compensation being available, and the degree of compensation is now much more attractive to victims of crime. With the role that the courts play in advising victims of crime of their right to compen-

sation, both the police and lawyers are very keen to advise clients of their rights in this area. There is a new awareness in our community of access to this financial support that is available to victims. The trend in the community is for greater pressure to be applied to this fund in the years ahead. Indeed, the fund may not be adequate to withstand that pressure being placed on it by the claims we anticipate will come in future years. It may be that it is wise to build up this fund in these early years so that it can withstand that pressure in later years.

Mr INGERSON: Whilst I support the concept, this Government is continually taking this extra bit from our community. We have seen that take place in the past few days in the WorkCover legislation. We now have it again in this matter where motorists in this State are required to contribute more and more funds, yet there never seems to be an end or a logical conclusion to the accumulation of these funds. Whilst I accept in principle what the Minister is saying about the future possibility, this accumulation of funds is a major issue for the community. It should be publicised so that we all know on a continual basis how much money is accumulating in all these hollow logs around the community.

As I mentioned, there are massive sums of money in Foundation South Australia. We now have massive sums of money accumulating in the Victims of Crime Fund, and $2 million is a lot of money to be accumulating in any fund. We ought to be asking the Government through the Minister specific questions so that people in the community know why these funds are accumulating. The Opposition is very concerned that it is always the poor old motorists who have to provide what seems to be an ever-increasing sum of money held on their behalf albeit for a very important group of people—the victims of crime—which has not been paid out at this stage.

The Hon. G.J. CRAFTER: The Opposition must determine whether or not it is in favour of victims of crime being compensated. If it is—and I presume it is—it must work out where the funds will come from to enable that compensation to be paid. If it agrees that the people who break the law should contribute as part of their penalty towards compensating the victims of crime generally—and it is hard to argue that the taxpayers across the State should pay that amount of money as they did in the early days of this legislation—one must look at who will pay this amount of money. Whilst the Opposition may say that it is the motorist, as if the motorist were distinct from other people who break the law, it happens that the offence is not against the motor vehicle, or indeed against a combination of the motor vehicle and the driver; it is simply another citizen of the State who has offended against the law. One has to differentiate.

If one takes the Opposition's point of view, an offence whilst driving a motor vehicle is a lesser offence than one committed in other circumstances. We are all appalled at the road toll in this State and across this nation, at the havoc it wreaks on so many families, and at such cost to our economy. It is very hard to say we should dilute the law with respect to road offences and road traffic matters generally and not bring down the levy on that group, whereas another person who breaks the law but not while driving a motor vehicle should pay that penalty. That is a very rocky road for the Opposition to argue in these circumstances.

Every person who breaks the law in whatever circumstances should have this matter rightly attended to in the judicial process. It is part of the sentencing process and part of the penalty that law-breakers face, and it is most appropriate that that levy should flow through to the victims of crime in our community. It is very difficult to deny the logic of the argument which the Government has embraced and which other jurisdictions are embracing in a similar way across this country and, indeed, throughout the western world.

Mr INGERSON: The Minister is really saying that a select group of people—the motorists of South Australia—are the ones who, in essence, should be paying into this Victims of Crime Fund. It seems to me far more logical that all taxpayers of this State pay into the fund. It is far more logical that it could come out of Government revenue. If that Government revenue were made up of fines from motorists and the collection of taxes from all other areas, so be it. Purely and simply to select the motorists of South Australia to pay into the Victims of Crime Fund seems wrong. The matter arose because we believe there is a massive accumulation of funds in this area and that the Government should be regularly reporting on why it is occurring, what it is doing about it, and whether it will reduce the amount of money going into the fund.

The Hon. G.J. CRAFTER: The honourable member has misunderstood what I have been saying. Every offender should pay this levy, and it is appropriate that offenders pay the levy rather than the law-abiding citizens of this State who do not have an obligation to pay money to victims of crime because they are not hurting people in our community. There are very strong equity arguments and I would not like to take the honourable member's position in the community and say, 'We will have to increase your taxes at large to pay the levy for victims of crime because we do not believe that offenders should pay it.' In many cases, it would be the taxpayers paying for offences committed by those who do not pay tax, so very inequitable arguments are established in our community. It is also a very dangerous path to follow if one is to argue that motorists are any different from people who offend against the Dog Act or any other legislation that has been passed in this place over the years. All offenders should pay according to the penalty and contribute to the fund in that way.

Clause passed.

Title passed.

Bill read a third time and passed.

Mr OSWALD: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

CORRECTIONAL SERVICES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SITTINGS AND BUSINESS

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

That Standing Orders be so far suspended as to enable those Orders of the Day: Other Business set down for 17 May where debate has ensued be taken into consideration forthwith without debate.

Motion carried.

FEDERAL GOVERNMENT POLICIES

Adjourned debate on motion of Mr S.J. Baker:

That this House condemns the destructive policies and dismal record of the Federal Government which have led, among other things, to—

(a) inflation stuck at 8 per cent and declining real wages;
(b) crippling mortgage interest rates preventing young couples from buying a first home and compelling others to sell their homes;
(c) interest rates for small business borrowers of around 22 per cent forcing many businesses into receivership and bankruptcy;
(d) a quadrupling in Australia's gross foreign debt to over $140 billion;
(e) the appalling state of our roads; and
(f) the continuance of child poverty.

(Continued from 5 April. Page 1287.)

Motion negatived.

WASTE RECYCLING

Adjourned debate on motion of Hon. D.C. Wotton:

That this House, recognising the current lack of incentives being provided by the Government to ensure a successful waste recycling industry, calls on the Premier to implement, as a matter of urgency, his pre-election promise to develop a commercial waste recycling industry which will make South Australia 'the major recycling centre of Australia'.

(Continued from 5 April. Page 1288.)

Motion carried.

ATHELSTONE WILDFLOWER GARDEN

Adjourned debate on motion of Hon. Jennifer Cashmore:

That this House notes the badly degraded condition of the Athelstone Wildflower Garden in Blackhill Conservation Park, condemns the failure of the Government to fund the National Parks and Wildlife Service sufficiently to enable it to maintain the garden in the condition in which it was received from the Blackhill Native Flora Trust, and calls on the Government to take urgent action to restore the area and maintain it properly for the purposes for which it was acquired.

(Continued from 29 March. Page 1013.)

The House divided on the motion:

Ayes (20)—Messrs Allison, Armitage, P.B. Arnold, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore (teller), Messrs Eastick, S.G. Evans, Goldsworthy and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Olsen, Oswald, Such and Wotton.

Noes (21)—Messrs L.M.F. Arnold, Atkinson, Bannon, Crafter, De Laine (teller), M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Quirke, Rann and Trainer.

Majority of 1 for the Noes.

Motion thus negatived.

BRIGHTON HIGH SCHOOL

Adjourned debate on motion of Mr Brindal:

That, in the opinion of the House, the Government should immediately undertake the development of phase three of Brighton High School:

Which the Hon. T.H. Hemmings has moved to amend by leaving out the words 'immediately undertake' and inserting the words 'be congratulated on the implementation of phases one and two and should consider' and at the end of the motion by adding the words 'according to the priorities of the whole area and the Education Department.'

(Continued from 29 March. Page 1016.)

Amendment carried; motion as amended carried.

ELECTORAL SYSTEM

Adjourned debate on motion of Mr D.S. Baker:

That—

(1) a joint select committee be appointed to consider and report on—

(i) the fairness and appropriateness of the existing electoral system providing for representation in the House of Assembly through single member electorates;
(ii) other electoral systems for popularly elected legislatures with universal franchise including multi-member electorates;
(iii) whether or not criteria for defining electoral boundaries are necessary and, if they are regarded as necessary, to determine whether or not the criteria the Electoral District Boundaries Commission presently is to have regard to when making a redistribution of electoral boundaries for the House of Assembly result in a fair electoral system and what changes, if any, should be proposed to those criteria to ensure electoral fairness is achieved; and
(iv) to make recommendations on the most appropriate form of electoral system for the House of Assembly and its implementation:

(2) the House of Assembly be represented thereon by three members of whom two shall form a quorum of House of Assembly members necessary to be present at all sittings of the committee;

(3) the joint select committee be authorised to disclose or publish, as it thinks fit, any evidence or documents presented to the committee prior to such evidence and documents being reported to the Parliament;

(4) the Legislative Council be requested to suspend Standing Order No. 396 of the Legislative Council to enable strangers to be admitted when the joint select committee is examining witnesses unless the committee otherwise resolves but they shall be excluded when the committee is deliberating;

and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 22 March. Page 780.)

Mr S.J. BAKER (Deputy Leader of the Opposition): I move:

That this Order of the Day be read and discharged.

Order of the Day read and discharged.

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL

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

That the House of Assembly request the Legislative Council give permission for any of its members to attend and give evi-

dence before the select committee of the House of Assembly on the Constitution (Electoral Redistribution) Amendment Bill if they so desire.

Motion carried.

SITTINGS AND BUSINESS

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

That pursuant to Standing Order No. 216 the Clerk of the House of Assembly be permitted to deliver messages during the suspension of the sitting.

Motion carried.

[*Sitting suspended from 9.46 to 11.55 p.m.*]

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

That Standing Orders be so far suspended so as to enable *(a)* the time for moving the adjournment of the House to be extended beyond 10 p.m.; and *(b)* to enable the House to sit beyond midnight.

Motion carried.

SUMMARY OFFENCES ACT AMENDMENT BILL

At 1.22 a.m., the following recommendations of the conference were reported to the House:

As to Amendment No. 1:

That the Legislative Council amend its amendment by leaving out the word 'justice' and inserting in lieu thereof the word 'magistrate'.

and that the House of Assembly agree thereto.

As to Amendment No. 3:

That the House of Assembly do not further insist on its disagreement to this amendment.

As to Amendment No. 4:

That the Legislative Council amend its amendment by substituting the following subsection for proposed subsection (9):

'(9) The Commissioner must, as soon as practicable after each successive period of three months following the commencement of this section, submit a report to the Minister in relation to that period stating—

(a) the number of authorisations granted under this section during that period;

(b) in relation to each authorisation granted during that period—

(i) the place at which the establishment of a roadblock was authorised;

(ii) the period or periods for which the authorisation was granted or renewed;

(iii) the grounds on which the authorisation was granted or renewed;

(c) any other matters the Commissioner considers relevant.'

and that the House of Assembly agree thereto.

As to Amendment No. 6:

That the Legislative Council amend its amendment by leaving out the word 'convicted' and inserting in lieu thereof the words 'found guilty'.

and that the House of Assembly agree thereto.

As to Amendment No. 7:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 4 (clause 5) after line 7—Insert the following subsection:

(5a) Subsection (5) *(a)* does not apply to—

(a) a person if it is reasonably necessary for the person to enter the area, locality or place in order to protect life or property; or

(b) a representative of the news media, unless the member of the Police Force who gave the warning believes on reasonable grounds that the entry of the representative into the area, locality or place would give rise to a risk of death or injury to any person other than the representative and advises the representative accordingly.

and that the House of Assembly agree thereto.

As to Amendment No. 8:

That the Legislative Council amend its amendment by substituting the following subsection for proposed subsection (8):

'(8) The Commissioner must, as soon as practicable after each successive period of three months following the commencement of this section, submit a report to the Minister in relation to that period stating—

(a) the number of declarations made under this section during that period;

(b) in relation to each declaration made during that period—

(i) the area, locality or place in relation to which the declaration was made;

(ii) the period for which the declaration was in force;

(iii) the grounds on which the declaration was made;

(c) any other matters the Commissioner considers relevant'.

and that the House of Assembly agree thereto.

As to Amendment No. 10:

That the Legislative Council amend its amendment by substituting the following subsection for proposed subsection (6):

(6) The Commissioner must, as soon as practicable (but not later than three months) after each 30 June submit a report to the Minister in relation to the year ended on that 30 June stating—

(a) the number of authorisations and warrants granted under this section during that year.

(b) the nature of the grounds on which the authorisations and warrants were granted;

(c) the type of property taken from premises pursuant to warrant under this section;

(d) any other matters the Commissioner considers relevant.

and that the House of Assembly agree thereto.

WORKERS REHABILITATION AND COMPENSATION ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 40 (clause 7)—Leave out all the words in line 40 after 'amended' and substitute 'by striking out paragraph *(e)* of subsection (2) and substituting the following paragraphs:

(da) the disclosure of information to the South Australian Department of Labour or the South Australian Occupational Health and Safety Commission;

(e) the disclosure of information in accordance with the regulations.'

No. 2. Page 3, lines 5 to 7 (clause 8)—Leave out all words in these lines and substitute—

'*(b)* the rights of any claimant whose claim is determined before the commencement of this Act; or

(c) the rights of any other claimant who, as at the commencement of this Act, is a party to proceedings before a Review Officer.'

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

These amendments are suitable to the Government because they will allow the Department of Labour and the South Australian Occupational Health and Safety Commission to have access to information about employers that are poor performers in relation to safety records, so that those two Government instrumentalities can assist them in overcoming the problem. Also, this will allow for the disclosure of information in accordance with regulations which I understand are designed to allow the appropriate employer and employee organisations to be advised of the companies that need this sort of assistance. The other amendment is to ensure that the people who have rights to claims in respect of the amendment of the definition of 'disease' are not placed at disadvantage.

Mr INGERSON: I am delighted to see that the Government is prepared to accept these reasonable amendments. I think it is important that the Committee recognise that we need to have disclosure of interest in these areas. If WorkCover is to take on the serious problem of workplace concerns and it is to take on the problems of workers who

are injured in bad working environments, it will need this information. We support that very strongly.

Members interjecting:

The CHAIRMAN: Order! The Chair is having difficulty hearing the member for Bragg.

Mr INGERSON: The Opposition supports the first amendment to enable the Department of Labour and the South Australian Occupational Health and Safety Commission to have this information. As I mentioned when the Bill was before us, the Opposition thought that this sort of measure should be provided for in the legislation. In relation to the rights of any other claimant, the Opposition believes that this amendment, which will enable the Bill to come back to this House and sit on the table for the required time, is the way it ought to occur.

There are a couple of other issues that I should take up at this time. It is disappointing that the Government has not seen fit to proceed with a select committee. We believe that there were a couple of major issues in this WorkCover Bill—

The CHAIRMAN: Order! The member for Bragg will have to relate his remarks to the amendments of the Legislative Council that are before the Committee.

Mr INGERSON: I will, Sir.

Members interjecting:

The CHAIRMAN: Order! If the Chair is to make a decision about the relevance of the member for Bragg's arguments, the Chair will have to hear them. There is too much audible conversation in the Chamber.

Mr INGERSON: The Opposition supports the amendments.

Motion carried.

LEGAL SERVICES COMMISSION ACT AMENDMENT BILL

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

CONSTITUTION (ELECTORAL REDISTRIBUTION) AMENDMENT BILL

The Legislative Council intimated that it had given leave for any of its members to attend and give evidence before the Select Committee on the Constitution (Electoral Redistribution) Amendment Bill, if they think fit.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING (1987 AMENDMENT) AMENDMENT BILL

Returned from the Legislative Council without amendment.

SUMMARY OFFENCES ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

Briefly, the conference met on several occasions today and the Bill that was before the House has been further amended. As to amendment No. 1, the role that was intended for a justice with respect to the renewal of the orders declaring an area subject to a roadblock can now be played only by a magistrate. The other key amendments relate to the requirement for reporting to the Parliament with respect to the provisions of the Act, and the conference agreed that there should be quarterly reporting with respect to roadblocks and declared areas. The other matters contained in the legislation would be subject to the reporting mechanism associated with the annual report of the Commissioner of Police.

With respect to the other major matter of dispute between the Houses, the right of access of certain persons (including the media) to declared areas, agreement was reached which would allow for access of appropriate persons to those areas subject to those provisions. With other minor matters, the Houses are now agreed on the provisions of the Summary Offences Act Amendment Bill, which will codify areas of police practice essential for the proper administration of justice that are presently at large, and the conference deemed it important that these matters be clarified and certainly brought to the law in these areas.

However, the conference was concerned that these matters be further monitored with respect to any excessive bureaucratic provisions contained herein and any unnecessary burdens that may be placed upon the administration by the police in this State. That will be monitored. Similarly, the provisions with respect to right of entry to declared areas will be monitored also to ascertain whether further amendment may be required at some future time.

Mr INGERSON: The Opposition supports the amendments. I wish to make a few comments concerning this matter. First, the House of Assembly and the Legislative Council should thoroughly investigate, through the Joint House Committee, the conference procedure. I say that because today we have been placed in what I believe is the most absurd position that I have encountered in this place. As a member of the conference I believe that we need to improve the conference procedure. I want to put this issue on the record today, because the Committee should consider it. Many new members were involved and the discussion in the conference was quite absurd. We need to look at this process and do something about it in the future.

In relation to the decisions of the conference, the involvement of a magistrate after 12 hours is a very important factor. We are concerned about the reporting to the House and that matter has been clearly recognised by the conference. It has been separated into two distinct areas, the first of which relates to the major concerns of roadblocks and dangerous areas, the second concerning the entry of police into houses for all sorts of reasons, particularly those that relate to a death. In relation to those areas, we agree very strongly and we support the recommendations.

I believe the Committee ought to be aware that the conference was put under some pressure to take into consideration issues outside its control and—

Members interjecting:

The CHAIRMAN: Order! Will the member for Bragg resume his seat. I ask members to come to order so that we can conclude the proceedings as expeditiously as possible. The Chair wants to hear the member for Bragg.

Members interjecting:

The CHAIRMAN: Order!

Mr INGERSON: There is a major issue which I think ought to be put on the record. As a member of the conference I believe that an attempt was made to influence the decision of the conference by outside forces. I think it was unreasonable—

Members interjecting:

The CHAIRMAN: Order! The member for Bragg has the floor and I ask the Committee to hear him in silence.

Mr INGERSON: This is a major issue which I believe the Committee ought to be aware of; it is a major issue in relation to any conference. An attempt was made today by the media to influence directly the decision of the conference. That is unrealistic and unreasonable and, if we are to have a conference procedure in this Parliament, we have to set very distinct rules as to how it occurs. If we are to allow any outside body that is directly involved with the conference to have input, we should set guidelines. If we are not prepared to set those guidelines, it is my belief that we will end up with chaos in this Parliament.

Today, without any doubt at all, a deliberate attempt was made, in my opinion, by the media to influence, or attempt to influence, a decision of the conference. That is not acceptable and it is an issue on which I believe this House, along with the other place, should set distinct guidelines. It is my opinion and that of other members of the House that that attempt was made. I wish to put that clearly on the record, and I ask that this House consider this problem in the future. We support the recommendations of the conference.

Motion carried.

ADJOURNMENT

At 1.42 a.m. the House adjourned until Tuesday 15 May at 2 p.m.