HOUSE OF ASSEMBLY

Wednesday 5 May 1993

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

PUBLISHING STANDARDS

A petition signed by 183 residents of South Australia requesting that the House urge the Government to stop the decline in standards by publishers of material debasing women was presented by Mr Becker.

Petition received.

STATE BANK

Petitions signed by 145 residents of South Australia requesting that the House urge the Government to allow the electors to pass judgment on the losses of the State Bank by calling a general election were presented by Mr Becker and Mrs Kotz.

Petitions received.

CAPITAL PUNISHMENT

A petition signed by 181 residents of South Australia requesting that the House urge the Government to reintroduce capital punishment for crimes of homicide was presented by Mrs Kotz.

Petition received.

DRUGS

A petition signed by 73 residents of South Australia requesting that the House urge the Government to increase penalties for drug offenders was presented by Mrs Kotz.

Petition received.

MODBURY HOSPITAL

A petition signed by 246 residents of South Australia requesting that the House urge the Government to increase funding to restore previous levels of staffing and bed numbers at Modbury Hospital was presented by Mrs Kotz.

Petition received.

PETROL TAX

A petition signed by 38 residents of South Australia requesting that the House urge the Government to rescind the petrol tax increase was presented by Mrs Kotz.

Petition received.

RETIREMENT AGE

A petition signed by 223 residents of South Australia requesting that the House urge the Government to abolish the compulsory age of retirement for men and women was presented by Mrs Kotz.

Petition received.

CHILD ABUSE

A petition signed by 340 residents of South Australia requesting that the House urge the Government to increase penalties for offenders convicted of child sexual abuse was presented by Mrs Kotz.

Petition received.

BRIGHTON HOTEL

A petition signed by 100 residents of South Australia requesting that the House urge the Government not to allow an extension of the Brighton Hotel trading hours was presented by Mr Matthew.

Petition received.

GRAND PRIX

The Hon. M.D. RANN (Minister of Business and Regional Development): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: I would like to present to the House and table today a copy of the independent Price Waterhouse study into the economic impact of the 1992 Formula One Grand Prix. This study was initiated at the request of this Parliament's Economic and Finance Committee. This evaluation is the most extensive to date with data drawn from a sample survey of 4 000 visitors at the time of last year's event, together with the results of surveys of businesses, corporate box holders and sponsors, the tourism and retail industry and all participating teams.

Price Waterhouse found that the event provided a $37.4 million value-added benefit to the State's economy for a Government investment and subsidy of $4 million. This is a benefit/cost ratio of four to one. The executive summary of the Price Waterhouse study highlights some additional factors which demonstrate the real worth of the event: facts such as the spin-off benefits of the event have not diminished over the past eight years that the Grand Prix has operated; that the State Government conservatively receives $1.1 million additional tax revenue as a result of the event; that almost 2 000 casual part-time jobs are created, which is close to 100 full-time full year positions, before the inclusion of any multiplier effect; and that numerous business and investment opportunities arise over the course of the four-day event.

The report also shows that, of the groups attending the Grand Prix, interstate and international visitors spend $18.8 million; the Formula One teams, $1.9 million; non-South Australian corporate facility holders, $6.2 million; and the media spend $1.85 million in this State.

The report notes that significant international recognition and wider exposure has occurred for a number of businesses, resulting in the generation of a direct export earning benefit by the continued existence of the Grand Prix. In addition, 72 per cent of hotels, motels, restaurants, and other entertainment facilities

indicated that the Grand Prix had a positive impact upon their businesses, not just in terms of the period of the Grand Prix but also at other times of the year.

From a tourism perspective, the survey found that the Grand Prix attracted over 16 000 visitors from interstate and over 2 600 visitors from overseas. It went further to state that 59 per cent of the interstate visitors to the Grand Prix would not have come to Adelaide in a two-year period had it not been for the Grand Prix, while 46 per cent of the international visitors would not have visited Adelaide within the same two year period, for the same reason. Of those visitors, 83 per cent of interstate and 51 per cent of international spectators said that they would return to Adelaide for another Grand Prix.

Price Waterhouse further states that a total of 70 000 visitor bed nights would not have been sold in South Australia had it not been for this event. This study proves conclusively that the Fosters Australian Formula One Grand Prix provides a significant boost to the South Australian economy. I am confident that the Economic and Finance Committee, the Parliament and, in turn, the South Australian public will be satisfied with the findings of the Price Waterhouse study. I table the report and commend it to the Opposition, and I commend the Grand Prix to the Opposition and to the Parliament.

LEGISLATIVE REVIEW COMMITTEE

Mr McKEE (Gilles): I bring up the twenty-ninth report 1992-93 of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

STATE BANK

The Hon. DEAN BROWN (Leader of the Opposition): My question is directed to the Premier. What is the latest information the Government has received on the progress of investigations into alleged major tax fraud within the State Bank Group? Has the Auditor-General been investigating this alleged fraud and, if not, what confidence can the people of South Australia have that all the facts will be revealed? In March 1991 officers of the Federal Police and the Australian Taxation Office seized documents to investigate whether employees of Beneficial Finance Corporation and a subsidiary company, Luxcar Limited, had been involved in a conspiracy to avoid tax payable on the leasing of luxury vehicles.

The former Premier told this House on 20 March 1991 that the action by the Federal Police and the Australian Taxation Office would not cause any undue delays or problems in the Auditor-General's inquiry. However, I have received information from a number of sources that the Auditor-General's inquiry may not be covering the $200 million Luxcar deals.

In July last year I was informed that arrests were imminent arising out of the Luxcar investigations, which had included inquiries in Germany. However, since then there have been no arrests. Concern has been expressed publicly that neither the Auditor-General nor other investigating authorities have the resources necessary to unravel all the complexities of the fraud and corruption alleged involving the Luxcar deals. It would be ironic if the *Advertiser* journalist David Hellaby were the only person—

The SPEAKER: Order!

The Hon. DEAN BROWN: —out of the whole State Bank disaster—

The SPEAKER: Order! The Leader is now commencing to debate. He is bringing comment and debate into the question, and that is not allowable under the Standing Orders. Is the Leader finished?

The Hon. DEAN BROWN: Yes, Sir.

The Hon. LYNN ARNOLD: Obviously, I will need to seek a detailed report on this matter. At the outset I would say that I do not think that anyone can criticise the level of thoroughness of the Auditor-General in his reporting so far, as the first report would indicate. Likewise, I believe that any further reporting from him will be done with equal thoroughness. Nor do I accept the proposition that he has not had adequate resources to undertake his inquiry. He has certainly had very adequate resources and an extensive period of time. We have continued to give extensions so that proper inquiries can be conducted.

Any suggestion that the Government may be involved in trying to choke off resources to him is totally unfounded and quite a reprehensible suggestion. On the matter of what other inquiries may be taking place I will need to seek advice, because I am just not aware, although I understand that a Federal Police inquiry was undertaken and may still be in process. I really have no idea, but I will find out what information I can.

On the matter of resources for the Federal Police and their inquiries, that would not be relevant to the State Government, in terms of making resources available to the Federal Police. However, I repeat that, as we have done at all stages of this matter, the Government and its agencies will cooperate fully with any such inquiries that are taking place and make any such information available. I will have a further report on this matter brought down and, if it is possible to have something for tomorrow, it will be brought to the House, otherwise I will communicate by correspondence with the Leader on this matter.

Mr FERGUSON (Henley Beach): Can the Treasurer tell the House what arrangements have been put in place to conduct the sale of the State Bank of South Australia?

The Hon. FRANK BLEVINS: In preparation for sale the State Bank is to be corporatised, which of course is a major exercise and is expected to take about a year. The Government set up a task force and a high level committee to undertake this process. They will be called the State Bank Corporatisation Steering Committee and the State Bank Corporatisation Task Force. The committee will be chaired by the Under Treasurer, with the Crown Solicitor as his deputy. Its members will include a nominee of the bank, the Executive Chairman of GAMD, the chief executive of the task force and my economic adviser.

The chief executive of the task force will be a senior public servant. The work which is to be undertaken

includes corporatisation of the bank, preparing the corporate entity for sale on acceptable terms as soon as market conditions permit, and meeting the commitment to the Commonwealth Government that the bank is subject to Commonwealth taxation by no later than 1 July 1994, and Reserve Bank regulations by 1 January 1994. The necessary investigations and reporting processes are being undertaken on a fully coordinated basis as between the Government and the bank.

The bank's board and management are providing every cooperation and a great deal of support to the process. Responsibility for legal advice to the steering committee rests with the Crown Solicitor. A legal team drawn from Crown Law and a number of Adelaide law firms will be led by Mr David Wicks QC. The initial phase of the work to be undertaken by the task force is the detailed scoping study recommended by Barings in its earlier report. It is expected to be completed by the middle of this year.

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is directed to the Treasurer. On what grounds did the Government approve the payment of the $52.5 million tax liability incurred by Beneficial Finance Corporation, and did this payment involve an admission of tax offences? This liability has been paid out of the taxpayer-funded indemnity given to the State Bank Group. I have been informed that the liability was incurred, at least in part, as a result of a conspiracy involving Beneficial Finance and Luxcar not to pay the full tax obligations arising from income received from the leasing of luxury vehicles. If this has been admitted, the question arises as to why no arrests have been made for the tax crimes involved.

The Hon. FRANK BLEVINS: The question of the tax liabilities of any company is something between that company and the Australian Taxation Office.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: Arrangements are made from time to time that the Australian Taxation Office insists are kept confidential for its purposes.

Members interjecting:

The Hon. FRANK BLEVINS: I would not hide behind that, either.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I would have thought that, if anyone wanted to hide behind anything as regards the State Bank, that time would be long gone. That certainly was never the case, and it is not the case now. Any agreement between the former Beneficial Finance Company, now the State Bank, and the Australian Taxation Office will be—

Mr S.J. Baker interjecting:

The SPEAKER: Order! The Deputy Leader is out of order.

The Hon. FRANK BLEVINS:—reported fully to the House with the concurrence of the Australian Taxation Office. I will have the question investigated as a matter of urgency. If the Australian Taxation Office agrees to those disclosures, I will be very happy to present them to the House.

The Hon. J.P. TRAINER (Walsh): Can the Premier advise the House what consultation has occurred with State Bank employees concerning the proposed sale of the State Bank?

The Hon. LYNN ARNOLD: On previous occasions I have identified the discussions I have had with the union representing State Bank employees since the Government made a decision to start a process of sale for the State Bank. However, it is also important that the wider membership of that union feel that they are involved in the process as well. I was very pleased last night to address, at the invitation of the Finance Sector Union of Australia, a gathering of some 400 State Bank employees to inform them of the process the Government is following and also our intentions with respect to any views they may have on the sale of the State Bank.

I addressed that meeting and answered a series of questions from those present and invited them, over the months ahead, to send any questions to the Government that they might have, either through the union or directly, so that we can answer their concerns. As the Treasurer indicated a few moments ago, the Government has established the State Bank Corporatisation Steering Committee to provide advice to the Government regarding the corporatisation and sale of the bank. As was mentioned, this will be chaired by the Under-Treasurer and it includes representatives from Crown Law, the State Bank itself, GAMD and the Treasurer's office.

Last night I invited State Bank employees to establish a separate committee through their union to represent the interests of employees, and I gave an undertaking that that committee would have the opportunity to meet on a regular basis with the chair of the corporatisation steering committee to convey the views and concerns that it garners from its members. It is quite clearly the Government's intention to consult regularly with the State Bank employees throughout the sale process. I indicated that I would be prepared to come along to another mass meeting of employees organised by the FSU. I am willing to undertake this process because the Government recognises and is very appreciative of the significant role that has been played by the employees of the bank through the very troubled times that the bank has had.

The very fact that we have a bank that is able to be put on the market and that we are able to talk about a bank that is now really profitable and has got back to basics is in significant part a tribute to those employees and the work that they have done over the past couple of years. In that regard, I am quite happy to indicate that I want to keep on hearing their views, and I will ensure that employee concerns regarding employment conditions and job security are fully considered in any sale process.

Mr INGERSON (Bragg): Will the Treasurer say whether any officers of State Treasury have been interviewed in the course of investigations into alleged tax offences involving Beneficial Finance and Luxcar? In May 1986, Beneficial Finance wrote to State Treasury outlining a scheme to avoid tax on luxury car leasing. In September 1989, Beneficial Finance again approached State Treasury about that matter. On that occasion, State Treasury referred Beneficial Finance to the State

Government Insurance Commission in the belief that the SGIC may be interested in becoming involved.

The Hon. FRANK BLEVINS: I think this question relates more to the previous one, and I have indicated that a full report—

Mr Ingerson interjecting:

The Hon. FRANK BLEVINS: I understand that, and a full report will be given to the House. Also, the question from the Leader to the Premier on the same topic will be responded to fully. My understanding of this matter is that a Federal police investigation is still going on. I do not know where that is. If the Federal police—

Mr S.J. Baker interjecting:

The Hon. FRANK BLEVINS: I said that that is my understanding—swearing on my hat. If that is the case and if the Federal police have spoken to Treasury officials, I would not find that the least bit unusual or necessarily a great cause for alarm. Nevertheless, the whole issue of this particular leasing operation in Beneficial Finance will be laid before the House.

An honourable member interjecting:

The Hon. FRANK BLEVINS: And the Treasury, certainly, as well as the Federal police and the Australian Taxation Office 'and Uncle Tom Cobbleigh and all'. It will be laid before the House in full as are all matters that are taken up with the Government.

Members interjecting:

The SPEAKER: Order!

DOMESTIC VIOLENCE

Mrs HUTCHISON (Stuart): Will the Minister of Housing, Urban Development and Local Government Relations say whether the South Australian Housing Trust has any special policies or programs to assist victims of domestic violence? Domestic violence continues to be a blight on the quality of life within our community. Throughout most of history, women have had very few options in these situations. However, the advent of the social security system combined with education strategies and changing community values has meant that more women, more often, are able to leave situations of violence. Having good housing options is obviously a critical part of these situations.

Members interjecting:

The SPEAKER: Order! When the House comes to order, the Minister can respond. The honourable Minister.

The Hon. G.J. CRAFTER: I thank the honourable member for her interest in this important area and in the work that is going on in the development of programs and policies to assist this group of people in our community, many of whom are in a very vulnerable position. I also acknowledge the interest in this area shown by the member for Playford in the questions he put to me some time ago. This is a very important area of policy and service delivery, one which has received considerable attention over recent years. The Housing Trust and the Department for Family and Community Services have recently developed a joint approach in providing services to women who flee domestic violence. This includes streamlining assessments and the fast tracking of priority housing applications. This enables women who flee violent situations to receive the earliest possible advice about their housing options.

These initiatives came out of a review which was conducted by the Housing Trust and the Department for Family and Community Services in 1990 and which found that in a number of instances both agencies were dealing with the same women. This was leading to a duplication of interviews and assessments and to unnecessary stress for women who were often already in a vulnerable and distressed state. The most important service delivery issue in dealing with domestic violence is the safety and security of both the mother and the children. Clearly, these new initiatives go a long way toward ensuring that housing, legal, financial and counselling services can be accessed quickly and easily.

This new initiative follows a number of others that have occurred in this area over recent years. In 1983, this Parliament saw the introduction of lawful restraining orders, an initiative which provided victims of domestic violence and others with a legal framework to prevent the continuation of violent perpetrations. In 1985, the Domestic Violence Council was established. It provided a focal point for community education and debate and for the development of services across the legal, policing, welfare and housing areas. In 1987, we saw the establishment of the Domestic Violence Prevention Unit. As the name implies, this is an initiative which looked further than simply responding to a situation; indeed, it is one which developed community education and counselling strategies to reduce the incidence of crime.

An honourable member interjecting:

The Hon. G.J. CRAFTER: I am glad you've read it.

The SPEAKER: Order!

The Hon. G.J. CRAFTER: The Housing Trust has been active in this area for many years now, having provided houses to women's shelters—indeed some 140 houses since the mid 1970s. I can assure the House that it will continue to play the role the community expects of it in the future.

STATE BANK

Mr OLSEN (Kavel): I address my question to the Treasurer. In the course of his investigation into the alteration or doctoring of State Bank Board minutes, will he seek to determine why reference to potential criminal and civil liabilities of directors of Beneficial Finance Corporation was deleted from the original minutes of a meeting on 6 February 1991? The original board minutes of this meeting contain the following reference:

> Managing Director, Financial Services Group, advised that directors of Beneficial Finance Corporation who were also directors of Southstate were in a potentially concerning position as Southstate was grossly insolvent and was continuing to trade. In this instance, the company was in fact insolvent and a continuation of trading exposed the directors to liability.

That was a reference to section 592 of the Corporations Law which imposes potential criminal and civil liabilities on directors and executives whose companies incur debts when they have reasonable grounds to believe the debts cannot be met. However, all reference to this matter was deleted in the doctoring of those board minutes.

The Hon. FRANK BLEVINS: It is very easy to make those kinds of accusations in this place that minutes have

been doctored. I am already having an investigation undertaken into the matters that were raised earlier on this issue. We are talking about February 1991. Some—in fact, I think all—the relevant board members have now departed the State Bank Board as, indeed, have some of the key employees. So, it may well be—

Members interjecting:

The Hon. FRANK BLEVINS: Well, it's not irrelevant. Do you want an investigation or don't you? If you want—

Members interjecting:

The SPEAKER: Order! If the Treasurer directs his remarks through the Chair, no interchange will occur.

The Hon. FRANK BLEVINS: I am sorry, Sir. If an investigation is to take place, it has to be a thorough investigation. It is no good having an investigation by ringing up the typist and saying what occurred. I would have thought that one would have to go to the people against whom these allegations are made. The fact is that these people are no longer directors of the State Bank, so it may take a little time. What I will do is to pass on these further allegations—if indeed they are new allegations—of the member for Kavel, and I am sure the people who are doing the investigation will treat them with the respect that they warrant.

SPEED CAMERAS

Mr HAMILTON (Albert Park): Will the Minister of Emergency Services explain the current situation in relation to speed cameras and their use in order to clarify matters raised in the media in the past 24 hours?

Members interjecting:

The SPEAKER: Order!

The Hon. M.K. MAYES: I am very pleased to be able to clarify the matter for the member for Albert Park, because there is some need to clarify the situation.

The Hon. D.C. Wotton interjecting:

The Hon. M.K. MAYES: Well, the member for Heysen interjects, Mr Speaker, and it is fitting that he should.

The SPEAKER: Order! I am aware of the interjection of the member for Heysen and he is out of order.

The Hon. M.K. MAYES: This matter, which has been raised in the media by a member of another place, does warrant a response, because it has caused some concern not only among members of the community but also within the Police Department, and the historical situation needs clarification. The fact is that the operation of cameras to photograph vehicles from the front was initiated by the member for Heysen in this place. The speed cameras legislation was introduced in July 1990, and regulations under the Road Traffic Act amending aspects of their operation were introduced in Parliament in October 1990. In the following November the Opposition moved to amend those regulations to allow cameras to operate and photograph vehicles from either the front or the rear. The member for Heysen made the comment:

> We have been made aware of the concern and frustrations that the police have in regard to the operation of these cameras because of the matter of civil liberties. This matter would be overcome completely by placing this provision in the legislation. It makes perfect sense, as the member for Davenport suggested, because it has already been proven to work effectively in Victoria and it would help the police in the responsibility that they have. I urge the Committee to support the amendment.

On 14 November 1990, a member in another place made this comment about giving the police the capacity to photograph from the front:

> We believe that if, in seeking to catch offenders, the police believe it is best that they photograph a vehicle from the front or from the rear, they have the opportunity to do so.

The honourable member obviously does not coordinate with the spokesperson on transport, whose comment I have quoted. The issue of privacy has obviously been addressed. On advice from the Police Commissioner, we are aware that the cameras are focused on the number plates, and the police assure me that it is extremely difficult to detect whether a driver is male or female, let alone their identity, so I do not think we have too much to worry about.

In regard to the issue of finance, the statistics provided to me suggest that on average about 40 per cent of all photographs taken are disqualified for one reason or another, and that relates to various issues: whether it is multiple vehicles or difficulty in getting a focus on the number plate because of factors such as dirt and grime. About one-quarter of those are due to difficulty in reading the plates because of obstructions such as tow bars, bicycle racks, etc., preventing the camera from getting a clear picture, and of that we estimate about 10 per cent. Overall, the moneys raised from this activity would be quite insignificant in terms of the total funds; it is intended purely to assist the police in apprehending offenders. I suggest the Opposition get its act together and have some coordination.

ELECTRICITY TRUST

Dr ARMITAGE (Adelaide): Will the Minister of Public Infrastructure order an immediate review of all accounts processed by ETSA's new computer, and will he further order a moratorium on the use of the computer in the future, until he can guarantee that ETSA is not continuing to process inaccurate accounts? Following my question to the Minister yesterday, I was approached this morning by Adelaide Truck Wrecking Co. of Windsor Gardens. The company's two previous accounts were for $1 143.75 and $2 075.80. There has been no appreciable increase in the company's activities since those accounts were sent out, but its latest power bill is for $75 080.95, rounded down by 2c.

The Hon. J.H.C. KLUNDER: I think it is time we started to put some of this within context.

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: I will put it in context.

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat until the Chair can hear the response. When the House comes to order, we will continue with the response. The Minister.

The Hon. J.H.C. KLUNDER: Thank you, Mr Speaker. I will put it within two levels of context.

The Hon. H. Allison interjecting:

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

The Hon. J.H.C. KLUNDER: One is that the Electricity Trust sends out about 680 000 bills. Even if 68 errors were found, there is 99.99 per cent accuracy in sending out bills. I explained yesterday to the House that the filter that the Electricity Trust built into its own system in order to pick out those accounts that are obviously way over the top, as occasionally one or two are, has worked very well on the old billing system. Due to an error somewhere along the line—it might be as a result of an instruction to the people who put in the software or a misunderstanding by them, and that has not yet been checked—instead of the filter being of the previous amounts incurred at that particular location, in the new billing system the filter has been relevant to the class of accounts or the tariff for them. That is incorrect and it is being fixed at the greatest possible speed by ETSA. Consequently, these problems will not recur for a long time.

The other context I might put this in is that, given that ETSA is probably around 99.99 per cent accurate in sending out its bills, the Opposition, whose one aim is to get into Government, has in the past 25 years had a success rate of 11 per cent.

Members interjecting:

The SPEAKER: Order!

SCHOOL CONFLICT RESOLUTION

Mr De LAINE (Price): Is the Minister of Education, Employment and Training prepared to consider establishing an independent appeals body to investigate and adjudicate on matters of conflict between school principals and students? In areas of conflict such as suspensions or expulsions, at times there is a need for an independent body to arbitrate quickly for the benefit of the student, staff and school. Currently, principals are seen to have too much power at times and the department's appeal mechanisms are too slow and not seen as independent.

The Hon. S.M. LENEHAN: I thank the honourable member for his question. He is certainly very keen to see a resolution to this matter. In the case of appeals with respect to exclusion, a conference is called by the principal and is held within five days of the student's and parents' receipt of notification of the intention to exclude the young person from the school environment. The conference establishes why exclusion is an appropriate management strategy and the appeals process is explained to the student and the parents at the conference. An appeal can then be lodged with the District Superintendent of Education and this can be heard by a panel of three people chaired by the District Superintendent. The other people are drawn from other relevant agencies which work with the Education Department.

In the case of an appeal against expulsion, the process now requires a conference with the student and the parents. The recommendation to expel is reviewed by the Associate Director-General of Education. If the decision is confirmed, the student and the parents are advised of their right of appeal, which may be instituted by writing to the Director-General of Education. The Director-General will then determine the issue and may vary or reverse any decision. The Director-General will hear the appeal within two weeks of the written appeal being lodged. The process will be monitored during terms 2 and 3 and a review of the effectiveness of the appeal procedure will be conducted in term 4. I can assure the honourable member that his concerns regarding the process will most certainly be taken into account.

ELECTRICITY TRUST

The Hon. B.C. EASTICK (Light): Will the Minister of Public Infrastructure explain in simple terms the system that ETSA uses to ensure that people are not charged for power they do not consume? Will he say what dollar limits there are on the so-called filter system? The Minister's response to the member for Adelaide's question yesterday and, in part, today referred to a filter system to identify accounts that may be inaccurate. In response to his explanation yesterday, I have been approached by a number of people who are concerned that ETSA's accounting system fails to bill people for the power they actually use and may instead simply make an estimate within a range of potential values for any particular class of account.

The Hon. J.H.C. KLUNDER: The honourable member's question is a pretty fair one and I will try to explain it to the best of my ability.

Members interjecting:

The Hon. J.H.C. KLUNDER: How long it will be will depend entirely on how many interjections I get. The word 'filter' was one that I used yesterday on the spur of the moment when I was asked a question without notice. However, it is a perfectly appropriate term and that is why I used it again today. Basically, the old billing system used past accounts from a particular address to check whether or not the current account was within the ballpark, so to speak. There might have been—

Dr Armitage: What is the ballpark? That is what we are asking.

The Hon. J.H.C. KLUNDER: The member for Adelaide is determined not to understand any explanation I give, because what I indicated—

Members interjecting:

The SPEAKER: Order! The Chair wants to understand it and, if the member for Adelaide continues interjecting, action will be taken against him as it will against any member who interjects.

The Hon. J.H.C. KLUNDER: I will give an example so the House may clearly understand it. Under the old system, if during the past X years there has been a range of bills from $200 to $400 at a particular address and then a bill comes up for $800, the computer would consider that to be outside the limits that were set by the previous accounts and would put it aside to be queried. As I have indicated, under the new billing system, the filter, as I have called it, is not based on the previous charges to that particular account at that particular address but has been given the range of charges that come in that tariff. So, with an industrial tariff, if I can give an example—

Mr Brindal interjecting:

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

Mr Brindal interjecting:

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

The Hon. J.H.C. KLUNDER: If we look at an industrial or a commercial tariff, the range within that tariff might well be from $200 to $200 000. Consequently, the computer would not kick out a figure within that range. Therefore, it is wrong. When I was asked the question yesterday, I was able to give an answer because ETSA had briefed me that it had found that error in its billing system. ETSA advised me that it was moving as fast as possible to restore the filter that applied under the old system.

People who read meters at 680 000 separate locations will make errors. Even Liberal members would be expected to make errors under those circumstances if they were meter readers, and they would probably make considerably more than the trained meter readers in the Electricity Trust. If an outrageous error is found, it does not take the consumer very long to get back to ETSA and say, 'You must have made a mistake,' and that is the ultimate check. However, errors are made from time to time.

In answer to the other part of the honourable member's question, I point out that, when ETSA meter readers go out to a place and there is a large dog in the yard or there are other problems getting to the meter, they may estimate a reading occasionally. As far as I remember, that is stated on the bill so that people are aware that it is an estimated reading based on previous consumption at that address, location or account.

GRAND PRIX

The Hon. J.P. TRAINER (Walsh): Can the Minister of Tourism—

Dr Armitage interjecting:

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

Dr Armitage: Sorry, I was just chatting.

The SPEAKER: Order! The member for Adelaide does not chat across the Chamber. If he wishes to chat, outside is the place to do it.

The Hon. J.P. TRAINER: Thank you, Mr Speaker. Can the Minister of Tourism advise the House of any promotional campaigns being undertaken to encourage Grand Prix visitors to see more and stay longer in this State?

Members interjecting:

The Hon. M.D. RANN: It is interesting that members opposite find this humorous. The fact is, it is vitally important that we try to maximise the impact of the Grand Prix as a tourism attraction to this State. For this year, because of the need to get better coordination between Tourism South Australia and the Formula One Grand Prix, the two will be directly linked in terms of packaging and conducting a major campaign in the eastern States. As I said earlier, interstate and international visitors to the Grand Prix spend $18.8 million in South Australia, about half coming here specifically for the Grand Prix. Our task is to ensure that they experience more of our State and more regions of our State while they are here, and that they tell their friends and neighbours about our unique environment, heritage and excellent service.

Tourism South Australia's 'Out of the Ordinary' booklet, which is aimed at the interstate market, this year will be accompanied by an eight page booklet of Grand Prix information and travel packages, and it will be marketed directly on behalf of the Grand Prix by Tourism South Australia. Called `Winning South Australian Holidays', it will be sent out to people responding to Tourism South Australia and Grand Prix television ads currently being shown around Australia.

A separate press campaign promoting the value of the Grand Prix to South Australia encourages South Australians to nominate relatives and friends who may wish to receive a copy of 'Winning South Australian Holidays'. Certainly, I urge members to support this campaign. Also, I urge the small minority of whingers, who come out from the closet each year to undermine Australia's largest international sporting event, to realise that each time they whinge they are hurting our tourism industry.

I certainly hope that members opposite this year will get behind the Grand Prix. I know that they like to come along, but they should also get behind the Grand Prix. I would like to acknowledge the splendid work of the Grand Prix Executive Director, Mal Hemmerling, and his team and the board for their tireless efforts in ensuring that the Australian Formula One Grand Prix remains the premier event on the International Formula One racing calendar.

Members interjecting:

The Hon. M.D. RANN: Someone interjects, 'We pay for it.' That is exactly right. A Price Waterhouse study has just been released, and it shows a massive economic benefit to this State. The Grand Prix receives big ticks from business, from the tourism industry and the retail industry. Look at the figures. The only cross it gets is from this Opposition, which wants to talk this State down. I wish that the member for Mount Gambier, who I imagine also has a few doubts about the meters that are currently being read on the Leader of the Opposition, would get in behind the Grand Prix because it might be of benefit to the South-East in terms of its performance. I am pleased that the tourism industry is so strongly behind the Grand Prix. It can see the benefits of the Grand Prix, even if the Liberals cannot.

ELECTRICITY TRUST

The Hon. H. ALLISON (Mount Gambier): The member who pays for his ticket, Mr Speaker.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. H. ALLISON: Can the Minister of Public Infrastructure advise the House of the total cost of purchasing and installing ETSA's new accounts processing system? When was the system introduced and is the Minister aware that some complainants about overcharging have experienced up to four days delay before ETSA's overloaded switchboard could respond to their calls?

The Hon. J.H.C. KLUNDER: I will obtain a report for the honourable member.

SEAFORD RISE SCHOOLS

The Hon. D.J. HOPGOOD (Baudin): My question directed to the Minister of Education, Employment and Training is brief and is in three parts. First, what plans has the Minister for the construction of primary schools at Seaford Rise in my electorate? Secondly, when will the primary school, which is currently under construction, be opened? Thirdly, did the Minister change gear (in either sense of the expression) as a result of her extraordinary encounter this morning with a bulldozer and a very dusty building site?

The Hon. S.M. LENEHAN: I thank the honourable member for his interest and for the way in which he has asked his question. The answer to the first question is that the Government proposes to complete six schools within the Seaford area: four primary and two secondary. Obviously, it is appropriate at this time to indicate to the House that this morning's official opening of the site of the first of those six schools was attended by the member for Baudin in his capacity as the local member, and it was also attended by the Leader of the Opposition and the member for Fisher. I must say that it was very appropriate, and I would like to acknowledge the bipartisan support for this morning's event.

Having said that, I would like to indicate that the school will cost $4.5 million and the excavation of the site is now well under way. The school will be opened in February 1994. That is a remarkable time frame, as we are already in May this year. We will have the school open for business with 440 students attending in February, and the school will be completed by July when it will have 600 students. The school will have a capacity of about 800 students at its peak.

There are a number of important issues, not the least of which is that I did manage to change the gears of the bulldozer and I did manage not to injure anyone at the site. I am starting to get used to this, and I may have to take out a ticket to drive bulldozers. A number of issues need to be addressed with respect to this whole matter. This project is a first for South Australia in that we are looking at a combined site. Such a site exists now in one of the schools in the south and also at Golden Grove where we have an Anglican school and a Government school sharing facilities.

We will also co-locate a children's centre, and this will provide a one stop shop for that community. As well, there will be a number of other facilities nearby, such as shopping centres and facilities from Government agencies so that we provide the facilities at the rate at which people move into this exciting and unique suburban area. It is one of the great successes of a joint partnership between private and public enterprise, and those people who were there this morning would acknowledge that the project is certainly seen as a great success in terms of the time frame and the achievements proposed, and we look forward to future achievements, particularly within the area of education.

QUESTION REPLIES

The Hon. JENNIFER CASHMORE (Coles): Can the Minister of State Services say why it has taken more than a month to reply to my question on notice No. 455 about the number, cost and reporting of accidents involving cars provided to members of the judiciary? Can he confirm that my question was the subject of a memo issued by the Chief Justice to the judges, drawing their attention to the requirement to report all accidents? Will the questions be answered before Parliament rises and, if not, why not?

The Hon. M.D. RANN: Although I am a justice of the peace, I have not had any communications from the Chief Justice about his internal memos to judges and neither do I care, quite frankly. However, I will obtain a report—

Members interjecting:

The Hon. M.D. RANN: Who is going to file a—

The SPEAKER: Order!

The Hon. Jennifer Cashmore: The Chief Justice.

The Hon. M.D. RANN: Perhaps they have been going through the Chief Justice's wig as well as his books. The simple fact is that I do not know, but I will obtain a report for the honourable member, so just watch this space.

Members interjecting:

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

WOMEN, SPORT

Mrs **HUTCHISON (Stuart):** Can the Minister of Recreation and Sport provide the House with current information on the media coverage of women's sport in South Australia? For a number of years concern has been expressed at the minimal coverage of women's sport not only in South Australia but also nationally. I am aware that considerable work has been done over the years by women's sporting organisations to change this situation.

The Hon. G.J. CRAFTER: I thank the honourable member for her important and interesting question. There is no doubt that there has been a gradual improvement in the content and breadth of the coverage of the activities of South Australian sportswomen through the various media outlets in this State. Nor is there any doubt that the Senate select committee chaired by Senator Rosemary Crowley has contributed to a large extent to raising the consciousness of the media to the importance and fairness of reporting women's sport in this country. A reflection of the increase in quality and quantity of women's sporting activities can be seen by perusal of today's edition of the Adelaide *Advertiser.*

An entire page has been devoted to the opening of netball's 1993 SAFCOL State League season and, as important as the amount of coverage, the editorial quality is, I suggest, quite superb. The sport of netball has invested in a very professional marketing approach, and the hard work that has been put into this sport is paying dividends through the type of coverage we are seeing today. Only recently, Australia and Garville captain Michelle Fielke, in a television interview, said that one of the reasons South Australia enjoyed so much success was its high media profile and the support of its generous sponsors.

The *Advertiser* is to be congratulated, not only for its high standard of netball coverage but also for its continued support of women's sport in general. Indeed, I suggest that the *Advertiser* leads Australia with its

consistent coverage of women's sport. Another innovation that has occurred here in South Australia is the weekly netball show on channel 10. Every Sunday at 3 p.m. the State league games from Saturday are telecast, and I know that the station has received many letters from country viewers, in particular, who now have the opportunity to see the game played at such a high level. Indeed, the South Australian media in general are to be congratulated on their response to coverage of women's sport.

SCHOOLS, OUT OF HOURS CARE

Mrs KOTZ (Newland): What steps will the Minister of Education, Employment and Training take to alleviate the plight of many working mothers who, for years, have been able to leave their preschool children in the care of special facilities provided by junior primary schools but who now will be prevented from doing so because of a bureaucratic direction from the Children's Services Office, and how does this equate with the Government's pronouncement yesterday that the Public Service will become friendly and customer focused?

I have been told that the Tea Tree Gully Primary School's out of school hours care service has been informed that it can no longer look after $4^1/_2$ year old children left in its care because its staff members are not trained child-care workers. Children of this age have been left there for the past five years by mothers whose slightly older children attend the school, and they are looked after together after school until they are picked up and taken home. The supervisors have now been told that, while they can look after five year olds, they are not trained to look after four year olds.

I am told that this after school hours care service will be forced to continue taking these small children to keep faith with the parents, despite the threat of legal action by the Children's Services Office. I have also been informed that, when parents have telephoned the organisation to ask what they should do with their children after kindergarten, they have been told to 'look in the white pages'.

The Hon. S.M. LENEHAN: As I understand it, the question is what are we doing about these children who go to kindergarten; presumably they are taken from the kindergarten to the out of school hours care program that is offered after 3.30 at the local primary school. I want to make very clear that that is what we are talking about. Obviously, these are parents who are working and their children are in kindergarten rather than in long day care.

It is important that, if we are to look at one aspect of the whole program, we are prepared to look at the total structure. We probably have one of the best child-care systems in the country. I am talking here about out of school hours care, long day care and occasional care. In fact, in my short term as Minister responsible for this area, that has been communicated to me by my colleagues, some of whom are of the same political affiliation as members opposite. Indeed, my Victorian counterpart is coming across here next month to look at the facilities and services that we provide through the Children's Services Office.

I would like very quickly to get on the record that we have an excellent system, probably the best system anywhere in the world. I am not being defensive. That does not mean that there are not from time to time issues that arise which require what I will call a commonsense solution. From the description the honourable member has given me, if the information is accurate, I suggest that this may well be one such example. It is interesting that in my time as the Minister responsible for children's services I have visited quite a number of establishments around the State and around this city, and I have been incredibly impressed with the quality of care and with the ability of the centres to offer a range of support services to families when they require assistance a little outside the normal standard services. This may well be one exception to that, and I am very happy to look at it.

I am very happy to work to get a commonsense solution. We are about supporting working families, women and men. We are about providing quality care. We are about providing for the needs of families and, if this is an example of one area in the whole of the State where we have slipped up, I am very happy to provide for that and to ensure that we provide the quality and the appropriate services to those families in our community who require them.

HEART WEEK

Mr HAMILTON (Albert Park): My question is directed to the Minister of Health, Family and Community Services. What programs and or assessments has the Government initiated to combat and or reduce the incidence of heart disease in South Australia? As South Australia has the highest incidence of heart disease in the country, and heart disease is the biggest killer of men and women in South Australia, this issue has particular significance during Heart Week.

The Hon. M.J. EVANS: The member for Albert Park correctly notes that this is Heart Week. The National Heart Foundation's Heart Week for 1993 was launched on Monday 3 May at the Port Adelaide Girls High School. The Heart Foundation has launched a campaign to dispel the impression that heart disease is primarily a male disease. Heart disease does not discriminate and, in fact, the title of the campaign is 'Heart disease doesn't care what sex you are'. The campaign focuses on the need for women to take steps to modify their risk of heart disease, no matter what their age. Funding for that of some $10 000 has come from Foundation SA, to ensure that resources are available to provide information packs and literature to community health centres and State schools throughout the State.

The health promotion programs run by the Public and Environmental Health Service of the Health Commission are also supporting Heart Week through funding of trained Red Cross nurses to assist with blood pressure monitoring and referral programs and, of course, responding to requests not only for information but for automatic blood pressure machines, as well as ensuring that three heart health regional coordinators to develop programs to support heart health initiatives in collaboration with local health services are provided. This week is a very good opportunity for people to assess their risk of heart disease and to work out what steps they could take in their lifestyle to ensure that it does not affect them.

PUBLIC SECTOR REFORM

Mr SUCH (Fisher): My question is to the Treasurer. How much of the annual $450 million reduction in recurrent spending that the Government plans to achieve by 1996 will be provided by the amalgamation of Government departments and what confidence can there be in this estimate when the Government does not propose to decide for up to another 12 months which departments will be amalgamated? The Premier's Economic Statement calls for a reduction from 30 to 12 in the number of Government departments. In his statement yesterday on public sector reform the Attorney-General promised that 'this will result in substantial savings to the recurrent budget'. However, when interviewed later by Murray Nicoll on ABC radio the Attorney-General said that the departments to be amalgamated had not yet been determined, even though savings from these changes must be included in the Government's forward estimates of recurrent spending to 1996.

The Hon. FRANK BLEVINS: The answer is 'significant savings'—commonsense tells you that. As much as it is possible to quantify it in the budget, it will be announced in August.

NEIGHBOURHOOD WATCH

Mr HAMILTON (Albert Park): I direct my question to the Minister of Emergency Services. What further support and ongoing assistance is this Government providing to Neighbourhood Watch on this its eighth anniversary?

The Hon. M.K. MAYES: I thank the honourable member for that question because, if memory serves me correctly, on 17 November 1983—

Mr S.G. EVANS: I rise on a point of order, Mr Speaker. I am not sure whether I am correct, but under Notice of Motion: Other Motions, No. 4, the member for Albert Park is to move a motion on this matter today.

The SPEAKER: Yes, notice has been given of a motion. Therefore, I rule the question out of order. No question can anticipate debate on a motion where notice is given on the Notice Paper.

TREE PRUNING

The Hon. D.C. WOTTON (Heysen): Does the Minister of Public Infrastructure agree with many metropolitan councils and thousands of Adelaide residents that the annual street tree pruning is draconian, unnecessarily expensive and unjustified? I am informed that the annual ETSA tree mutilation is about to begin. I have been further informed that a recent meeting of a dozen metropolitan councils voiced strong opposition to the lopping of trees below low voltage powerlines. They believe the requirement of the 1988 ETSA Act is an overreaction to the 1983 Ash Wednesday bushfires.

The councils are concerned that the money spent on tree lopping and the $9 million a year spent on advertising by ETSA would be more effectively and aesthetically spent on underground powerlines.

The Hon. J.H.C. KLUNDER: I can indicate that the amount of tree pruning that is done by ETSA, or on behalf of ETSA, in South Australia is significantly less than in most other States.

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: So, ETSA is doing considerably less pruning around trees. I am perfectly happy to make the schedules available to members of this House should they wish to have them. Secondly, the amount of undergrounding that is done in Adelaide is considerably more than in any other capital city in Australia, with the exception of Canberra. From both those perspectives, we are considerably ahead.

Apart from that, there is also aerial bundle cabling and so on, which is also done in South Australia to a significantly greater extent than in other places. Because it is done in Adelaide, a great deal less tree pruning is necessary around aerial bundle cables and various cables of that nature. So, in South Australia we are well and truly ahead of the rest when it comes to these situations.

Any council that does not wish the pruning to be done to the extent it thinks ETSA is doing it and should not do it is able to pick up the pruning at a more frequent interval or lower rate themselves. But, of course, the cost would have to be borne by those councils. It is also possible for a council to say to the Electricity Trust, 'We do not want you to come into our council boundaries and we will carry the risk of what happens when things go wrong.' The councils are also not prepared to take that.

An honourable member interjecting:

The Hon. J.H.C. KLUNDER: The honourable member is making the sort of stupid mistake that I could really expect him to make in trying to confuse bushfires with tree pruning within the city. That is a stupid red herring that has nothing to do with the debate.

The Hon. D.C. Wotton interjecting:

The SPEAKER: The member for Heysen is out of order.

The Hon. J.H.C. KLUNDER: It is what happens when an 11 000 volt line is broken by a tree branch and drops down onto a 240 volt line. That happened a few months ago. I have forgotten the exact details, but I will get them for the honourable member.

The Hon. D.C. Wotton interjecting:

The SPEAKER: I warn the member for Heysen.

The Hon. J.H.C. KLUNDER: The member for Heysen just does not know what he is talking about and thinks that, by screaming injections across the Chamber, he can cover that ignorance. The situation is quite plain. If a 11 000 volt cable falls down-because a tree branch knocks it down in a storm—onto a 240 volt cable, all of a sudden every single line—

Mr S.J. Baker interjecting:

The SPEAKER: Order! The Deputy Leader is out of order.

The Hon. J.H.C. KLUNDER: The Deputy Leader does not know that there are 11 000 volt lines running everywhere.

Members interjecting:

The SPEAKER: Order! I draw members' attention to the fact that Question Time is actually over. This is the

last question. It would be a terrible shame if they ended this session by being outside the Chamber when we have finished Question Time. The honourable Minister.

The Hon. J.H.C. KLUNDER: Let me just get back to the single point that, if an 11 000 volt line is knocked onto a 240 volt line during a storm—and that has happened and does happen from time to time—the 240 volt lines in the vicinity are, for a short period, running at 11 000 volts. There is no member of the Opposition who would like to be shaving at a time when that happens; there is no member of the Opposition who would like to be operating his or her computer at that time; and there is no business in the district that would like to be operating their computer when an 11 000 volt surge goes through a 240 volt line.

When the fuse breaks—and sometimes it is a question of if the fuse breaks—as anyone who understands even the slightest bit about electricity knows, when there is a voltage break, there is a peak very many times higher than the actual voltage available at the time. So, there is a high peak voltage going through the system that will ruin every single computer attached to it. That is the reason why councils are not interested in running the risk; that is why ETSA is not interested in running the risk; that is why the insurers of ETSA are not interested in running the risk; and that is why there is the amount of tree pruning that there is.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! That is the second time I have called for order.

STATE BANK

The Hon. FRANK BLEVINS (Treasurer): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. FRANK BLEVINS: In Question Time, the Deputy Leader asked me a question in relation to Treasury officers being interviewed as regards any tax avoidance measures. I am advised that neither the Under Treasurer nor his deputy or the General Manager of SAFA is aware of any Treasury officer having been questioned either by the Australian Federal Police or by the Australian Taxation Office in relation to any alleged tax avoidance offences arising from the State Bank's luxury car leasing business.

GOVERNMENT, MACHINERY

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I lay on the table a ministerial statement entitled 'The machinery of Government' made by my colleague the Attorney-General in another place earlier this afternoon.

GRIEVANCE DEBATE

The SPEAKER: The proposal before the Chair is that the House note grievances.

Mr QUIRKE (Playford): Recently I had to contact the Federal Department of Social Security on a constituent matter. I opened the telephone book and found the new whiz bang '13' number. I dialled it and got a recorded message telling me that, if I wanted certain services, I should press '0' on the phone. The implication was that, if I wanted to talk to someone in that department, I would just wait until a certain time had gone by and then I would be put through to an operator.

Some two minutes went by—I did not press any numbers—and I was put through to another recorded message, which told me everyone was busy at this time but soon an operator would assist me. So, I waited another 12 minutes. Several times during that time I got the recorded message telling me that everyone was busy. My constituents had told me that they could not get through, either. After 12 minutes, my call was finally connected to a manual operator and I said that I wished to discuss a particular matter with a social security officer. I also said that I noted that in the telephone book there was no telephone number other than the one I had rung and an administration number. The administration number was even slower to be answered than the '13' number. However, I was told by the operator that that number was a very successful system and that she thought it worked well.

She then told me that I could not have the telephone number for the officer unless I told her what my business was with the Department of Social Security. As it happened, my business concerned one of the regional offices. I said that in that case I would like to speak to the regional manager for social security in South Australia. That caused the lady some puzzlement, and she then put me through to the regional manager for the telephone service. When I spoke to that person, he told me that it was policy that any argument had to be referred to him. Some 27 minutes had then elapsed.

I see, from their reactions, that other members in this Chamber have had a similar problem over the past six months. This fellow asked me whether I would like to speak to the regional manager for regional south or to the regional manager for regional north in South Australia. I said that that depended upon where the office was located. I was told that South Australia was divided into different regions and that he could get someone to ring me back if that was what I wanted. At this point, I gave up. I rang Canberra. It took about 30 seconds to get through to Parliament House in Canberra and not much longer to get through to the Minister for Social Security. The Minister's staff confirmed that they had had trouble getting through to certain numbers for the Department of Social Security in South Australia.

My point in raising this issue today is that eventually, after about 40 minutes, I got through to the relevant officer and I was able to raise the concerns on behalf of my constituents. I think that the telephone service offered by the Department of Social Security is dreadful and

reprehensible and I, personally, will use it as an example of how not to proceed with Government services. I refer to the statement made yesterday in the other place by the Attorney-General, acting in another capacity: I hope that no Government services in South Australia adopt the Federal social security model for telephonic excellence, because I remember that, when that system was first introduced, I had never had such a busy period over the Christmas holidays because of the number of constituents who had problems with social security. Their pension had been terminated and, allegedly, they had to spend up to three hours trying to get through on the telephone service. After five months, there has not been much improvement. It certainly had not improved much yesterday when I accessed the system. I hope that the Federal Government does something about it before another six months goes by.

The Hon. DEAN BROWN (Leader of the Opposition): This afternoon, the Liberal Party asked questions about investigations into Beneficial Finance Corporation and the Luxcar deals. I will now explain the serious concerns that prompted those questions. Luxcar Ltd was a subsidiary of Beneficial Finance; together they established a luxury car leasing business. As early as 1986, State Treasury at least knew of the intention of Beneficial Finance to engage in this type of business for tax minimisation purposes. The matter was referred to State Treasury again in 1989, as the former Premier and Treasurer would know. On that occasion, the Treasury suggested that Beneficial Finance should see whether it could interest the SGIC in the business. In mentioning Treasury's involvement, I do not suggest that it was encouraging Beneficial to involve itself in illegal activity, but what this does show is Treasury's knowledge from a very early stage of Beneficial's determination to become involved in tax deals which, to say the least, were highly questionable.

What concerns me about the answer given by the Deputy Premier just a few moments ago in his ministerial statement is that it has now been revealed that no Treasury official, despite the knowledge that they had, has ever been questioned by either the Australian Federal Police or the Australian Taxation Office, even though this State has provided $52.5 million of taxpayers' money to pay the back tax that should have been paid because of these deals. In other words, you and I, Mr Speaker, and all the people in this State have forked out $52.5 million to pay for this tax fraud undertaken by a subsidiary of the State Bank through one of its private companies, and apparently this was known at the time by Treasury officials. It therefore establishes upon the Government an obligation to be continually informed about what subsequently occurred with these deals.

In March 1991, the Federal Police and the Australian Taxation Office raided the State Bank Group's offices. This was part of an investigation into whether Beneficial Finance and Luxcar, amongst others, had conspired not to pay the full tax arising from income from the leasing of luxury vehicles. In other words, alleged tax frauds were involved. The former Premier told this House on 20 March 1991 that this raid 'will not cause any undue delays or problems in the Auditor-General's inquiry'. He also said that the Auditor-General 'will be notified of any documentation which the Commonwealth authorities recover' and `will be liaising closely with these authorities to determine what information they have'. However, I understand now that the Auditor-General's investigation may not cover the Luxcar deals. Yet, it appears that taxpayers have already paid very dearly.

Last year, as I said a moment ago, $52.5 million from the taxpayer-funded indemnity was paid as a Federal tax liability on account of Beneficial Finance. If this liability was incurred in whole or in part on account of the Luxcar deals, it means two things: first, there has been an admission of tax fraud; and, secondly, no-one has yet been held responsible. Last July, the Liberal Party was told that arrests arising out of the Luxcar deals were imminent. Almost a year later, however, there have been no arrests, and now we may never learn the full story. Concern has been expressed publicly that investigating authorities may not have the resources necessary to unravel the complexity of the crime and corruption that may be involved. If that is the case, the South Australian Government has a duty to find out what the current situation is. Ultimately, it is responsible. It must not allow those involved in this scam to evade the consequences. Above all, all South Australians will be outraged if David Hellaby is the only person to go to gaol as a result of the State Bank disaster.

The Hon. T.H. HEMMINGS (Napier): When Standing Orders were amended to introduce the form of grievance debate that we are now lucky to have, I think it was the general consensus that individual members would bring up genuine grievances that they felt should be aired not only to the Parliament but to the public as a whole and that it would be used wisely and with a certain degree of respect for those members of the community or individual Ministers who may be under some form of attack. By and large, that has worked reasonably well. I think we ought to thank you, Sir, in your capacity as Speaker for your input regarding the new form of the grievance debate.

The one area where it has fallen down involved a speech made by the member for Murray-Mallee. The honourable member picked up two items and, under the guise of those two items, he made a vicious attack on the Minister of Transport Development. It was a fairly brief speech—nothing much to convince us on what the honourable member had to say with regard to his complaint against the Minister, but what he did say was that the Minister was crooked. Unfortunately, no-one in this House picked up that statement—maybe we thought that it was the typical rambling of the member for Murray-Mallee. I was not in here to listen to the debate, but on reading *Hansard*—

Mr LEWIS: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! There is a point of order.

Mr LEWIS: The use of the word 'typical' in the last sentence by the member for Napier impugns my reputation and reflects on my representations on behalf of my constituents, and I ask that you, Mr Speaker, direct that he withdraw.

The SPEAKER: I do not uphold the point of order.

Mr S.G. EVANS: On a point of order, Mr Speaker, I believe the honourable member is referring to a previous debate in this session, and I believe that is out of order.

The SPEAKER: Order! I do uphold that point of order. Standing Orders quite clearly state that members cannot refer to a previous debate in the session.

The Hon. T.H. HEMMINGS: I made just one telephone call with regard to those complaints of the member for Murray-Mallee, and I got the answer—

Mr BRINDAL: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! There is a point of order. The member for Napier will resume his seat.

Mr BRINDAL: As I understand the Chair, the Chair has just ruled that the member for Napier may not refer to a debate in the present session: he continues to do so.

The SPEAKER: Order! The Chair made a decision on that, and the member for Napier, when he again rose to his feet, said that he made one telephone call in relation to the debate: that hardly is a reference to the debate in the sense of commenting on the debate in question. However, I have listened to what the member for Napier has said (we are cutting into his time, and I will not allow members' time to be eroded with frivolous points of order) and I will continue to listen to him and make sure that no more reference to the debate is allowed.

The Hon. T.H. HEMMINGS: In that case, your ruling, Mr Speaker, and the points of order by the members of the Opposition will restrict what I can say. I cannot now, according to your ruling, Mr Speaker, refute on behalf of the Minister those statements that were made by the member for Murray-Mallee, and I accept that ruling. So, are you, Mr Speaker, saying, in your ruling, that I can stand up here during a debate and say that the member for Bright took a young lady down to the gym and did something to her? If I said that, there is no way that members opposite could refute that, because it would be in *Hansard* in this session.

Mr INGERSON: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! There is a point of order. The honourable member will resume his seat.

Mr INGERSON: The member for Napier is reflecting on another member of this House.

The SPEAKER: Order! I do not uphold that point of order, and that is because I cannot say that.

Mr MATTHEW: He deliberately did, Mr Speaker.

The SPEAKER: I have no knowledge of anything to which the member for Napier was referring, if there was any reference. For instance, the honourable member may have used any member of this House as an example; I cannot rule on an example.

The Hon. T.H. HEMMINGS: That is the point I have been making: if I make a speech—

Mr MATTHEW: On a point of order, Mr Speaker, I cannot stand up in this Parliament and say the member for Napier is a drunk and, even though that is a fact—

Members interjecting:

The SPEAKER: Order! The honourable member will resume his seat. It has been a long session, we are very tired, and I do feel there is a silliness coming into this House. We have one day to go. The member for Napier's time has expired, by the way. We are all adults, and if we are going to ruin this session by this sort of silliness we will not do ourselves or this Chamber any credit at all. I ask all members to be a little more adult in their approach to debates in this Chamber—all of us.

The Hon. T.H. HEMMINGS: On a point of order, Mr Speaker, the member for Bright, in his point of order against me, accused me of being a drunk. I take exception to that, and I ask him to withdraw.

The SPEAKER: Order! The honourable member will resume his seat. I will make exactly the same ruling there as I made concerning the reference the member for Napier made to another member. He said, 'I cannot say that...' The member for Napier used the same words, if my recollection is correct, and I do not uphold the point of order, because it is exactly the same situation.

The Hon. T.H. HEMMINGS: On a further point of order, Mr Speaker, the difference is that the member for Bright carried on and said, '...that is a fact'. So, it does not become hypothetical, and I ask for a withdrawal.

The SPEAKER: The honourable member has asked for a withdrawal. I do not recall the statement 'and that is a fact', but we can check *Hansard* if required. However, if the honourable member feels offended by those words and he requests a withdrawal, all I can do is request the member for Bright to withdraw those words.

Mr MATTHEW: There is nothing to withdraw.

The SPEAKER: There is no power under Standing Orders for the Chair, if it does not consider the words in question to be unparliamentary, to take any further action.

Members interjecting:

The SPEAKER: Order! I am not sure that the member for Bright has understood the case I have put to him: the member for Napier has been offended by the words used by the member for Bright and has requested a withdrawal. Does the member for Bright have anything to say?

Mr MATTHEW: There is nothing to withdraw.

Members interjecting:

The SPEAKER: Order! The Deputy Leader of the Opposition.

Mr S.J. BAKER (Deputy Leader of the Opposition): The member for Napier is a disgrace to this House, and the sooner he leaves the better it will be for the Parliament. The concern that I wish to express today involves the attitude of the State Bank in relation to public and Parliamentary scrutiny of its affairs to a free press and to the right of journalists to report on the bank's activities without fear or favour. I refer to a number of incidents. During his evidence before the royal commission, for example, the former Managing Director, Mr Paddison, spoke of the bank's attempts to make answers to parliamentary questions as 'bland' as possible so that they would not enlighten the questioner—and that was us, the Parliamentarians. This attitude was encouraged by the Government. We all know that Mr Marcus Clark insisted that the executive salaries were never revealed, and that was also supported by the Government. In December 1990, when the bank was under continuing parliamentary scrutiny, a senior executive wrote this in a memorandum to Mr Paddison:

> A good rule of thumb is that the average politician of either Party would put his wife and daughter on the street if they thought that this would give them some narrow political

advantage, that is, in the final analysis they are never to be trusted.

That was their attitude to politicians, but their attitude to the media has not been any better. The response to questions about the group's problems was to conceal rather than to come clean. In March 1989, after the Equiticorp and National Safety Council collapses, Mr Paddison informed the board, in a memo of 31 March:

It would be our intention to minimise all formal press contact as much as possible.

In April 1989, after the member for Coles had made a speech to this House which very accurately foreshadowed all the serious problems within the bank, Mr Paddison sent another memo to the board stating:

Ms Cashmore's comments were not taken up in any substantive way by any media organisation. We were most gratified by this almost complete lack of media response which indicated that they had determined that the issue was dead.

There was no doubt that the bank's media minders worked overtime on that little item. The issue has continued to surface. Later in 1989, the bank took legal action against the Leader of the Australian Democrats for raising, in the media, questions about the bank's involvement in Remm and other projects which subsequently cost taxpayers hundreds of millions of dollars. In August 1990, senior executives of the bank urged the board to release the bank's appalling 1989-90 result on the same day as the Federal budget to minimise the media coverage. This advice was put to the board with the following statement:

With the Federal Treasurer delivering his budget in the evening, the press will be overwhelmed with budget information, while our result will receive less coverage than we might expect later in the week.

This would be one of the last days in office of Mr Marcus Clark, who was still trying to rationalise adverse media coverage. He wrote this on 17 December 1990:

The questioning in Parliament by the liberal Party has not been too bad. However, the serious attack on the bank by the *Advertiser,* who are clearly working closely with the Liberal Party, together with the many rumours and questions being asked, has had a destabilising effect on the bank.

The allegation of conspiracy between the *Advertiser* and the Liberal Party was nothing more than self-serving nonsense by Mr Clark to avoid confronting his own massive failings. We believe that the bank needs to be very careful that in putting the past behind it there is no attempt to seek revenge on those who have rightly and responsibly exposed its failures in the past. It seems to be some coincidence (although I would suggest there is no coincidence) that Mr Hellaby was investigating the bank, Beneficial Finance and Luxcar when the proceedings arose in the courts. The bank would be well advised to ensure that in its dealings with the media it does not continue to act like a Government propaganda unit and attempt to intimidate the media rather than respect the important role of a responsible media in a healthy democracy.

Mr HAMILTON (Albert Park): Today I listened with a great deal of interest to a question from the Opposition. Before I come to that, I put on the record that in my almost 14 years in this Parliament I have received tremendous service from the Electricity Trust of South Australia. So, when I listened to the member for Mount Gambier quite properly airing a complaint from one of his constituents, my ears pricked up with considerable interest, because this morning I received a letter from a constituent who lives in Woodville West. He or she quite properly complains about the fact that they hung on the telephone from 2.26 p.m. until 3.05 p.m. on 4 April 1993. I understand that many of these instrumentalities get very busy from time to time and it may be one of those periods in which they were very busy.

After the question was asked by the member for Mount Gambier I spoke with him and he informed me that in this instance (and the Minister is sitting on the front bench and taking notice of what I am saying) his constituent had been waiting for some four days. If that is the case, I find it very disconcerting indeed and I feel sure that the Minister will take up this matter. I have shown the Minister this letter from my constituent during Question Time and I will provide him with a copy of it as soon as this grievance debate is finished. I will ask that not only does his office take up this matter but also that my constituent be contacted in an effort to resolve this problem because, frankly, any person in the community who has a problem with any instrumentality should be able to gain access to them very quickly. If they cannot and there is a problem with the switchboard, again, I would ask the Minister to find out what that problem is and to try to address that in an effort to assist those thousands of consumers that ETSA has out there in the community.

I listened to the contribution of the member for Playford in relation to a social security matter. I would suggest that nothing is worse or more frustrating than hanging on the end of a telephone, waiting for someone to respond to you. It is not unusual for members of Parliament to find that they are cut off or that the telephone goes dead and they do not know whether or not anyone is on the line, and it is particularly frustrating. It is even more frustrating for those people out in the community who have an urgent and quite legitimate complaint and who are seeking redress in this regard. My constituent concludes his or her correspondence as follows:

Now, Sir, I've been cut off! I've recalled ETSA and your telephonist cannot state how long I must remain quiet before I'm cut off. Obviously this is a very lucrative and efficient method of dispensing of irate customers. I reiterate my final statement: what are you as Labor Minister responsible for this organisation doing?

It gives me no pleasure to raise this matter or to voice criticism of ETSA, but I have a clear responsibility as the member representing the seat of Albert Park to follow up on legitimate complaints from my constituents, so I would enjoin the Minister to follow this through as quickly as possible so that an officer of ETSA and/or his department can contact my constituent with a view to trying to resolve this matter. I would indicate to the Minister that I will be asking a question tomorrow about this matter, and I hope that the Minister makes an urgent response to my constituent's letter, because I believe he or she quite properly should have a response. I reiterate that over the 14 years I have been a member of

Parliament I have had nothing but good service from ETSA and its staff.

Mr BRINDAL (Hayward): I wish to take up the matter of arts and funding of the arts.

Mr Becker: It was a good ad you had in the *Adelaide Review*. Did it cost you much?

Mr BRINDAL: The honourable member compliments the advertisement I recently had in the *Adelaide Review*, and I thank him very much for that. Since the beginning of recorded history, arts have been patronised, and this has been necessary. If you go through any society at any time, generally you will see that patronage of the arts has occurred, and it has occurred from two historical levels. One at various times has been the church: for instance, by and large the artists of ancient Egypt were patronised by either the Pharaoh or the established religions of Egypt. If we look at our own civilisation right through to medieval times, virtually the only arts that existed were those which assisted the decoration of the church and which had a religious bias. When the Renaissance and the Reformation came about, there was a crisis for the arts, because they did not enjoy the same levels of patronage, and patronage of the arts was then taken over by the great ruling and wealthy families throughout Europe.

Much of our artistic and cultural heritage relies on artistic patronage. Again, we come to a point in our history where the rise and the power of the State is such that it has been increasingly necessary for the health of our artistic community to provide levels of patronage and funding from the State itself. But, unfortunately, in the State's assuming a role as patron of the arts, a bureaucracy has developed around the need for this Parliament or a Minister to apply money to the arts group concerned.

Mr Quirke interjecting:

Mr BRINDAL: The member for Playford refers to arts bureaucrats as 'three blind mice'; I think that is a wonderful description and I wish I had thought of it for the ad on which the member for Hanson was complimenting me. I might even ask him to write my text for the next ad; he is talented. I believe that is the problem, because money for the arts is important and essential, and I for one support it. I have spoken in this House before in relation to social justice and a number of issues; what I do not support (and I make no bones about it) is money being siphoned out of the arts to keep bureaucrats in a job for the sole purpose of telling artists and people who enjoy artistic performance what they should see, how they should see it and where the money is best applied.

I think the advent of an arts bureaucracy has stifled creative endeavour and creative achievement in this State and nationally. I am sure the member for Baudin and a number of other members in this House who have a long term interest in the arts and who are well known for that would (at least in private, I hope) agree with me. Arts are very delicate; they exist in our environment and they need creativity and freedom to flourish. The last thing the arts need is some petty bureaucracy to come along and say, 'This is the in thing for this week and that is the in thing for next week', for two reasons. First, they siphon money away from the artistic community and, secondly, they stifle the creative endeavour of the arts companies and the artists. In the end, people try to write plays that fit the ethos of the Government of the day.

I remind members on this side of the House, although we need no reminding, that one of the great tools of the socialist States, which was so recently discredited, is to get control of the arts and the artists, tell them the sort of art that is permissible in the modern State, get them to churn it out like some sort of pat and, in the end, turn the mind of the people. The communist world is notable for its lack of achievement and lack of creativity in its artistic endeavour in all but its traditional art forms.

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

STAMP DUTIES (CONCESSIONS) AMENDMENT BILL

In Committee.

(Continued from 24 March. Page 2588.)

Clause 4—'Refinancing of certain loans.'

Mr LEWIS: I move:

Page 2, lines 27 to 36—Leave out paragraph (b) and substitute new paragraph as follows:

(b) a business where the business is situated in the State.

Mr HOLLOWAY: I oppose this clause, but the Government will not divide on it. As was indicated earlier, indeed, about 12 months ago, the Government will divide on the third reading. The clause relates to exemption from duty on the refinancing of certain loans. The member for Murray-Mallee has couched his debate on this Bill largely in terms of the rural sector. All the members of this Chamber who were on the rural finance committee are well aware of the problems within the rural sector and there is no doubt that, in certain limited cases, stamp duty imposes a cost on the transfer of properties within families that creates problems for the people concerned. However, what we need to consider in this debate are the flow-on consequences of a blanket exemption, and that is what is proposed by the Opposition, an exemption that would apply right across the board.

Whenever we make changes to such broad legislation as stamp duty, we risk opening up loopholes right across the board. In this case, the best figure I can get is that about $13 million of revenue is involved through duty on the refinancing of loans. We have to be careful that we do not put such a large sum at risk. In only a few cases can a reasonable argument be made for some concession, and they are very needy cases in the rural sector.

Another thing that should be said about this clause is that, following the deregulation of the financial sector, there have been some changes in the market. It was certainly the hope of those who deregulated the financial sector in this country that interest rates would be more competitive and that new and innovative solutions would be found to problems such as this. The rural finance committee noted that there was a considerable lack of

competition within the rural sector, where farmers are forced to borrow.

One of the consequences of refinancing is that additional costs are involved, including significant lenders fees. The point that needs to be made is that, while stamp duty on mortgages is at a rate of .35 per cent, in most cases lenders fees far outweigh stamp duty and its impact. If there is an impediment to refinancing loans, that impediment is more likely to come from bank charges and lenders fees than it is from stamp duty, and that point needs to be made.

In some areas the market has responded to the problems of refinancing loans, and at least one major financial institution of which I am aware has offered in the past to reimburse customers up to $40 000 stamp duty resulting from the refinancing of existing credit facilities. In other words, there is already some innovation in financial markets to absorb stamp duty on refinancing. Of course, if the fees charged by the banks in relation to that are much more, that is beyond the control of the Government. An *ad valorem* rate of duty impacts more heavily on persons who negotiate large transactions, and I do not believe that this constitutes grounds for exemption. It is those taxpayers who normally have a greater ability to pay.

The final point I want to make about this clause is that, as I understand it, some schemes have been initiated in New South Wales and Western Australia to give limited relief on the refinancing of farm loans. It is my understanding that the experience in Western Australia is that it is difficult to determine whether genuine refinancing has occurred to ease the farm situation or whether a loan has been taken out through the guise of refinancing to undertake activities that are not necessarily associated with the continuing viability of the farm, for example, purchasing a new motor vehicle. The experience in other States is that it is very difficult to measure whether it is genuinely the refinancing of a farm loan or using the money for a purpose which should not qualify for a concession.

The Government needs to be aware of problems with respect to the conveyancing of property, particularly in the rural sector. However, we must be careful that we do not create more problems than we solve. The problem with this clause, and with the member for Murray-Mallee's Bill generally, is that it is an inappropriate way of solving the problem. It is not the best way to do it. We run the danger of creating anomalies and further loopholes within the Stamp Duties Act, and that could create more problems than it solves. For those reasons, I oppose the amendment and the clause. Nevertheless, the Government will need to look at the problems in the rural sector and find a more appropriate way of addressing them in future.

Mr VENNING: I am amazed to have heard such a speech in this place, particularly from the member for Mitchell, who has made some brilliant financial statements in this Chamber, and today we have heard another one. His last words were that another Government on another day should address this problem. I remind the honourable member that the rural sector is at its lowest ebb, particularly the wool industry. Many farmers or landowners, particularly pastoralists, are trying to refinance their loans.

They are trying to do anything to remain viable, to see through this terrible time. They will do anything to buy time. For many, the only way to do this is to try to re-finance their debt, as huge as it is in most cases. I compliment my colleague the member for Murray-Mallee in bringing forward this good idea at this time. This is an important issue and it has been raised at a most opportune time. Under this part of the Bill growers and owners of property would be able to re-finance their loans. At present interest rates are lower than they have been for the past $2^1/_2$ or three years and many owners are trying to re-finance their loans at lower interest rates but, as my colleague said in introducing the Bill, to take the transaction from one financial institution to another does attract stamp duty.

The position is iniquitous because, when the land was purchased in the first instance, stamp duty was paid so why, in re-financing, should duty be paid again? Is that fair? The member for Mitchell said that $13 million was collected last year, but does that make it right, equitable or fair in this day and age? The Government is bleeding a section of the community which the honourable member knows is absolutely cash strapped and there is absolutely no spare money out there at all, particularly with respect to wool growers who may wish to re-finance so that their sons or daughters can at least pick up some of the remnants of the farming or grazing operation.

The member for Mitchell is completely naive, oblivious and obviously uncaring about the troubles out in rural areas and I am amazed by his view. We hear of the city-country gap. Have we ever seen a better example of the gap than here today, with a city member speaking as he has in this debate? This simple amendment would provide great help to many of our country colleagues, and I hope that Government members would see country people as their country colleagues, because they have been a vital part of this State for many years.

Certainly, as to the $13 million collected, in the case of re-financing it would not be money foregone but it would be money not taken from the wrong sector. The member for Mitchell claimed that $13 million was collected, but that does not make it right or just. The stamp duty was paid on the land when it was first purchased, so why should it be collected again during re-financing? The honourable member referred to the ability to pay, but that was not properly reflected in the rest of his speech. This clause of the Bill will have no impact on ability to pay whatsoever. That part of the honourable member's speech was quite irrelevant, to say the least. Finally, I compliment my colleague the member for Murray-Mallee on his Bill which, at this time, is very relevant. I hope that the Committee agrees that it is a great Bill, and I urge all members to support it.

Mr MEIER: I support the amendment because it frees up the situation. It does not impose the barriers that are in the clause. Any freeing up is only to the betterment of the rural sector. This clause and the Bill are long overdue, and I applaud the member for Murray-Mallee for having taken the trouble to get the Bill together and presenting it to the Parliament. For years now rural producers have approached me on an annual basis asking what exemptions are available if they want to transfer land to their sons or daughters.

Mr Atkinson interjecting:

Mr MEIER: No, I said 'for years' constituents have been coming to me on an annual basis—every year.

Mr Atkinson: Each constituent?

Mr MEIER: I will not go on with that argument. If the honourable member cannot understand, that is his problem. The key point is that our primary production area has been seeing fewer young people entering it. One reason is that the older owners have not been able to transfer their land because of financial constraints to their sons and daughters as a result of the severe economic impost that it puts on them. Their better judgment might be that it should be transferred but they have decided, because of the $20 000 or $30 000 or more that it will cost them, they will continue to keep it in their name and their sons or daughters will run the property.

It is high time that this Parliament did something about that inequity and encouraged young people to take over the farms as soon as possible. This amendment provides a simple way out of it. It will give an incentive for young people to come in at an earlier age. More importantly, as the member for Custance points out, the rural crisis is still with us and is worse than ever. The position looked so promising at the end of last year: it looked as though we would be able to come out of the crisis because of what appeared to be a golden harvest, but that golden harvest turned into a mud harvest in many cases and proved to be a disaster. Therefore, the farming sector needs every bit of help it can possibly get, and here is one avenue. I was staggered to hear the member for Mitchell say, 'It is an inappropriate way of solving the problem.'

Members interjecting:

Mr MEIER: I was staggered from the point of view that as a metropolitan member I felt he would appreciate that, unless the rural sector is doing well, unless the farming sector produces the income, the rest of our society gets into a mess. That is exactly the case at present. Certainly, the position has been aided and abetted by the $3.15 billion State Bank fiasco, and we will never forget that, nor will the voters of this State.

Mr HOLLOWAY: Madam Chair, I rise on a point of order. The State Bank has nothing to do with the Bill.

The ACTING CHAIRMAN (Mrs Hutchison): Order! I uphold the point of order and draw the honourable member's attention to the clause.

Mr S.J. BAKER: Madam Chair, I rise on a point of order. I suggest that the State Bank has a great deal to do with the amendment because the State Bank fiasco reduces the capacity of the Government to fund the Bill, and I would suggest that that is very pertinent.

The ACTING CHAIRMAN: Order! The honourable member has made his point. The State Bank is not the topic of the debate. I uphold the earlier point of order by the member for Mitchell.

Mr MEIER: I am not going on with that argument on the State Bank. Everyone knows that that debt is one of the key reasons the Government will not accept this amendment and the Bill. That is a great tragedy for the rural sector and it is high time that the position changed. I seek the member for Murray-Mallee's clarification of the following words:

> ...duty is not chargeable on so much of a mortgage as secures the balance outstanding under a loan secured by a previous mortgage (which is being discharged) where both the mortgage and the previous mortgage applied to the same, or substantially the same, land and that land is used primarily for—
>
> (a) primary production or commercial fishing;

What exactly does that wording mean?

Mr LEWIS: Quite simply, it means that on the same parcel of land, when changing from one finance provider or bank to another in order to obtain the benefits of a more competitive interest rate, no duty would be payable as long as the parcel of land that is offered as security for the mortgage remains the same. The only circumstances in which the words 'substantially the same' are relevant is that sometimes, when mortgages are discharged, local government bodies may have been waiting for 10 or 12 years to take some frontage for the expansion of a road or to take a corner off to re-radius a corner of a public road, or something of that order, and they have a *caveat* awaiting the lifting of the mortgage to do that and do so at that time because it is least expensive and part of their planning to do it then.

Therefore, it definitely and positively excludes the circumstances largely referred to by the member for Mitchell in which a renegotiated mortgage that might involve an entirely different congruency of securities for a new commercial venture of some kind is ruled out by this clause. This simply means that, if you own a farm and you have offered all the sections of that farm to a bank or finance house as security for a mortgage, and within the terms of that mortgage they have increased your interest rate above the going market rate, at present you are locked in to pay it and you cannot force them to reduce it.

If we pass this amendment it will be possible to transfer that mortgage from the existing bank or finance house that has taken the mortgage to another one without having to pay the stamp duty on the value of that mortgage being so discharged. The other part about this clause is that it must be for the same amount of money. Where it says 'so much of the mortgage as secures the balance outstanding under a loan secured', it is not about enabling refinancing of another amount and or other properties, but about simply transferring from one finance house to another and not having to pay any stamp duty on it.

I know and, Madam Chair, I am sure that you and other members know that, once we pass this measure, it will act as a whip on the back of the finance houses and they will not dare do as some of them have been and are still doing now—that is, insisting on exorbitant rates of interest, because they will know that they will lose the business. It will be easy for the farmer in question to transfer from them to someone else who will give them a fairer going market rate, so they will comply—instead of, as at present, engaging in what I call foul usury.

Since there seems to be no other comment or query, can I remind all members that this proposition relieves the present tax, the stamp duty, which is a tax, on misery. This proposition enables people to avoid that awful situation where they see themselves going insolvent because of a number of factors, one of which is an exorbitant interest rate, by being able to get a better, lower interest rate. If my amendment is successful, the provision will increase the power in the hands of the people. It is empowerment to them, to the farmers, which they do not have now. They are trapped.

The current law was drafted in the halcyon days of three decades ago, when interest rates were very much lower than they have been in recent times and are even at present. The passage of this measure will not result in any loss in Government revenue, contrary to what the member for Mitchell says, because at present these transactions are not taking place. The people who would otherwise be able to make the transfer cannot afford it. I heard the member for Mitchell's comment that he knows of an instance where a credit provider has stated that it will meet the cost of the stamp duty if someone wishes to come to it to refinance a mortgage.

That is really perpetrating two evils, which we could simply fix by doing one good here. The two evils are that, first, the stamp duty is required by the State Government to make the transfer and, secondly, what the credit provider in that instance is offering is a cost of refinancing and assessment, saying 'This is my bill to you, farmer; pay me this bill for assessing your application and I will allow you to have a loan from me and reimburse you the stamp duty. But I have a charge. You can deduct the charge from your taxable income—' ho, ho, '—but you do not have a taxable income. Too bad. If you did have a taxable income you could afford to pay the stamp duty anyway'.

And that is the second evil, because that proposition to which the member for Mitchell referred encourages those who do have the money not to pay the stamp duty but to pay the fee, because the fee is deductible from their taxable income. They are already paying tax and they are then only paying half the cost of it themselves, so it is kowtowing to the people who are in a position of being able to pay to the detriment and expense of those who cannot, who are still locked in and who still contemplate suicide as a way out. That is not the way I would want it to be, and it is for that reason that I have brought this measure here.

I urge the Government to think again and not be a dog in the manger: there is no bone there to be had. Give some relief to the people. Agree to the amendment. I implore the Government to show some flair and light, which all Government members promised at the last election. It is in compliance with the select committee's findings. There needs to be this kind of relief. I cannot see how anyone in all conscience can oppose either the amendment or the clause as amended.

Amendment carried; clause as amended passed.

Title passed:

Mr LEWIS (Murray-Mallee): I move:

That this Bill be now read a third time.

The Committee divided on the third reading:

Ayes (21)—H. Allison, M.H. Armitage, P.B. Arnold, S.J. Baker, H. Becker, P.D. Blacker, M.K. Brindal, D.C. Brown, J.L. Cashmore, B.C. Eastick, S.G. Evans, G.A. Ingerson, D.C. Kotz, I.P. Lewis (teller), W.A. Matthew, E.J. Meier, J.W. Olsen, J.K.G. Oswald, R.B. Such, I.H. Venning, D.C. Wotton.

Noes (22)—L.M.F. Arnold, M.J. Atkinson, J.C. Bannon, F.T. Blevins, G.J. Crafter, M.R. De Laine, M.J. Evans, D.M. Ferguson, R.J. Gregory, K.C. Hamilton, T.H. Hemmings, V.S. Heron, P. Holloway (teller), D.J. Hopgood, C.F. Hutchison, J.H.C. Klunder, S.M. Lenehan, C.D.T. McKee, M.K. Mayes, J.A. Quirke, M.D. Rann, J.P. Trainer.

Pair—Aye—D.S. Baker. No—T.R. Groom.

Majority of 1 for the Noes.

Third reading thus negatived.

CLASSIFICATION OF PUBLICATIONS (DISPLAY OF INDECENT MATTER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 April. Page 3220.)

Mr LEWIS (Murray-Mallee): On that point, as I was saying when I was last speaking on this matter, I conclude my remarks, urging all members to support the course of action being advocated by the legislation as proposed by the member for Hanson.

Mr ATKINSON (Spence): I support the Bill. The issue before the House is a simple one—whether one ought to have forced into one's view when one goes to a delicatessen, service station or newsagent erotic pictures or displays on banners outside the premises or displays at a very low height, within children's vision. My reaction is that that ought to be stopped. Thus, I support the principle of the Bill. The Australian Labor Party has a Federal and a State policy on this matter. The Federal policy states:

> Labor believes that adults should be entitled to read, hear and see what they wish in private and in public subject to adequate protection against persons being exposed to unsolicited material offensive to them and preventing conduct exploiting, or detrimental to, the interests of children.

It seems to me that that Federal ALP policy tends more to support this Bill than to oppose it. The State Council of the ALP recently passed an item on this matter. It states:

> That the State Government develop a campaign to promote positive images of women and to discourage the display of material in public places that portrays women as sex objects and/or in a submissive light.

Again, there seems to be more in that item to support the Bill than to oppose it. The members of the Australian Labor Party in this Chamber have a conscience vote on this matter. I accept that there are people of goodwill on my side of the House who take a different view and are therefore opposed to the Bill. Fortunately for them, it is a conscience vote; they will not be required to share my view of this merely because of the Party policy. I accept that, in relation to both State and Federal policy, people of goodwill on this side can have differing opinions.

Fortunately, the Labor Party in this State has a long tradition of conscience votes that are far broader than the conscience votes available to Labor Party members in other States. Labor Party members in other States have only one conscience vote, and that is on the question of abortion. The range of conscience votes in South Australia has been broader because of our history. The South Australian Branch of the Australian Labor Party differed from other State branches because of the religious makeup of South Australia. To accommodate Cornish Methodists, Irish Catholics and rationalists in the same Party, our founders devised the conscience vote

exemption to caucusing, which embraces questions such as liquor, hotel trading hours, drugs, abortion, euthanasia, consent to medical treatment, sexuality and homosexual law reform, prostitution, gambling, betting shops, the TAB, lotteries and poker machines—and now this matter.

To return to the substance of the Bill before us, I quote from a letter to the *Sydney Morning Herald* of 27 June 1990 dealing with the question of how images of violence and sexuality—can affect people. The correspondent wrote:

> The other night I flicked across the commercial television channels. One depicted a man jabbing at a woman with a knife. On the next station a man holding a large revolver was about to shoot another man in the chest. I changed stations again, just in time to see a man smash a mirror with his fist, pick up a large piece and hold it to the throat of a woman companion. It is a relief to be completely sure that such images, beamed into the majority of Sydney households, cannot influence behaviour.

We are dealing in this Bill with images of sexuality rather than images of violence and I accept that perhaps that letter to the editor was not exactly to the point. However, I think that the erotic images that are thrust upon us outside and inside newsagents, delicatessens and service stations have an effect that coarsens the attitude to human sexuality of those people who are required to view them. I support the Bill.

Mr De LAINE (Price): I will be brief, as most of what I wish to say about this Bill has already been said. I do not agree that it is a censorship issue. People who do not wish to see material that is demeaning to others—in particular, women—should not have to see this offensive material displayed at newsagents, petrol stations and so on. I support the Bill.

Mr McKEE (Gilles): I oppose this Bill for two reasons. First, I think there is a certain amount of hypocrisy about the whole issue. Some five or six weeks ago I read an article which was based on statistics compiled by the Bureau of Census and Statistics and which stated that the majority of people who buy these magazines are women. That article was printed in the *Advertiser,* and I can produce it.

My second reason for opposing this Bill is that it is a normal pastime in Australia, particularly during the summer, for me and others to go to the beach. With regard to the revealing nature of magazines that are on display, perhaps the people who are concerned about this issue should go to Glenelg beach on any day during the summer where they will see a greater display of flesh of both sexes all over the beach. There are children and family days and picnics on the beach. Not only in Australia but in almost every westernised country in the world, people wear a lot less on the beach than is displayed on the front of a magazine. There is a great deal of hypocrisy about this Bill and I oppose it.

Mr BECKER (Hanson): I thank members who contributed to this debate. I appreciate the comments of those who oppose the legislation. It is not just a matter of looking at an individual's body but the way in which a body can be attired. Many magazines contain advertisements relating to the obtaining of sexual pleasure. Those types of advertisements annoy me because of what they really intend. I said in my second reading explanation that the Minister of Health ought to look at those advertisements and at what those instruments are used for. I appreciate that this is a conscience issue. I think that this is the best form of Government we can have—taking a bipartisan approach to legislation that is important to members of the community. I commend the legislation to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr QUIRKE: When will the legislation be proclaimed and will all members of the community, particularly sellers of the offending material, have to abide by it? It appears that a number of people in the community have not been consulted on this issue, such as the owners of newsagencies and supermarkets—in particular, seven day supermarkets or expanded delis—and petrol stations. I have seen this sort of material freely available in those sorts of venues. This legislation will bring about major change. A number of these organisations will need to construct suitable selling racks that will satisfy this legislation in one form or another, use opaque bags or take other measures, which are the subject of other clauses of the Bill. It will take some time and consultation to sort out these matters. Should this Bill be passed in this place today and not be returned to the other place for debate on amendments, when will the legislation be enacted?

Mr BECKER: I have complete faith that the Government will take the appropriate action. It is up to the Government to submit the proclamation to Executive Council. There is no doubt that the points raised by the honourable member will be considered by the Government.

Clause passed.

New Clause 2a—'Criteria to be applied by the board.'

Mr BECKER: I move:

> Page 1, after line 15—Insert new clause as follows:
>
> 2a. Section 12 of the Principal Act is amended by inserting after paragraph (a) of subsection (2) the following paragraph:
>
> (ab) that minors should not be able to gain uncontrolled access to material that—
>
> (i) is likely to appeal to their prurient interest;
>
> (ii) describes, depicts or relates to sexually explicit nudity or sexual conduct in a way that is generally regarded as unsuitable for children; and
>
> (iii) lacks serious educational or scientific value for children;.

Proposed new clause 2a provides an instruction to the board to consider certain matters when classifying material. The concern is magazines that contain advertisements regarding instruments that can be used for sexual purposes. It is as plain as that. Again, it leaves in the hands of the board decisions regarding the classification of these publications.

The Hon. D.J. HOPGOOD: I oppose the amendment. If I can turn the Committee's attention to the wording of the existing Act, section 12(2)(a) makes quite clear that the criteria to be applied by the board are:

that adult persons—

and I stress that—

are entitled to read and hear what they wish.

There is the clear implication there that, therefore, minors are in a different category. Paragraph (b) provides:

that members of the community are entitled to protection (extending both to themselves and those in their care)—

and I stress that—

from exposure to unsolicited material that they find offensive.

For the most part, that duty of care extends from parent to child—although one could think of other examples where duty of care may well exist. Then section 13(1) provides:

Where the board decides that a publication—

(b) is unsuitable for perusal or viewing by minors;

So, it is there. I could even, without stretching the bow too far, also refer members to section 12(3)(a) which provides that the board shall have due regard to decisions, determinations or directions of authorities of the Commonwealth and of the States of the Commonwealth relevant to the performance of those functions. We all know that those other instrumentalities—whatever they may be—invariably take into account the special position of young people under 18 years of age. It does not seem to me that the amendment does anything for us that the Bill will not do anyway. Once the honourable member has achieved his point by the passage of the Bill in the form in which it was introduced into this House, then the whole concept of the display of material which people find offensive is taken care of for minors and for adults. So, I oppose the amendment.

The Hon. T.H. HEMMINGS: Basically, I pursue the same line as that of the member for Baudin, that is, if the member for Hanson can explain to the Committee why he felt it was important to insert this additional amendment, which was not in the Bill when it went through the other place, I may be inclined to change my attitude to this legislation. If I recall correctly, in the public statements that preceded the introduction of this legislation and the public debates that followed—and in particular the letters that most of us have received, and perhaps more importantly the second reading contributions that have been made by those in favour of the legislation—no reference has been made to this measure. If the member for Hanson can outline to the Committee why it is here, it may sway my attitude to the measure.

Mr ATKINSON: If the member for Hanson had not moved this amendment, the Bill would have become law this year. Owing to his wasting time with this amendment and requiring the Bill to go back to the other place, the honourable member has ensured that this Bill will not become law this year.

Mr QUIRKE: I would like to have part of this legislation explained to me. With regard to the amendment that has gone in, and at this stage having an open mind on it, a couple of issues need to be addressed. I was under the impression that existing legislation with respect to images of nudity and the whole range of the classification of certain material was already existing law in South Australia. A couple of issues need to be cleared up, and I am asking for information on them. Is it necessary that this amendment go through because of deficiencies in present legislation? If that is the case, I am very concerned about that, because as I see it a number of publications out there are definitely unsuitable for children. I thought that existing legislation put those into appropriate premises where children cannot get access to them. I would like to know from the member for Hanson the criteria for this amendment.

New clause negatived.

Clause 3 passed.

Clause 4—'Conditions applying to restricted publications.'

Mr QUIRKE: I am concerned about the practicality of this legislation. My understanding is that material can be thus classified in a number of areas and be placed in premises where minors have no access to it. What seems to be the case here is that, unless we go the whole hog on this issue and place all these publications inside those premises, we will not achieve the goal of this legislation. The proposal of the legislation is that the material in question be contained in a sealed package and placed on a rack. If people are really serious about this matter, the sort of legislation necessary is that which places this material into sex shops and into other suitably licensed places where access to minors is not possible. So, I raise the question again here—and I hope someone will give me an answer—whether this is deemed to be adequate or whether it is deemed to be the thin end of the wedge.

Clause passed.

Clause 5 and title passed.

Mr BECKER (Hanson): I move:

That this Bill be now read a third time.

Mr QUIRKE (Playford): I raised a number of questions in the Committee stage on which I am still waiting for some answer. A number of issues need to be addressed before this legislation is rushed through the House in the way that it is being done. Indeed, I must confess—as I did in my second reading speech—that much of the material that people are finding offensive—

Mr BECKER: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! There is a point of order. The member for Playford will resume his seat. Members will come to order.

Mr BECKER: As I understand it, members can speak to the Bill only as it comes out of Committee, and I do not think the honourable member is doing that.

The SPEAKER: I uphold that point of order; my attention was distracted. The member for Playford.

Mr QUIRKE: The point I am raising is that it seems to me that this Bill as it has come through is very narrow indeed. It is deficient in its construction in a number of key ways. I do not believe the necessary amount of definitive work in the Bill is adequate and, further, I do not believe that this will be doing very much for the community. As a father of three, I must say that the thing my kids find most offensive is the evening news.

Debate adjourned.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. T.H. HEMMINGS (Napier) I bring up the fourth report of the Environment, Resources and

Development Committee on the Mount Lofty Ranges Development Plan and move:

That the report be received.

Motion carried.

The Hon. T.H. HEMMINGS: I move:

That the report be noted.

I thank the House for agreeing to allow this report to be noted today at such short notice. I will not go much into the background of the Mount Lofty management plan and the supplementary development plan, except to say that already one report has been released which dealt with the planning issues only. It was one aspect of the supplementary development plan and the overall management plan that we felt needed to be dealt with as a matter of urgency. I draw the House's attention to the objectives in that first report that we felt should be dealt with not only in the first report involving the plan itself but also in the overall management plan—the overall objectives which must be adhered to by Government at State and local government level, community groups, Government departments and all those people involved in the preservation of water quality in the Mount Lofty Ranges: that is, that the quality of water for the Adelaide area must be maintained and improved; the conservation of existing native vegetation and the continuation of reafforestation must be ensured; the scenic amenity of the area as an urban hinterland must be ensured; and future planning strategies in the ranges should be based on land use and land capability rather than developmental potential.

We have proceeded along the same lines in the second report. The second report deals with the plan, which is a blueprint for the future direction of the ranges, with policies on water preservation, pollution, agricultural practice, tourism, native vegetation and mining, and the committee supports the general direction of the report. It was clear in all the submissions that we received, whether they were written or verbal, that the concern of the community centred on water quality and agriculture. It is fair to say that water quality is threatened by variable effluent disposal systems, the increase of blue-green algae and polluting activity in riparian areas. I will not say any more about that, because the acknowledged expert on the committee, the member for Chaffey, will be following me in this regard and I am sure he will be able to deal quite adequately with those areas.

I think we need to talk about one particular recommendation, namely, that involving a levy. It was put to us by most reputable and respectable organisations that, if the community is concerned about improving water quality at the same time as allowing orderly development in the Mount Lofty Ranges, it must bite the bullet and actually talk about putting money into that area to ensure that that strict guidelines are adhered to. Not only would this be the largest water catchment area in our State but it is the only catchment area within which farming and residential properties are allowed to be located, and we are the only State in the Commonwealth that allows that. Strict guidelines must be adhered to, and money must go into that area to ensure that that happens.

At the same time, we have said that this levy, which will be raised throughout the metropolitan area and the hills area, will be used for specific purposes. It will be dedicated to improving township effluent systems in the water protection area, research into effluent systems, and education and monitoring programs to target polluting practices. It is the view of the committee that, if we do not do something like this, the Government will have to take money out of consolidated revenue. It is the opinion of the committee, backed up by evidence that we received, that the residents of Adelaide who live on the plains demand good water quality, and so they should. Certain sections of the community wish to live in the Adelaide Hills and the Mount Lofty Ranges, and so they may, within the strict guidelines that we recommended to the Government in our first report, but there is a price to pay for being able to live there and demand clear water. There are also other areas, but I am dealing here only with this levy.

If we need to address the quality of water, it is necessary to carry out certain functions and processes in the Mount Lofty Ranges. The only way the Government can do that is to institute a levy. That has happened with other legislation. If I cannot remember it, I am sure my colleague the member for Chaffey will remind the House that the Government already imposes a levy on sewerage rates to pay for a program to stop sewage sludge being pumped into Gulf St Vincent. The committee believes that a similar levy on water usage could be used to fund some of the proposals designed to protect water quality in the catchment. It was done with very little opposition from the general community and the committee thinks that it is as important in the Mount Lofty Ranges as it is in the Gulf St Vincent. The time allotted to me is insufficient to adequately address the report, but I recommend it to the House and, once again, thank the House for the opportunity to speak to this motion.

The Hon. P.B. ARNOLD (Chaffey): I support the comments that have been made by the member for Napier, but, in view of the time available, I will not reiterate the points he made. It became clear to the committee that the major concerns centred on water quality and agriculture and the need to preserve both. We received evidence that agriculture and horticulture are worth $200 million at the farm gate to South Australia, and that at the same time 60 per cent of Adelaide's water supply comes from the Mount Lofty Ranges catchment. In some respects, the two great requirements are incompatible in that by nature agricultural pursuits are polluting and it is desirable to keep the quality of the water supply for Adelaide as high as possible. The other major polluting effect is that of the domestic effluent coming away from the towns in the Mount Lofty Ranges.

The committee gave quite a bit of thought to alternative water supplies in the longer term. It might not be necessary in the next five to 10 years, but there is a belief that, 20 or more years down the track, it may be necessary to look at other sources of water supply, particularly for the Adelaide metropolitan area. Of course, the logical source of supply is the Murray River. In most years, ample water flows through South Australia via the Murray River and out to sea. That could supply Adelaide's needs many times over. If we are to utilise that source as Adelaide's total water supply, we must build the necessary storages and harvest the water from the Murray at the appropriate time of the year. At the moment, we only supplement Adelaide's

water supply from the Murray, and that is done during the summer when the reservoirs are under their greatest stress and demand from the residents in metropolitan Adelaide.

The object of water harvesting is to harvest the water at the optimum time of the year, which is probably July, August and September, when the flows in the Murray are usually at their greatest and the water quality is at its best. The committee does not have a great concern that Adelaide's water supply will be in jeopardy in the future.

We believe there is an alternative, which is why we have recommended that a study should be undertaken to see exactly what the cost implications would be for a move in that direction. If we moved in that direction, not only would it increase the costs by about $40 million annually to pump totally from the Murray but, in doing that, it would make the waters available in the existing reservoirs for other agricultural and horticultural uses. Instead of having a farm gate value of $200 million further down the track, we might have a farm gate value of agriculture and horticulture generated in the Mount Lofty Ranges of, say, $400 million, which would more than cover the additional pumping cost to bring water from the Murray to provide metropolitan Adelaide's water supply.

The recommendation for a levy is not new and is included in two or three pieces of legislation that have passed through this House in recent times. Such a move would enable consideration to be given to helping agriculturists and horticulturists come to grips with their problems and in dealing with the effluent coming from towns in the Mount Lofty Ranges, all for the purpose of maintaining the quality of water in metropolitan Adelaide. I believe the report contains a number of pertinent points which should be given serious consideration by the community.

Motion carried.

SELECT COMMITTEE ON BUSHFIRE PROTECTION AND SUPPRESSION MEASURES

The Hon. T.H. HEMMINGS (Napier): I move:

That the time for bringing up the report of the committee be extended until Thursday 6 May 1993.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Adjourned debate on motion of Mr McKee:

That the interim report of the Legislative Review Committee on an Inquiry into Matters Pertinent to South Australia Being Able to Obtain Adequate, Appropriate and Affordable Justice In and Through the Courts System, be noted.

(Continued from 29 April. Page 3223.)

Mr McKEE (Gilles): In replying to the debate, I thank those members who made a contribution. I thank the member for Goyder particularly for the remarks he made about the rather sensationalist way in which the *Advertiser* decided to cover this report in referring to only one small section, which was simply a discussion within the committee and not a recommendation. The other member I would like to commend in terms of his remarks is the member for Napier, particularly for his remarks about assistance to the committee.

I commend the member for Napier's remarks and his call for a research officer to be appointed to the committee. This inquiry, which is only one of several before the committee at present, is quite enormous and for the committee to do it justice (no pun intended) it does need the assistance of a full-time research officer, bearing in mind the other matters that have been referred through debate in this House to the committee. This interim report contains no recommendations but lists the number of people who have given evidence, the recording of the evidence and the people who have appeared before the committee and the matters that they have raised. I commend the report to the House.

Motion carried.

CITIZEN INITIATED REFERENDA

Adjourned debate on motion of Mr Lewis:

That this House calls on the Legislative Review Committee to submit an interim report on its inquiry into the proposal to introduce citizen initiated referenda and, in particular, its understanding of public opinion based on the evidence given to it of:

(a) the intervals such questions should be put;

(b) the form of any such questions;

(c) how to decide if a question should be put;

(d) whether attendance at the polls should be voluntary; and

(e) any other matter relevant,

before the close of parliamentary business on Thursday 6 May 1993.

(Continued from 29 April. Page 3224.)

Motion negatived.

PROBATE FEES

Adjourned debate on motion of Mr Gunn:

That the regulations under the Supreme Court Act 1935 relating to probate fees made on 2 July and laid on the table of this House on 6 August 1992, be disallowed.

(Continued from 14 October. Page 835.)

Motion negatived.

EXPIATION FEES

Adjourned debate on motion of Mr Gunn:

That the regulations under the Summary Offences Act 1953 relating to traffic infringement notice expiation fees made on 25 June and laid on the table of this House on 6 August 1992, be disallowed.

(Continued from 14 October. Page 836.)

Motion negatived.

TRANSCRIPT FEES

Adjourned debate on motion of Mr Gunn:

That the regulations under the District Court Act 1991 relating to court and transcript fees made on 2 July and laid on the table of this House on 6 August 1992, be disallowed.

(Continued from 21 October. Page 964.)

Motion negatived.

NETBALL

Mrs HUTCHISON (Stuart): I move:

That this House congratulates Adelaide's Garville netball team, captained by Michelle Fielke and coached by Pat Mickan, on winning the Prime Minister's Cup in the National Mobil Super League and also congratulates Adelaide's Contax netball team for finishing third in the same league.

It gives me great pleasure to move this motion. I have had a lifelong interest in netball and have played netball at fairly high competitive levels. The way netball has developed over the years to a stage where it is now considered to be one of the top sports played in Australia has been of increasing interest to me. Certainly, I have always known—and I am sure that all netballers have known—that netball had the highest participatory rate of any sport in the nation, but due recognition was never given to the talent and skills required to play netball at the top level.

I do not think that anyone would deny that in past years Australia has been one of the leading contenders in the world netball scene. It has progressed from being called women's basketball to now becoming the sport of netball. Whilst it has always been considered a woman's sport, I know that the member for Baudin will agree that it is increasingly being recognised as a sport in which males can participate.

The Hon. D.J. Hopgood: I have actually played it and got injured.

Mrs HUTCHISON: The member for Baudin acknowledges that he has played netball and, like me, has been injured. I can see from your look, Mr Speaker, that you too have perhaps played netball. South Australia has a proud record as to the standard of our netball. In past years when I played at Sports Park in Adelaide in country carnivals we were able to play against some of the top sides in the Adelaide competition, and that was both a pleasure and a learning experience for those of us who came from the country areas to play at that high standard.

It was also a pleasure when I decided to take up the challenge of umpiring. In fact, I was able to become an accredited State netball umpire and was progressing fairly well to the A Grade badge when I had a rather bad accident and broke my Achilles tendon and could not continue to that level, which is something I regret. The two teams we are speaking about in this motion have both contested the past four grand finals to my knowledge at least in the State Netball League. It has always been a very close match between those two teams. They are highly competitive, highly skilled and highly talented teams, and they have extremely good coaches here in South Australia. The quality of our teams is seen in the fact that we have the Australian captain in Michelle Fielke, who is also the captain of the Garville team. We have Australian players in both those netball sides as well as in the Sydney Electricity team, which of course played off for the Prime Minister's Cup last Saturday. The standard of that team is well judged by the fact that it contained five Australian players.

Garville started as the underdog, and it would be true to say that, earlier in the season, the real contender from South Australia was considered to be Contax. Knowing personally of the very competitive nature of the Garville team and the fact that it has always competed very strongly against Contax here in the State scene, I knew that it would be a contender when it came to the final four competition and certainly that it would get to the semi-finals of that competition. I regret to say that Contax struck some problems in the major round in that it lost one of its key players, and a 17-year-old went into the team who, I might say, acquitted herself extremely well in the semi-finals and certainly will be a player for Contax to look forward to giving a further run in the competition next season.

Contax played extremely well, and it was unfortunate that it did not make it to the final. There would have been nothing nicer than to have the two South Australian teams in the final, but that may have been a little greedy! They were certainly both qualified to play in the grand final, and that is borne out by the fact that Contax finished in third position. The Netball Association in South Australia is to be congratulated, and earlier today in a question in this House the Minister of Recreation and Sport mentioned the considerable work that has been done by netball in South Australia, first, to get sponsors and, secondly, to promote the sport of netball so that it was competitive in terms of getting the advertising that it should have, being one of the highest participatory sports in Australia.

That can be borne out when one sees some of the advertisements on television with regard to Michelle Fielke, for example, and some of the excerpts on television advertising netball. It has been very tastefully and professionally done and the South Australian Netball Association deserves plaudits for the way in which it has undertaken that task. It has not been an easy task: it has needed much dedication, and again I would like to pay tribute to Senator Rosemary Crowley. Her stance on sport and women in sport is very well known and, for at least the past five years, I know that she has been very vocal about the fact that there has been a dearth of advertising for women's sport in the nation.

She has been very active, particularly in this State, to promote it. It has obviously had a major effect on the sport in general and also in South Australia in that the standard has lifted in South Australia so that we are at the very top of the tree as far as Australian netball is concerned. That is the reason why we have the top team and the third team in the nation. In saying that, I must say that the competition at that national level, in the Mobil Super League, was extremely close, and there is no doubt that, on the day, any of those teams could have won.

I did feel a little bit of sympathy for the Sydney Electricity team, because it was magnificent. Certainly, it would need to be, with five Australian players in it, but on the night I think the dedication of the Garville team came through. It was able to peg back a fairly major deficit and come around in the last half to play absolutely brilliantly to win that netball grand final. As a South Australian and as a netball player in this State, I feel very proud to think that the standard of netball in this State has lifted to the degree where we are now the best State in netball in Australia. I would ask all members of the House to join with me and support this motion.

Mr S.G. EVANS (Davenport): I have pleasure in addressing this motion. I had the opportunity of watching part, although not all, of the final on television, and there is no doubt that it was netball of a high standard. My knowledge of the game is not small in any way. I have a sister who played through the war years for one of the top sides in Adelaide, without naming it, and I am sure that the member for Stuart knows the difficulty for country people in those times, if they had any talent, to be able to participate or get the coaching they needed.

A young woman would need to ride a horse for three miles to catch a train for an hour or more even to get to a city game in wintry weather, which made it very difficult, even though that person may have been the top goalie at the time. In my family I have one member who has life membership of an association with over 600 members, of which I have been a patron for over 20 years, and I do that with pleasure. Also in my family I have daughters and grand-daughters playing in quite high competition, and I hope that those grand-daughters who are getting special coaching will make the grade as far as their skills will take them.

We should realise that this is not a real old-time sport for our State. The beginning of the sport was around the 1920s, and it did not go to the country areas until the early 1930s before it started to move around so that young women could participate. It has been great to see the improvement that has occurred in that time in the promotion of the sport. I give credit to the *Advertiser* today for the full page it put out. I thought it was magnificent. I thought it highlighted the beginning of the sport for the women of our State. It may have been talking about the top players and top teams but, in that, all the juniors are there striving to make those top sides, and it does not matter where they are in the State; they are able to do it.

The country carnivals that are conducted for all ages and different groups are magnificent. It is not just the netball that is involved, it is the group of young women meeting one another in different lifestyles, sometimes being hosted in homes with a lifestyle they may never have experienced. Their home may be entirely different. That is another benefit, as well as the skills and the development of the physical fitness of the players. The Prime Minister's Cup, with Mobil's support, is important to the sport. It has a high standard, and Sydney Electricity could have pulled it off on the night—in fact any one of the four top sides, with a little bit of luck, could have won that cup.

We in South Australia are fortunate that we have had some women (and I will not try to name them) who have worked behind the scenes to promote the sport and of whom not much is seen because their hard work has gone by; television now becomes a dominant factor, and the participants become the main attraction as far as television is concerned. But I know that, through sporting awards that are given in the State, whether it be by the Adelaide Sports Club, Caltex or whoever, those in the top categories in the sport are recognised.

Whilst I belong to the Sportsmen's Association, I give it credit for recognising those who give service to the sport but who are not participants. I am pleased to say that in recent times several of those recipients have been women who have worked hard for netball. It is true that men play the sport as mixed competition. Again, I have a family member who umpired for many years in that area. There is no doubt that it has grown in that area. I congratulate the member for Stuart for moving the motion. In particular, I congratulate Garville for its magnificent effort. I also congratulate the other teams—Contax, Electricity, Sydney and so on—which help to promote the sport. I congratulate the media—particularly the *Advertiser—for* the effort it is now putting into promoting women's sport, in this case netball. I urge members to support the motion.

Mrs HUTCHISON (Stuart): I will be brief in my closing comments. I would like to thank the member for Davenport for his remarks and I add my congratulations to the *Advertiser* on a wonderful spread in the newspaper today. I also acknowledge the comments made by the honourable member with regard to the unsung heroines of the Netball Association, who have done all the hard work to promote the sport in South Australia.

I also congratulate those thousands of young people who are coming up through the ranks and who, hopefully, will be part of the South Australian contingent that goes to the netball finals of the super league in the future. I urge the House to support the motion.

Motion carried.

NEIGHBOURHOOD WATCH

Mr HAMILTON (Albert Park): I move:

That this House congratulates Neighbourhood Watch on its eighth anniversary of crime prevention work in the South Australian community and commends the Government and the police for their support of Neighbourhood Watch and other community crime prevention programs.

In doing this, I recognise the important role that Neighbourhood Watch plays in our community. It takes me back to 17 November 1983, when I read in a Western Australian newspaper that in a place called Bunbury a program had been established that involved the community. Needless to say, the program was Neighbourhood Watch. That same day during Question Time, I asked the then Minister, Gavin Keneally, whether he would investigate the feasibility of introducing a similar program in South Australia. The Minister came to me afterwards and asked, 'Kevin, what the hell are you talking about?' He was not aware of this program and how it operated in Western Australia.

At the end of that month, I received from the Minister a letter indicating that the Police Commissioner was certainly in favour of introducing such a program in South Australia. So, I have had a considerable interest in this matter. It was, of course, borne out of the fact that since my election, within my own electorate, I have directed my attention particularly to crime prevention programs. However, enough about me.

The first Neighbourhood Watch program was set up in Flinders Park in 1985 at a meeting coordinated by the Woodville council, which played a very important role. I am pleased to say that that most progressive of councils was quick to recognise the importance of this program. Since then, it has snowballed throughout the South Australian community into at least 374 Neighbourhood Watch programs, 42 Rural Watch programs and four

Business Watch programs, not to mention Hospital Watch, River Watch and, of course, School Watch. There may be others that participate in that program.

The kernel of Neighbourhood Watch is community involvement. It is no different from many other programs that have been initiated over the years in that it involves the community: the community bands together to coordinate activities in conjunction with and with the support and guidance of the South Australian Police Force, which has played a very important and critical role in the coordination and promotion of this program.

Not only does the program bring about a reduction in crime in the community but it also brings the community together. Anyone who has lived in the country would appreciate that in country areas there is less crime. Why is that so? It is because the community works together, is coordinated to a higher degree and people get to know who is who in the area. If someone strange is wandering in a particular street or is on someone's property, the local community pays attention and is interested in those activities. Unfortunately, it is a reality that in urban life some people seem to forget about the neighbours and what is happening in their local community. In the country areas, in the main that is not the case.

It is very important that we have programs such as Neighbourhood Watch. As I indicated, not only do they assist in the reduction of crime in the community but also they lead to other activities, such as people helping the lonely, perhaps in times of need, where otherwise they would be too frightened to ask for assistance. I know of many occasions when the coordinators and the people involved in different Neighbourhood Watch programs band together on a regular basis to have barbecues, to undertake fund-raising activities and to try to assist the cause of not only preventing crime but helping other people in the community.

Police officers obviously play a critical role in assisting Neighbourhood Watch coordinators. Many police officers give up their time voluntarily to assist and to guide those who want to participate in this program. Over the years I have seen most of the programs, particularly in my area, flourish, and that has lead to a reduction in crime. I know that specifically in relation to your electorate, Sir—in the western suburbs of Adelaide—on a number of occasions over the years I have read in the Messenger press that there has been a considerable reduction in the level of crime. That is important not only from the point of view that people do not like their home broken into but also it can lead to the levelling out, one would hope, of insurance premiums to stop the escalation that is caused by increased premiums as a consequence of breaking and entering.

I think everyone who has had their home broken into or a car stolen would understand the anger and frustration that goes with those two events. Our family home has been broken into on a number of occasions, and one starts suspecting all sorts of people. That is unfortunate, but I think it is a reality of life.

There is one other organisation that I believe should be mentioned, and that is the sponsor of Neighbourhood Watch—Commercial Union Insurance. It should be commended for its ongoing support of this program. One can envisage a whole range of reasons why it would want to participate in this program. It is a great community sponsored program and, quite properly, Commercial Union should not only get recognition but receive many plaudits for its support in a whole range of areas, including financial support. The police have published a magazine called *Neighbourhood Watch* which recognises the role of many people in our community, such as police officers and coordinators, who have made a commitment and who have spent a lot of time and effort in assisting the community to reduce the incidence of crime in this State.

Rural Watch is equally important for obvious reasons as are the School Watch programs, which in some schools have led to a reduction in vandalism. Hospital Watch is also important because, in those areas where there are drugs, where people are ill and where valuables are stored, it is important that people be alert to the sorts of activities that the criminal element can get up to. River Watch, a recent innovation, keeps an eye on what is happening along the river and performs a whole range of activities which I will not go into now. There are a few clowns who think they can speed up and down the river in their boat and who seemingly have no regard for other river users.

Last but not least there will be a display by Neighbourhood Watch in Rundle Mall from 11 a.m. to 4 p.m. each day this week. I think it is important that members of Parliament take the time to look at what is taking place. If they have any questions about the scheme, I am sure they will be answered satisfactorily. In fact, members may be able to give advice to their constituents through a whole range of mechanisms, including newsletters which many members of Parliament distribute to their constituents. The second Neighbourhood Watch conference will be held at the Hyatt Regency Hotel on Friday and Saturday, 7 and 8 May. To cap off the whole week, a family barbecue or sausage sizzle will be held in Elder Park from noon on Saturday 8 May followed by the Police Band concert at the Festival Theatre at 8 p.m.

It is important that the support given by a whole range of community organisations be acknowledged. As I have said, the Local Government Association has played an important role, and the Police Department and the Government have supported this program. I hope that all members of this House will congratulate Neighbourhood Watch on its eighth anniversary.

Mr MATTHEW (Bright): It is with pleasure that I rise to support this motion to congratulate Neighbourhood Watch on achieving its eighth anniversary. It is pleasing to see that the program has come a long way since the very first program was instituted at Flinders Park. Neighbourhood Watch has become more than simply a crime prevention program; indeed, it is fair to say that it has become a self-help awareness program for those who wish to take responsibility for safety in their community. It has also brought about a philosophical switch in the way in which policing occurs in South Australia as well as a major focus on crime prevention.

Neighbourhood Watch has become the largest volunteer organisation in South Australia. To date, some 16 000 people hold key positions in that organisation. It has become a voice that is both heard and respected. I

am pleased to note that the program has benefited significantly in its expansion and development through the generous sponsorship of Commercial Union. Today, there are 423 programs in South Australia, comprised of 375 Neighbourhood Watch, 42 Rural Watch and 4 Business Watch programs. I was in the fortunate position to become part of the Neighbourhood Watch program before I entered politics when in July 1987 I became the area coordinator of program 37 of the Hallett Cove East Neighbourhood Watch. As the area coordinator of that group, I was fortunate to attend the first AGM of Neighbourhood Watch of South Australia, and I was the person who moved the formal adoption of a constitution for Neighbourhood Watch paving the way for the incorporation of that body.

I was intricately involved with the program as a State Executive member. I resigned from the State Executive, effective 3 November 1988, after becoming a political candidate for the Liberal Party, because I thought it inappropriate to continue on the State Executive as I did not wish to politicise the program. Through my close involvement with Neighbourhood Watch, I became strongly aware of the work of the police and volunteers. As a State Executive member and an area coordinator, I was privileged to have many officers from the Darlington Police Station drop into my house for coffee to talk about policing and crime prevention. I have gained many friends in the Police Force through that association. I became aware that it was not just members of the community who were volunteering their time and service but, as the member for Albert Park has pointed out today, many police officers give their time as unpaid volunteers to assist in expanding Neighbourhood Watch. It has probably been one of the most exciting parts of this concept that police officers have not necessarily been part of Neighbourhood Watch because they are paid to but have gone beyond the call of duty and given their time freely to the community. That has a parallel with the policeman on the beat of many years ago who was popularly received in the community.

Through my involvement with Neighbourhood Watch I became aware of the activities of a number of officers in crime prevention. I think it is important that their names be put on the record, because they have played an important role in the expansion of the program. First, I would like to recognise the then Superintendent Wally Sampson, the original police coordinator of Neighbourhood Watch through the Crime Prevention Unit. He was followed by Chief Inspector Gary Cornish, who has since retired from the Police Force, and later in a temporary capacity by Inspector Colin Cornish, who was followed by Chief Inspector Tony Ryan, who is now the Officer-in-Charge of Darlington Police Station. He was recently replaced by Chief Inspector Vern Abley, who was transferred from the air wing of the police transport section.

Each of those gentlemen have demonstrated leadership which has seen the program expand to its present extent. They have been ably supported and represented by people such as Sergeant Alan Herbst, Sergeant Tom Kelsey—both of whom are part of the program today—Sergeant Bill Lonie and Sergeant Ken Smith, who have since moved onto other areas of the Police Force but who contributed significantly, and Sergeant Rod Hall who has more recently joined the program but who was also an integral part of the School Watch program, another fine crime prevention group in our community. Others were involved, and I apologise to anyone whose name I might have omitted, because they have all ably contributed to our community.

While Neighbourhood Watch has contributed well, there are some rather disappointing aspects, one of which is the fact that 200 groups remain on the waiting list. I know that the police and the Neighbourhood Watch groups want to reduce that waiting list, as do all members of this place, but there are 200 groups which want to start a program because of the success of Neighbourhood Watch but which cannot do so at this stage.

The Neighbourhood Watch awareness week that is being celebrated will undoubtedly result in more groups being placed on the waiting list. The fact is that at any one time three sergeants have been responsible for this massive launch of programs—106 programs were launched in the 1989-90 financial year—but now the rate has reduced to about 20 a year because staffing is such that, unfortunately, programs cannot be launched as quickly as the community or the Police Force would like. So, at this stage, probably about 10 years worth of programs are on the waiting list as a result of the number who are interested. While I would certainly call for an increase in the level of police resources to help those programs get under way, undoubtedly that waiting list is so long also because of the success of the program. I congratulate the member for Albert Park on moving this motion today, and I call on all members to support it.

The Hon. T.H. HEMMINGS (Napier): I will be very brief. Obviously, I support the motion moved by the member for Albert Park. But I would like to go on a different tack. I well remember, on 17 November 1983, the member for Albert Park's asking a question of the then Minister of Emergency Services, the Hon. Gavin Keneally, as to whether the Government would carry out an investigation into the feasibility and suitability of a Neighbourhood Watch program in this State. We all know the results of that innocent—although well meaning—question that the member for Albert Park asked. We now have Neighbourhood Watch throughout the State, and we have Rural Watch, School Watch and Business Watch. It is the most successful initiative on crime prevention that I have seen in the years that I have been in the Parliament. Yet, the member for Albert Park, in his usual quiet and unassuming way—

Mr Ferguson: With the due modesty that he always shows.

The Hon. T.H. HEMMINGS: Indeed. The member for Albert Park has never attempted to gain any publicity over the magnificent achievement that he undertook on behalf of ordinary people in this State concerning Neighbourhood Watch. People can sleep easy at nights, go away on holidays, build communities together and make long-lasting friendships as a result. The member for Albert Park has achieved that, yet never once has he attempted to gain any publicity from it.

Perhaps one of the sins of sitting next to the member for Albert Park is that I have to look at every newsletter he is going to send out to his electorate. Whether or not

he tries it out on me, I do not know, but I get every one, and I understand he sends out about 90 a year. One can understand that, sometimes when I stand up in this Chamber and seem a bit testy, it may well be because I have had to read one of the member for Albert Park's newsletters. However, never once has he mentioned the Neighbourhood Watch program. He relies on giving all that information to us.

Mr Ferguson: He's the father of Neighbourhood Watch.

The Hon. T.H. HEMMINGS: Yes. As a result of his walk to Port Pirie and back on behalf of the Queen Elizabeth Hospital, he has raised $161 000.

Mr Ferguson: That's more than your superannuation.

The Hon. T.H. HEMMINGS: I hope it is less than my superannuation or I might stand for another term. It is typical of the member for Albert Park. However, I will not say anything more at this stage, except to join with other members in supporting this admirable motion, which I hope is carried not just on the voices but with acclamation.

Mr HAMILTON (Albert Park): I would like to thank those members who have contributed, particularly the member for Bright, and I also thank my colleague for his kind words. Those people who are involved in Neighbourhood Watch have made it the success it is, and without them I know the community would be a lot worse off. I thank the House for its support.

Motion carried.

CAPITAL PUNISHMENT

Adjourned debate on motion of Mrs Kotz:

That this House is of the opinion that a referendum should be held to enable the people of South Australia to indicate their opinion on the reintroduction of the death penalty as a sentencing option for intentional and malicious acts that result in the murder of any person.

(Continued from 29 April. Page 3226.)

Mr QUIRKE (Playford): This issue is, indeed, one that comes up in many different endeavours. The question as to why the death penalty in South Australia has not been administered since 1964 and why it was taken off the statute books is regularly asked in community circles. Indeed, I have never been one who has gone away from that issue. I well remember one night at a Neighbourhood Watch meeting a man asking me how he would go about bringing back the death penalty in South Australia. Had I known about the petition, I suppose I could have referred him to the honourable member who circulated the petition, which contained a number of signatures.

At that time, I suggested to him that it was my information that no political Party in South Australia supported the reintroduction of the death penalty. It was my clear understanding that, where the Labor Party was concerned, there is a national platform on the issue, and it is a binding one—binding on all members of the Labor Party—and I would never resile from that. It is a policy that has been developed over the years and, indeed, the Labor Party has agreed, at national conference level, that it will be binding on all Labor Governments, Oppositions, Parliaments, etc.

My understanding was that the Liberal Party also had a policy against the reintroduction of the death penalty, even though I know some members of the Liberal Party do not necessarily share that view, and I communicated that to the individual. My understanding, too, is that some members of the Labor Party would also believe that the reintroduction of capital punishment under certain circumstances—and I will come to that in a moment—may be warranted.

I spoke to the National Party member in this House the next day after that Neighbourhood Watch meeting, because I had indicated that my view was that the National Party was not in a hurry to pick up that issue, one reason for that being that it had every opportunity to do so in Queensland and never sought to use it. The honourable member confirmed to me that that was the National Party's position. So, I felt then that I had given the right information to the person concerned.

The problem with the death penalty as such is at the point of implementation. The philosophical arguments against the death penalty are well known, have been well used, and 20 or 30 years ago were a very popular topic of conversation and debate in many different areas. The arguments against the death penalty eventually won out because democracies throughout the western world—with the exception of the United States, which reintroduced the death penalty in the late 1970s, as I understand it (in 1977 with the execution of Garry Gilmore in Utah)—have always found it very hard to kill their |citizens, even under the most extraordinary of circumstances.

I must say that there are a number of areas where that is a very hard principle to hold to. Some of the more horrific murders that have occurred in the past 10 years in Australia are clear-cut examples of where community horror has been expressed, and even the most ardent of abolitionists of the death penalty would probably not raise as much of an argument as they would, say, in the case of Ronald Ryan. I am talking about the Anita Cobby murder in New South Wales, which was a particularly brutal affair. The ringleader of that outfit, Mr Travis, did not get or deserve any community sympathy at all when he was sentenced to a very long stay in prison, I believe never to be released.

Of course, the other incident is the Truro murders and 'the family' murders here in South Australia. When the argument concerning these horrific murders is put to me, it is very hard to defend these sorts of people in the sense of saying that they have a right to that which they have denied others. However, I think Albert Pierpoint, who was the hangman in Britain from the early 1930s to 1956, having disposed of about 500 people, including Nazi war criminals, became very anti-hanging towards the end. He made it quite clear that he believed that it is no deterrent. He made the claim in his autobiography that 19 out of every 20 murderers who were hanged were people who would not have gone on to commit a further murder or any other crime.

The SPEAKER: Order! The honourable member will resume his seat. Will the House come to order. Members are having great difficulty hearing the contribution of the member for Playford.

Mr QUIRKE: In 19 out of 20 instances they are crimes of passion—one-off crimes—and were not like the two that I described a moment ago, namely, the Anita Cobby and 'the family' murders in South Australia. Pierpoint made the observation in his book that in one instance the man he was hanging knew him very well and knew the full impact of the law before he committed the crime. He murdered a woman in a moment of passion and paid the ultimate penalty for it: his life came to a judicial end.

There are two issues for a civilised society, and the first is that we must protect our citizenry. I think members here would know, and I will take the opportunity to say, that on most law and order matters I make no apology for being a hawk. It is my view that the community demands from its Government and its various agencies a level of protection which must be evident through the legal system and through the police and, if it is not, then the community will get a Government that will provide that level of service.

On the other hand, a civilised society needs to look very seriously at the other end of the punishment spectrum. It is quite clear that carrying out the death penalty is something that this society would find extremely hard to go through with. The abolitionists are against capital punishment in most instances. It would rip our society right down the middle, and I would suggest that it may be possible, and it may even be popular, to put up a referendum on a matter such as the proposal contained in this motion and receive a vote of more than 50 per cent. However, on an issue such as this which has the capability of tearing the fabric of this society right through the middle, I do not believe that that is the way we ought to go.

If we were to go down the road of execution in South Australia, we would want to ensure that there were witnesses to that. I do not have much time in this debate but, as I understand it from discussions with people who were at the last hanging in South Australia, the witnesses to it and the information I have, it was a particularly messy affair, where the rope snapped. The individual himself suffered a very painful end and was not actually hanged but died of strangulation when he was dropped for the second time. However, I do not wish to dwell on the ghoulish aspects of that matter. It is interesting that the very first and the very last executions in South Australia were both seriously messed up. The first was historically recorded but the last one was not. Before we go down this road we should realise that the sorts of event that can take place can have a very traumatic effect in our community. In the United States, where some States have gone down this road, I do not believe it has affected the murder rate at all.

Mr LEWIS (Murray-Mallee): The substance of the proposition is that we should refer this matter to the people. It does not matter what our own views are as regards this motion; this proposition is quite simply to refer the matter to the people. I do not understand why any one of us should be afraid of doing that; it is the ultimate democratic process to determine any issue. Whatever views I may hold about the desirability or otherwise of the death penalty, I certainly hold the view that the matter ought to be referred to the people. The member for Playford has stated in arguments that it would tear the fabric of society apart and rip the guts out of the community. My God, if the republican debate is not doing that, what is? He seems to have no compunction whatever about supporting that proposition—not that it is a quid pro quo in my opinion; I, too, believe that it needs to be debated. It is no good running away from issues, on which people in the community hold apparently diametrically opposing views, just because that happens. It needs to be sanely and sensibly debated in the community, and there is no better way to decide than a referendum.

Mr ATKINSON (Spence): I oppose capital punishment for one reason only, and that is that the criminal law and procedure are not infallible. While there is a possibility that someone who is not guilty as charged could be dispatched by an executioner, I have to oppose capital punishment. Mind you, I believe that the British system of criminal law and procedure that we have inherited is the best possible system, but it is still not infallible. Let me give the House one example of the difficulties in applying the death penalty, and that is the case of Ronald Ryan, the last man hanged in Australia. Ronald Ryan was charged with murder for shooting a prison warder, but he was not charged with murder in the normal way, namely, that he caused the warder's death and intended to cause the warder's death.

In fact, the prosecution in the Ryan case did not have the duty of proving that Ryan intended to kill the warder as it would in a normal trial; because Ryan was committing a felony in escaping from prison, the felony murder rule applied and, if the court was satisfied that a warder had died in the course of Ronald Ryan's committing a felony, namely, escaping from prison, then it mattered not that the prosecution had not proved that Ryan intended to kill the warder. So, the Ryan case was a very poor case for the application of capital punishment and it is therefore no surprise to me that it became the last case of capital punishment in Australia.

Public opinion swings all around the place on the question of capital punishment. I put to the House that in the aftermath of a particularly horrible crime public opinion will be strongly for capital punishment, but on the eve of an execution public opinion will go against capital punishment. It seems to me that to put this matter to a referendum is difficult, because we cannot have a referendum on each individual case: the referendum has to be held at a particular time. So, I think there are difficulties with having a referendum on this matter, although I do not rule it out altogether, for reasons which I will give later.

I do not doubt that the vast majority of my constituents in Spence (probably three-quarters) favour capital punishment and, in speaking today against capital punishment, I am not reflecting the views of the majority in my constituency. But I speak as I do on this occasion because it is a matter of principle. I am prepared to go back and argue with my constituents, as I do in the RSL club, on the railway stations, at the footy and in the street, about the question of capital punishment. I am quite happy to argue my point of view with them and, if they regard this issue as so important that they need to

dispatch me as their local member, they will have an opportunity to do that.

Unlike some people who are lions in Party room debates on the question of capital punishment and mice outside and therefore will not be rising to speak in this debate, I am happy to go onto Bob Francis's 5AA radio program of an evening and argue against capital punishment, and I have done that.

Mr Quirke: That's a capital offence.

Mr ATKINSON: As the member for Playford says, it can be a capital offence in Bob's eyes, but he has always given me a good hearing and, as a result of a discussion I had with him a few months ago, I drafted a petition—

The Hon. H. Allison interjecting:

The SPEAKER: Order! The member for Mount Gambier is not interjecting out of his seat, is he?

[Sitting suspended from 6.2 to 7.30 p.m.]

Mr ATKINSON: I have argued against the death penalty on Bob Francis's radio 5AA talkback program which, all members will concede, is a difficult forum in which to argue against the death penalty. Nevertheless, I did so and received a very fair hearing. When I last discussed this matter on his program, I suggested that his listeners who supported the death penalty give some thought to how it would best be achieved. It seemed to me that the best way that those people could proceed was to support a system of initiative and referendum, whereby the proposal could be put to the people of South Australia and voted upon. Members of this House well know that I am a supporter of a system of initiative and referendum. I have given my reasons for that on other occasions. However, what I do not support is this proposal to take just one issue and put it to a referendum without there being a system.

If the member for Newland's motion is carried in this session of Parliament, it will still leave many questions unanswered, questions like, for what crimes should the death penalty be applied, subject to what rules as to sentencing, appeals and clemency and by what method should the execution be carried out and should it be in public or hidden away in a prison? A coherent system of initiative and referendum as in Switzerland, California or other American States would refine this proposal and narrow it down to something coherent to which the voting public could say `Yes' or `No', but all these important questions are left unanswered by the member for Newland's motion.

Mr Quirke: They're left hanging?

Mr ATKINSON: I will ignore that interjection. I do not subscribe to the left liberal or limousine liberal view that the electors of South Australia are incapable of voting on this question. I think it would be appropriate in the circumstances that I have outlined for this proposition to be voted upon by the people of South Australia as part of a coherent system of initiative and referendum, but I notice that the member for Newland and other members opposite are not supporting the member for Murray-Mallee in his advocacy of a system of initiative and referendum. They are not supporting him at all.

They just want this single referendum, this uncertain referendum, on one question, so I cannot agree with the member for Newland, but I do agree with the member for Murray-Mallee as it happens. There is just one last matter that I want to discuss, and it is a matter that the member for Newland did not discuss. If we are going to have capital punishment in South Australia, should it be hidden away in prisons, as it has been for the past 150 years, or should it be in public?

I oppose the death penalty, but if it becomes law or is debated in this Chamber I would certainly support the execution being carried out in public because it seems to me that the death penalty is the ultimate sanction by the organised people—the people as the State—against offenders. If people want to support the death penalty, they ought to be willing to attend and see the penalty executed.

I want to finish with a story about Albert Camus, the French novelist, who was brought up in French Algeria. When he was a lad his father, a good French-Algerian citizen, went along to the public execution of a child murderer. He got up early in the morning and put on his best suit and tie and went off to watch the execution, as a good citizen should if his or her country supports the death penalty. When he returned from the execution he would speak to no-one and went into his bedroom and vomited over the bed.

Mrs KOTZ (Newland): First, I would like to thank those members who contributed to the debate. I am sorry that more members did not take the opportunity to place their views on record on this extremely important subject. I can only presume that the eloquence and force of my arguments on this matter have silenced members from further participation in this debate. I would like to comment on two statements by Government members. The member for Playford suggested that Liberal Party policy was to oppose the death penalty. I would inform the House that the Liberal Party does not decree that capital punishment is part of Party policy. It is a conscience issue and all members have individual rights to vote as they will on this matter.

The member for Spence claimed that members on this side do not support citizen initiated referenda. I do not believe that that debate has yet ensued, so I hardly think that the member for Spence has any right to presume what my consideration of that motion will be. There is no doubt that violent crime has escalated unfettered over the past decade. An attempt to discredit the figures I have presented, including the graph that outlines the rise in violent crime, does no credit whatsoever to those who are charged with the duty of collation and presentation of statistics to the South Australian people.

I want to refer briefly to an article that appeared on page 11 of today's *Advertiser,* where Mr Frank Morgan, Director, Crime Statistics, claims that statistics used by me are misleading and the statistics in the graph collated by me include factors unrelated to the death penalty. I ask Mr Morgan: unrelated to what death penalty? I trust that Mr Morgan is aware that we do not have a death penalty in this State and, if and when the death penalty is introduced, the types of crime that may attract a death penalty are open to conjecture. Therefore, it would be a matter for decision at a future time. The article did correctly state that I had mapped the number of homicides in South Australia in five year periods from

1921 to 1990. To my knowledge I have never misrepresented that fact.

If Mr Morgan is unhappy with the category of crimes listed as homicide, which is unlawfully causing the death of another person, then as Director of that Government department he is in a position to submit his reasons for reallocation of any of the categories inherent in homicide statistics at present, not only in South Australia but across the nation. I thank Mr Morgan and his office for providing the graph that accompanied the article, because I believe that the graph, even with the removal of other violent deaths caused unlawfully, confirms the increase of unlawful deaths caused by the actions of another person, as stated in the last part of the column.

The column also shows, and Mr Morgan actually confirms the increase in violent crime by the statement (and this is relating to Mr Morgan's own graph), a steady rise in offences—and we are talking about murder and attempted murder—until 1988-89, but then he continues 'when murders and attempted murders started to decrease'. I do not know who added 1991-92 in Mr Morgan's graph but, unfortunately, the 1991-92 peak takes us into an area where violent crime exceeded anything in the past.

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

The House divided on the motion:

Ayes (11)—H. Allison, P.B. Arnold, H. Becker, P.D. Blacker, B.C. Eastick, S.G. Evans, D.C. Kotz (teller), I.P. Lewis, E.J. Meier, J.W. Olsen, I.H. Venning.

Noes (31)—M.H. Armitage, M.J. Atkinson, S.J. Baker, J.C. Bannon, F.T. Blevins, M.K. Brindal, D.C. Brown, J.L. Cashmore (teller), G.J. Crafter, M.R. De Laine, M.J. Evans, D.M. Ferguson, R.J. Gregory, K.C. Hamilton, T.H. Hemmings, V.S. Heron, P. Holloway, D.J. Hopgood, C.F. Hutchison, G.A. Ingerson, J.H.C. Klunder, S.M. Lenehan, C.D.T. McKee, W.A. Matthew, M.K. Mayes, J.K.G. Oswald, J.A. Quirke, M.D. Rann, R.B. Such, J.P. Trainer, D.C. Wotton.

Pair—Aye—G.M. Gunn. No—L.M.F. Arnold.

Majority of 20 for the Noes.

Motion thus negatived.

MODBURY HOSPITAL

Adjourned debate on motion of Mrs Kotz:

That this House condemns the Government for the closure of hospital beds and staffing cuts at the Modbury Hospital, which have caused distress and hardship to residents in need of medical attention and increased stress to staff, and calls on the Government to give priority to re-establishing necessary levels of staffing and the number of beds required for the provision of adequate health care by the hospital forthwith.

(Continued from 29 April. Page 3229.)

Mrs KOTZ (Newland): We have heard the Minister of Health, Family and Community Services stand in this place and give his opinions on the quality and standard of health care available at Modbury Hospital. I can only suggest that the Minister has not visited the hospital in question or, in fact, has any relevant facts on the issues that concern the residents within the area of the Modbury Hospital catchment. I completely disregard the Minister of Health, Family and Community Services' contention that health care services at Modbury are, in fact, to any degree capable of handling the great demand for health care in that region.

It is also of great concern that day care surgery, which has been lauded by this Government as a further means of reducing waiting lists, has been questioned by many patients who have had to return to the hospital for what is basically post-operative care within a 48-hour period. Patients at Modbury have been allocated chairs in corridors rather than beds in hygienic and caring surroundings. The annual report issued by Modbury Hospital questions potential dangers in dealing with day care patients in a manner that denies real post-operative observation taking place. The report states that 30 per cent of patients are readmitted due to bleeding, vomiting and other results of operating procedures. These are hardly the results of a caring Health Commission which recognises the needs of hospital care for the people within that region.

I pointed out previously that the budget at Modbury Hospital has blown out by $500 000, with a possible $600 000 to $700 000 being required for projected salaries for the coming year. I believe that the Minister may make a statement allocating the $500 000 that is required for that budget blow-out and to the effect that 16 further beds will open to cater for some of the 800 patients awaiting care at that hospital.

Both those initiatives will be accepted with gratitude by the people of Tea Tree Gully but, unfortunately, that allocation of funds will not be anywhere near sufficient to cover a further blow-out, if further funds are not allocated in the near future, of $1.5 million. And the level of care at Modbury Hospital will continue.

I have referred previously to a leaked document from Modbury Hospital. I believe that some of the volunteers who work within the hospital auxiliary have been carpeted by the hospital administration. That is deplorable. The auxiliaries have raised hundreds of thousands of dollars over the past few years, providing the main source of capital funding for necessary infrastructure.

The Government projects these blatant untruths about a system that is a total lie. If the volunteers were removed from the health system, I wonder how much more begging this Government would do to the Federal Government to relieve the funds that are necessary—

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

The House divided on the motion:

Ayes (21)—H. Allison, M.H. Armitage, P.B. Arnold, S.J. Baker, H. Becker, P.D. Blacker, M.K. Brindal, D.C. Brown, J.L. Cashmore, B.C. Eastick, S.G. Evans, G.A. Ingerson, D.C. Kotz (teller), I.P. Lewis, W.A. Matthew, E.J. Meier, J.W. Olsen, J.K.G. Oswald, R.B. Such, I.H. Venning, D.C. Wotton.

Noes (21)—M.J. Atkinson, J.C. Bannon, F.T. Blevins, G.J. Crafter, M.R. De Laine, M.J. Evans (teller), D.M. Ferguson, R.J. Gregory, K.C. Hamilton, T.H. Hemmings, V.S. Heron, P. Holloway, D.J. Hopgood, C.F. Hutchison,

J.H.C. Klunder, S.M. Lenehan, C.D.T. McKee, M.K. Mayes, J.A. Quirke, M.D. Rann, J.P. Trainer.

Pairs—Ayes—D.S. Baker, G.M. Gunn. Noes—L.M.F. Arnold, T.R. Groom.

The SPEAKER: There being 21 Ayes and 21 Noes, I cast my vote for the Noes.

Motion thus negatived.

OPERATION HYGIENE

Adjourned debate on motion of Mr S.G. Evans:

That in the opinion of this House, an independent inquiry should be held into Operation Hygiene and in particular as it relates to the conviction of Stephen Fuller and Malcolm Pearn.

(Continued from 29 April. Page 3249.)

The Hon. B.C. EASTICK (Light): This matter has been the subject of debate—quite a degree from members opposite. I point out to the former Premier, the member for Ross Smith, and to other members who contributed and who had quite a lot to say about the pressures placed upon their colleague the Attorney-General that, whilst I accept their argument that the Attorney-General had a great deal of pressure placed upon him, he was in a position in the other place, and by virtue of his public profile, to counter allegations and to put an opposite point of view to the matters under discussion at the time. Any person who is in a ministerial role not only has to be seen to be but must be proven to be beyond any question. Part of the process which took place, whether it be right or wrong, was that that undertaking was commissioned and those discussions took place. The Attorney-General was able to defend himself.

But what do we have in relation to these two people? They had a long history in the Police Force and they were convicted purely and simply on the evidence that was put forward by two former colleagues who were given immunity, without corroboration. They had no ability to stand up publicly and put a point of view or to seek the protection of the community. They were put down by their own commissioned officers, which I can understand, and placed in an invidious position, whereby an element of plea bargaining—which is foreign to the requirements of the laws of South Australia—

Mr Atkinson interjecting:

The Hon. B.C. EASTICK: That was an interesting remark from the member for Spence, who acknowledges that plea bargaining goes on, whereas his colleague the Attorney-General has consistently told the people of South Australia that our system does not permit plea bargaining. I draw that position to the attention of the member for Spence, who interjected. The Attorney-General has said officially and categorically that there is no place for that circumstance in the law of South Australia. However, the member for Spence has let the cat out of the bag and told everyone who was listening and everyone who will read *Hansard* from this point that he, as a member of the Government, recognises that a little bit of hanky-panky goes on which ought not to go on and which cannot legally be put into effect. That is diverting me from the real purpose of this motion. I support my colleague the member for Davenport. I do not do so because I have any question about the integrity of the top management of the Police Force.

An honourable member: No political bias?

The Hon. B.C. EASTICK: No political bias—democracy. I am seeking to see democracy at work, giving every person in the community equality to be heard, even-handedness in the courts and a recognition that a person is not guilty until found guilty beyond any reasonable doubt. In this circumstance, there is a very big doubt, because the information that put these people behind bars is that which was given by former professional colleagues, former police officers, who acknowledge themselves as having been 'bad cops', who acknowledge the fact that they were part and parcel of a ring of officers who were undertaking actions outside the recognised requirements of their oath and who were given immunity as long as they passed on information about others.

I would not be here defending these two people who are named in the motion if, in fact, the evidence that was given by those self-confessed crooked cops had been corroborated by other evidence. The fact is that it was not. That has been acknowledged not only by the people who are complaining on behalf of these two people but also by the court itself: there was no other evidence available than that which was given to the court by these self-confessed crooked cops.

That is the issue which any person in South Australia would rise to defend—the position of those who are behind bars for no good reason in the sense of the evidence that was led against them not having come from people about whom there is no doubt. The evidence came from people who cannot be trusted, who confess that they cannot be trusted and who will not be trusted by anyone who knows them in future, yet it is their action that has put these two people behind bars. I believe that it is completely against the spirit of fair play and the expectation of the people of this State that any alleged felon—and I stress the word 'alleged'—because—

Mr Hamilton interjecting:

The Hon. B.C. EASTICK: I did not quite get that one. I know I should not do other than speak through the Chair but, when we have a loudmouth like the member for Albert Park constantly trying to put his voice into my debate, it is important that I know what he said so that I can put it into proper context. However, the position is, whether or not these people are guilty, it is extremely important that their position be totally clarified by the inquiry that is envisaged by the motion put forward by my colleague the member for Davenport and that they be given the benefit of the doubt until there is corroborative evidence that puts their position beyond doubt. They have been denied that. Their families have been placed in an invidious and impossible position by the process that has taken place in this State, and I believe that there is every reason why the people of South Australia should find themselves putting their hand in their pocket for a proper inquiry that gives these people the opportunity to prove or disprove the claims that have been made against them. I support the motion.

Mr ATKINSON (Spence): Alas, I was trained in criminal law and procedure in a jurisdiction other than South Australia, but with that limitation I will attempt to

address the motion. It seems to me that members opposite are opposed to certain rules of evidence that prevail in our criminal courts. They have made suggestions about how rules of corroboration might be better handled and they have a complaint about sentencing in this case.

It seems to me that all those criticisms could be met by an amending Bill put forward by members opposite. That would be the proper way to go about remedying these matters—that is, changing the law prospectively and adopting rule of law measures. However, what the Opposition seeks to do in this case is to take a case that has been tried by a judge and jury—not once, but twice—appealed to the court of criminal appeal, where it was fully heard, and then overturn the judgments of the trial judge, the jury and the appeal court. That is not in accordance with the rule of law traditions of our State. Therefore, I must oppose this motion.

I thank the member for Davenport for supplying me with ample material on his motion: he has been most cooperative in doing so. I believe his raising of this matter is sincere. He seeks to represent his constituents, and one has to give him credit for that. One of the letters from one of the relatives summarises the Fuller family's position rather well. The letter states:

> Looking at the totality of the evidence produced by the Crown, it is impossible to comprehend how the jury could have been satisfied beyond reasonable doubt on the evidence of the guilt of Stephen Fuller and Malcolm Pearn merely on the uncorroborated testimony of Phillips and Holmes. Equally clearly, the appellate court has erred in refusing to declare the verdict unsafe and unsatisfactory and to bring in a judgment of acquittal.

I understand why the families of the accused would feel that way, but it is not our system to allow relatives of the accused and the Parliament to substitute their judgment for the judgment of the courts. The Attorney-General wrote to the member for Davenport about this matter, and he put his case rather well. He said:

> An important feature of the trial was the fact that neither Pearn nor Fuller gave evidence.

It seems to me that criminal trials are the appropriate forum in which these matters should be determined—not by the Parliament and not by an inquiry. Criminal trials exist not just for the purpose of convicting accused persons: they exist for accused persons to tell their side of the story. It is a serious injustice in our system for an Attorney-General to enter a *nolle prosequi* against a defendant where that defendant wants to go to trial and put his or her side of the story. It seems to me that the accused in this case had an opportunity to put their side of the story but that they passed up that opportunity at the appropriate time.

Now we are called upon to have an inquiry into Operation Hygiene. Such an inquiry would have to be conducted by a judge or a QC, and all parties—and there must be dozens—would have to be represented by a barrister, many of whom would be retained at taxpayers' expense. So, we would have to have an inquiry which would cost possibly millions of dollars and which would last, I would think, at least 18 months, by which time the prisoners would be released in the normal course of events.

I return to the question of the failure of the accused to give evidence. When I was at Law School and studied the law of evidence, one of the leading cases discussed was *Jones v Dunkel.* The principle established by that case is well stated by Peter Gillies in his textbook *The Law of Evidence in Australia,* in which he states:

> ...where a fact upon which guilt is sought to be grounded is deposed to by prosecution witnesses, and this is a fact the existence or otherwise of which is within the knowledge of the accused or a witness he or she might have called—

the Aberfoyle Hub case is a prime example of that where only the four police officers involved could have known what went on—

> or which it may reasonably be presumed was within the knowledge of the accused or the other potential witnesses, this failure to testify or to call the witness, as the case may be, may be taken into account by the court of summary jurisdiction in deciding guilt or may be put to the jury in a divided court as a matter relevant to the determination of guilt...

That is a sensible rule of evidence. If members of the Opposition do not want that to be a rule of evidence, it is open to them to bring a Bill into this House to abolish that rule of evidence. I now turn to what the Court of Criminal Appeal had to say. In his judgment, the Chief Justice said:

> I have considered carefully whether this verdict can be regarded as safe, having regard to the fact that it depended entirely upon the evidence of two witnesses who have admitted to serious crimes and a course of corrupt conduct and abuse of their position as police officers. It is nevertheless not contradicted by evidence given in court. I think that it was open to the jury to accept that evidence, if they considered it proper to do so, having considered the warning which was given by the trial judge as to the uncorroborated evidence of accomplices. The verdict which the jury arrived at was, in my opinion, reasonably open to them in the light of all the circumstances, and I do not think that this court would be justified in interfering with it. In my opinion, therefore, the appeals against conviction should be dismissed.

In reply to the member for Davenport, the Attorney went on to address the point of evidence garnered from corrupt officers. He said:

> Operation Hygiene had to proceed largely on the evidence of corrupt officers which necessitated some recognition of their cooperation by not prosecuting them for all offences they committed. These partial immunities from prosecution in return for cooperation and the giving of evidence are well recognised features of a criminal justice system.

I ask the member for Light to note that. The Attorney-General continued:

> It is a recognition that this type of corruption can only be discovered and prosecuted by these means. It is of some significance that in the light of the verdicts and sentences on this offence the Director of Public Prosecutions elected not to prosecute Messrs Fuller and Pearn for two other offences with which they had been charged which they also denied committing.

Mr VENNING (Custance): I rise briefly to support my colleagues the member for Davenport and the member for Light. I stress that this motion does not discuss or state an opinion as to whether Malcolm Pearn or Stephen Fuller are guilty. We are asking only for democracy, for a fair go, for a fair trial, for an

independent inquiry to ensure that justice has been or has been seen to be done. I think it is extraordinary that in this instance uncorroborated testimony was enough to commit two people to prison. That testimony was given by two self-professed wrongdoers. I do not know much of the detail of this case—and I am sure that many of my colleagues would not know much more than I know about these matters—but if there is any doubt whatsoever, if these facts are the facts—and no-one denies that these two people whose evidence committed Pearn and Fuller were self-confessed wrongdoers—I cannot see how any fair minded person cannot agree with this motion. To put their mates in so that they could go free is ridiculous. If the average person cannot see through that I am astounded.

We cannot change the laws in this instance to help these two people because time does not permit. This is the second to last day of the Parliament. If we were to change the law, as the member for Spence suggests, by the time that happened I am sure that these two gentlemen would be released and the time of sentence put on each would have been served. So, how can any member vote against this motion? Where is the ethic of fair play? Surely the well-being of these two people is above politics. I ask all members to have compassion and to ensure fair play in our justice system. I urge all members to support the motion.

Mr S.G. EVANS (Davenport): I appreciate the comments of all members who have spoken, whether in the Chamber or personally to me in the corridors. I appreciate also that for many people it is a difficult decision. The former Premier (the member for Ross Smith) and the former Deputy Premier (the member for Baudin) have both expressed a view with which I can sympathise regarding police officer Harvey and the experience that the Attorney-General went through. In one case, justice cannot be brought to bear, but in the other case the person's name was cleared.

The member for Spence makes the point that in a few months or a few years these two people will be released from prison. That is not the point. If there is an injustice, it does not matter whether it takes 10 years. These people have family and children, and their children will live with this all through their life at school. I accept that these people did not give evidence at the second trial. The honourable member is a lawyer.

He will note that they did not give evidence in the second trial because their lawyers advised them not to—why I do not know. They did give evidence in the first trial and the jury could not come to a majority decision; it was a hung jury. This Parliament has had an opportunity to stop and ask, `Were these people wrongly advised by their lawyers?' It is no good their suing their lawyers. That would not clear their name: it would only use up money. We must think about that. They were advised to do it; it was not their decision. I gave all the material to the member for Spence, and he has handled it in the way he wished. I appreciate that, and I hid nothing.

That material contained two books of that evidence, and I hope members will read them. They relate to an inquiry in New South Wales which dealt with immunity being given to self-confessed criminals from offences to give evidence against others. That inquiry came out with the statement that never should any person be prosecuted—even charged—before the court if the only evidence was uncorroborated evidence. That has occurred. In the first place, it was wrong for the matter to be subject to prosecution because the only evidence against the two gentlemen was given by two self-confessed criminals who were given immunity in relation to more than 30 offences if they could find somebody else to dob in.

When they first asked about Pearn and Fuller, they said, 'No, there was no involvement', and when they were offered immunity they said, 'Yes'. One got 4½ months: Pearn and Fuller got three years. They were accessories after the fact, and the others are the ones who admitted they carried out the act. I ask members to think about that seriously and, if the matter is not resolved today, to resolve it during the budget session.

By the member of Spence's remarks, I know that the Government of the day believes it cannot get involved in this area, especially with the letter that has come back from the Attorney-General. Those judges themselves said in the appeals—they are learned gentlemen (and the evidence in the New South Wales inquiry is available to them)—that the evidence was entirely from these self-confessed criminals, who have been granted immunity, and they gave their names only when they had been granted immunity. In the evidence (and I make that available to anybody) both of them contradicted their own evidence in many places. Are they liars? Were they committing perjury? What were they doing? On the evidence of those two people, two men ended up in gaol. I do not know whether they are guilty.

I am simply making a plea to the Parliament to have an inquiry into Operation Hygiene. If these two men came from a minority group in our society—and they get a lot of recognition these days; for example, if they were both Aboriginal—they would not have gone before the court on that evidence. Think about it: it is the fault not of the Parliament but of society and the pressures society applies. The member for Baudin was correct in saying that at the time there was a lot of hype in the community about the police. In other words, as I put it, the attitude was, `Let's get a couple of police officers and show that we are cleaning up the game in New South Wales, Victoria', or wherever. So, I make the plea to the Parliament: all we ask is for a fair trial.

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

The House divided on the motion:

Ayes (21)—H. Allison, M.H. Armitage, P.B. Arnold, S.J. Baker, H. Becker, P.D. Blacker, M.K. Brindal, D.C. Brown, J.L. Cashmore, B.C. Eastick, S.G. Evans (teller), G.A. Ingerson, D.C. Kotz, I.P. Lewis, W.A. Matthew, E.J. Meier, J.W. Olsen, J.K.G. Oswald, R.B. Such, I.H. Venning, D.C. Wotton.

Noes (21)—M.J. Atkinson (teller), J.C. Bannon, F.T. Blevins, G.J. Crafter, M.R. De Laine, M.J. Evans, D.M. Ferguson, R.J. Gregory, K.C. Hamilton, T.H. Hemmings, V.S. Heron, P. Holloway, D.J. Hopgood, C.F. Hutchison, J.H.C. Klunder, S.M. Lenehan, C.D.T. McKee, M.K. Mayes, J.A. Quirke, M.D. Rann, J.P. Trainer.

Pairs—Ayes—D.S. Baker, G.M. Gunn. Noes—L.M.F. Arnold, T. R. Groom.

The SPEAKER: Order! There being 21 Ayes and 21 Noes, before casting my vote I wish to make a statement. The member for Davenport, as Opposition Whip in this House, well knows that the result of this division tonight would be even, which would be 21 either side. In that regard, he has put the Chair of this House in the position of having to make a decision over that of two Supreme Court cases, two jury decisions and an appellate court, as I understand the debate. The motion is about investigating Operation Hygiene and the conviction of two people. The debate specifically has been upon the conviction of those two people. As a matter of fact, I do not think I have heard in the debate a reference whatever to Operation Hygiene.

The other side to this matter is that the cases themselves were conducted over weeks in the Supreme and Appeal Courts, whereas here we have had a debate of comparatively minutes. I do not believe that the Chair should be used to go against the decision of the courts. Therefore, I cast my vote for the Noes, and the motion passes in the negative.

Motion negatived.

STATE DEBT

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

That this House condemns the methods used by the Government to avoid meeting accounts due and payable with the express intention of misrepresenting the true budget position and understating the State debt, which is currently in excess of $8 billion and which could well exceed $9 billion by the end of this financial year.

(Continued from 21 April. Page 2976.)

Mr S.J. BAKER (Deputy Leader of the Opposition): I wish to make three very brief points. The first is that the Economic Statement proved that this motion is absolutely correct. We had the Premier admitting before the House that the State debt was heading towards $10 billion, and most of the information has been hidden from the public due to the accounting methods that have been used and the way the Premier and Treasurer of this State handled the accounts. It is quite apparent that the motion is an accurate representation of the situation. The second point I would make is that it is about time the Government actually lived up to its responsibilities and clearly showed where those accounts are being hidden.

For example, we see again in the Economic Statement that the Premier believes that it is appropriate that we now pay off the $450 million indemnity to the State Bank, but that still leaves another $400 million yet to be taken into account. The State debt figure of $8.1 billion in that statement does not reflect the admission of another $400 million debt that has built up in the system. Importantly, if you then added the Federal Government bail-out, which has come in recent times, you can see more clearly that the $9 billion figure alluded to in my motion is again absolutely accurate.

The third point I would make is that that does not even take account of the huge explosion in the accounts payable, which went from $600 million up to $1 500 million in the space of the year. They have not been brought to account, and it looks as if neither the Premier nor the Treasurer will bring them to account this financial year. This motion is an accurate representation of what the Government has been doing to the State and its finances. It is not my intention to divide on this matter, but simply to make the point that the Economic Statement clearly shows the motion to be an accurate representation of how this State has been misled in recent years.

Motion negatived.

DEBT ACCUMULATION

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

That this House condemns the debt accumulation of the Federal and South Australian Governments which have placed this nation and this State in such difficult financial circumstances and which will act as millstones around the necks of our citizens for at least the next decade.

(Continued from 21 April. Page 2977.)

Mr S.J. BAKER (Deputy Leader of the Opposition): The motion condemns the debt that has been accumulated by both Federal and State Governments, both of Labor persuasion, and the impact that this millstone around their necks will have on future generations. Again, I refer to recent history, and I will divide on this matter. It is quite clear; if we look at the Federal figures that have come out this week on the exports and imports for this country, we can quite clearly see that the balance of payments situation is out of control and that we have record deficit levels again.

Members interjecting:

The SPEAKER: Order! The Deputy Leader will resume his seat.

The Hon. T.H. HEMMINGS: On a point of order, Mr Speaker: I would suggest that the balance of payments figures that came out yesterday have nothing at all to do with this motion.

The SPEAKER: I do not uphold the point of order.

Mr Meier interjecting:

The SPEAKER: If the member for Goyder carries on like that, he will not get a vote.

Mr S.J. BAKER: I guess the comment of the member for Napier reflects the abysmal lack of understanding on the other side of this Parliament. That is a clear reflection on how stupid, inane and hopeless those members have been in recent times.

The Hon. T.H. HEMMINGS: On a point of order, Sir: the Deputy Leader, the humble member for Mitcham, has reflected on me in particular.

The SPEAKER: I do not uphold the point of order. It was a general statement and was not aimed directly at the member for Napier, on my hearing of it. The term 'members opposite' includes but does not specifically mean the member for Napier.

The Hon. T.H. HEMMINGS: On a further point of order, Sir: prior to my first point of order, when the member for Mitcham made some adverse comments

about me and then proceeded to go on in the same vein, I take that as a criticism of me in particular, rather than a general criticism of members on this side.

The SPEAKER: What words in particular offended the member for Napier?

The Hon. T.H. HEMMINGS: I am extremely offended, Sir.

The SPEAKER: What were the words?

The Hon. T.H. HEMMINGS: 'Stupid' and 'inane'.

The SPEAKER: The words are not unparliamentary, so the Chair cannot insist upon a withdrawal. All the Chair can do is request that the Deputy Leader withdraw, as requested by the member for Napier.

Mr S.J. BAKER: I will not withdraw, Sir. What I think needs to be quite clearly understood by the House is that the past decade of both Federal and State Governments clearly has led to a disaster in relation to the debt overhanging both the State and the nation of Australia. We do not need any more evidence than the recent balance of payments blow-out, which will add to the overseas debt that is faced by this country. I wish members opposite could understand that if you spend more than you earn you go into deficit; and, if you have more imports than exports you go into deficit. We have a huge deficit in balance of payments and in relation to our recurrent budget in this State.

In the past three years we have had $600 million worth of overruns on the State Government budget, which has plunged this State further into debt on top of the $3.15 billion State Bank disaster. It is quite clear that both Federal and State Governments, particularly the State Government, have been financially irresponsible. They have placed this State in a position from which it will have difficulty recovering over the next 10 years. I urge all members to support this motion.

The House divided on the motion:

Ayes (21)—H. Allison, M.H. Armitage, P.B. Arnold, S.J. Baker (teller), H. Becker, P.D. Blacker, M.K. Brindal, D.C. Brown, J.L. Cashmore, B.C. Eastick, S.G. Evans, G.A. Ingerson, D.C. Kotz, I.P. Lewis, W.A. Matthew, E.J. Meier, J.W. Olsen, J.K.G. Oswald, R.B. Such, I.H. Venning, D.C. Wotton.

Noes (21)—M.J. Atkinson, J.C. Bannon (teller), F.T. Blevins, G.J. Crafter, M.R. De Laine, M.J. Evans, D.M. Ferguson, R.J. Gregory, K.C. Hamilton, T.H. Hemmings, V.S. Heron, P. Holloway, D.J. Hopgood, C.F. Hutchison, J.H.C. Klunder, S.M. Lenehan, C.D.T. McKee, M.K. Mayes, J.A. Quirke, M.D. Rann, J.P. Trainer.

Pairs—Ayes—D.S. Baker, G.M. Gunn. Noes—L.M.F. Arnold, T.R. Groom.

The SPEAKER: There are 21 Ayes and 21 Noes. I give my casting vote for the Noes.

Motion thus negatived.

STATE BANK

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

That this House rejects any attempt by the Premier to force a sale of the State Bank without ensuring that—

(a) all moneys from such sale are directed at debt reduction;

(b) the sale price is maximised; and

(c) South Australia retain the banking services of the State Bank and the head office thereof.

(Continued from 21 April. Page 2979.)

Mr S.J. BAKER (Deputy Leader of the Opposition): I thank those members who contributed to the debate. It is absolutely vital for South Australia that we retain a head office, that we get the right price and that we keep a financial institution for the benefit of this State. I commend the motion to the House.

The House divided on the motion:

Ayes (21)—H. Allison, M.H. Armitage, P.B. Arnold, S.J. Baker (teller), H. Becker, P.D. Blacker, M.K. Brindal, D.C. Brown, J.L. Cashmore, B.C. Eastick, S.G. Evans, G.A. Ingerson, D.C. Kotz, I.P. Lewis, W.A. Matthew, E.J. Meier, J.W. Olsen, J.K.G. Oswald, R.B. Such, I.H. Venning, D.C. Wotton.

Noes (21)—M.J. Atkinson, J.C. Bannon, F.T. Blevins, G.J. Crafter, M.R. De Laine, M.J. Evans, D.M. Ferguson, R.J. Gregory, K.C. Hamilton, T.H. Hemmings, V.S. Heron, P. Holloway (teller), D.J. Hopgood, C.F. Hutchison, J.H.C. Klunder, S.M. Lenehan, C.D.T. McKee, M.K. Mayes, J.A. Quirke, M.D. Rann, J.P. Trainer.

Pairs—Ayes—D.S. Baker, G.M. Gunn. Noes—L.M.F. Arnold, T.R. Groom.

The SPEAKER: There are 21 Ayes and 21 Noes. I give my casting vote for the Noes.

Motion thus negatived.

PSYCHOLOGISTS BILL

The Hon. M.J. EVANS (Minister of Health, Family and Community Services) obtained leave and introduced a Bill for an Act to provide for the registration of psychologists and to regulate the practice of psychology; to regulate the practice of hypnosis; to repeal the Psychological Practices Act 1973; and for other purposes. Read a first time.

The Hon. M.J. EVANS: 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.

Mr LEWIS: On a point of order, Mr Speaker, we have granted leave to the Government to introduce four Bills which are listed on the Notice Paper but which are not yet on our Bill file. If this is to happen, leave will not be granted. My point of order is that, unless we get the legislation that is to be debated, I will not give leave.

The SPEAKER: Order! The honourable member will resume his seat. This point of order has absolutely nothing to do with the business before the House at the moment. It has nothing to do with the Bill. It is absolutely irrelevant to the business before the House at this stage. Leave has been granted by the House.

Explanation of Bill

The purpose of this Bill is to update the professional registration of psychologists in this State. Proposed changes to the existing legislation are significant. The overall aim is to keep abreast of developments which have taken place since the original legislation was enacted. The legislation will provide a more modem framework within which the Psychological Board can exercise its functions, as well as providing greater protection for the community.

The Bill is similar in format to legislation introduced in 1990. In the event, that legislation did not proceed, to enable further consultation to occur. Further consultation occurred and many submissions were received. Some changes and refinements have been made. The tabling of the Bill at this stage of the Session will enable further examination to take place.

Moves to protect the public by establishing a register of psychologists and establishing controls over the practice of psychology began in the 1960s. Bills were introduced in 1972 and again in 1973. Following the report of a Parliamentary Select Committee, an Act was assented to in April 1974 and proclaimed in March 1975. South Australia was the second State in the Commonwealth to enact legislation in respect of psychologists.

The profession of psychology has undergone considerable change since the early 70s and these processes of change in standards of training, areas of practice, and public perception of a psychologist, have continued to such an extent that the existing Psychological Practices Act is no longer adequately fulfilling its purposes.

The Bill seeks to redress shortcomings in the present legislation, to provide an appropriate framework for the protection of the public, the regulation of the practice of registered psychologists and approved hypnotists, and at the same time, to provide sufficient flexibility for subsequent developments within the profession of psychology.

One of the difficulties in approaching a Bill such as this arises from the fact that psychology is both a discipline of study, common to many occupations and professions, and also an area of professional activity. It is essential that the Bill, while providing for appropriate regulation over those who practise the profession for fee or reward, should not restrict needlessly the activities of that considerable proportion of the population who use the tenets of the discipline of psychology in their daily life. For example, ministers of religion, teachers and so on. It is for this reason that there is no attempt to define the terms 'psychology' or the 'practice of psychology'.

On the other hand, there are activities which it is appropriate to restrict to registered psychologists, for example, various tests and assessments of intelligence, aptitude and personality. The Bill therefore provides the mechanism whereby lists of tests can subsequently be set out in regulations and thus restricted to use by registered psychologists. Similarly, there are some titles or descriptions which should be restricted to psychologists or, in some cases, a restricted range of other practitioners, and the Bill makes provision accordingly.

The Bill continues the present arrangement of providing for a board to implement its objectives and operate as a statutory body reporting to Parliament annually.

The present board has seven members. It is proposed that the present basic composition of the board remain, but that it be increased by the inclusion of a person appointed to represent the interests of persons receiving psychological services. The addition of a representative from the general community acknowledges responsibilities of professional psychologists to the consumers of their services and the community in which they practise.

The board established under the Bill, as under the existing Act, has a role in regulating the practice of hypnosis. The Bill therefore requires that one of the psychologists appointed to the board has knowledge of and experience in hypnosis. The Minister will be able to ensure that an appropriate mix of membership from the various areas of the profession is included on the board. A registered psychologist instead of a lawyer, as at present, will be appointed to preside at meetings of the board.

The Bill includes within the functions of the board a new responsibility to monitor standards of practice and standards of training and to consult with educational bodies and the profession itself in relation to these matters. Such liaison should ensure that professional standards of competence and conduct are maintained.

There are new provisions in the Bill enabling committees of the board to be appointed and functions and powers of the board to be delegated to them. The committees can include people who are not members of the board. This will allow the board to fulfil its responsibilities more expeditiously.

A number of changes are proposed in the registration provisions.

The present Act specifies the minimum academic and experience requirements for registration. In the 1970s when the Act was drafted, the standards were those which had prevailed previously within the profession. However, it was not long before changes in professional roles, standards of training and the introduction of new courses made these requirements inadequate and unduly limiting.

To ensure greater flexibility in the future, the Bill provides that requirements for registration will be prescribed from time to time by regulation rather than enshrined in the body of the Act. This procedure is in accord with that followed in other recent Acts relating to the registration of professionals in the health area, and will facilitate recognition of psychologists from other States and Territories.

Power to grant provisional and limited registration is included. In relation to provisional registration, power is given to the Registrar to grant registration provisionally if he/she believes that the board is likely to grant the application. The board would then determine the application at its next meeting. This will enable newly trained graduates, overseas trained persons and other qualified persons to take up a position as a psychologist without delay and financial hardship.

In relation to limited registration, provision is included for a person who does not meet all the requirements for full registration to be given limited registration.

This can cover several situations:

- to enable the person to acquire the experience and skill required for full registration under the Act (trainee psychologists gaining practical experience, for instance, could be dealt with under this provision and thus be subject to the same ethical and disciplinary requirements as the profession);

or

- to teach or to undertake research or study in South Australia;

or

- if, in the board's opinion, registration of the person is in the public interest.

The Board can impose conditions on such registration, for example, limiting the areas of psychology in which the person can practise, restricting places at which they can practise.

The trend toward private practice in psychology continues. The Bill recognises this by containing provisions for the registration of companies whose sole object is to practise as a psychologist. These provisions are similar to those appearing in other recent health profession registration Acts.

The board is concerned to ensure that psychologists maintain their professional competence and standards. The Bill includes several important provisions in this regard, aimed at protecting the public. The board, of its own volition or on complaint, can determine whether a registered person is fit to practise unrestricted. Not only could such a provision enable the board to limit the area of practice, it could be used to insist upon continuing education in individual cases, something the board sees as most desirable.

The Bill also makes provision for the board to be able to require a registered psychologist, who has not practised for five or more years, to undertake a refresher course before resuming practice. Conditions may be placed on the registration.

It is proposed that the board will be able to suspend or restrict the registration of a person who suffers from a mental or physical incapacity which seriously impairs their ability to perform duties. The treating practitioner is obliged to report such incapacity to the board.

The Bill maintains the present proven effective procedure of allowing the board itself to handle disciplinary matters, without the need or expense of creation of a separate disciplinary tribunal. It does however increase the range of sanctions which may be imposed as a consequence of an inquiry. Besides imposing penalties of reprimand, suspension or cancellation of registration, the board may impose conditions restricting the right of practice and impose a division 5 fine.

Under the provisions of the current legislation, should a psychologist's registration be suspended or cancelled in another State or Territory, the board must hold a disciplinary inquiry of its own to hear the matter all over again. The Bill provides for the automatic suspension, cancellation or reinstatement to the register in line with decisions taken interstate. This is a much more practical time saving and inexpensive solution.

It avoids the situation whereby a practitioner who is registered in a number of States and whose registration has been cancelled interstate (which would be for a serious offence) can come to South Australia and practise, putting the public at risk, during the time it takes for the South Australian board to hold an inquiry.

Under the auspices of the National Conference of Psychologists Registration Boards, and, more recently, the Australian Health Ministers' Conference, there is work being done towards national consistency of registration requirements. The South Australian board is playing a leading role in the development of national examination systems and national competency standards.

As with other health profession registration Acts, provision is included to require psychologists to be indemnified against loss. The Bill also obliges a psychologist to notify the board within 30 days of details of payments relating to claims for negligence, as it is important for the board to be aware of such activities.

Hypnosis remains within the ambit of the Act. The Bill, however, proposes a number of changes aimed at providing better protection for the public:

- a definition of hypnosis is included, which should assist in regulating the practice and enforcing the Act. Provision is made, however, to ensure that the activities of *bona fide* persons (for example, yoga teachers) who may otherwise be caught up in the definition can be excluded;
- all persons who practise hypnosis for fee or reward will require approval (which may be conditional) and will have to establish they have relevant qualifications or experience. Under the current Act, medical practitioners and psychologists do not require the board's approval to use hypnosis in the ordinary course of their practice, dentists do require approval, as do 'lay' hypnotherapists who were 'grandfathered in' under the Act. This situation is no longer considered satisfactory to protect the public;
- the provisions are widened to enable professionals other than doctors, dentists and psychologists to apply for approval to practise hypnosis. The earlier Bill had all persons applying to the Psychological Board. However, following representations from the Medical and Nurses Boards that it was inappropriate to have another Board pronouncing on their professions, this has been amended to place the power of approval with those Boards, and in the case of dentists, the Dental Board. A Committee with representation from each Board and teaching bodies is to be established to ensure that there is consistency of standards between all of those Boards; all other persons who practise hypnosis for fee or reward will require the Psychological Board's approval (which may be conditional) and will have to establish they have relevant qualifications or experience;
- persons engaging in stage hypnosis will be subject to similar requirements. The current Act purports to prevent stage hypnosis, but has been found to be ineffective for that purpose. There are divergent views as to whether it should be prevented or whether it is a legitimate form of entertainment. The Bill takes a middle course in allowing it to occur but requiring a performer to first obtain the Psychological Board's approval, which may be subject to conditions. Such conditions could require certain safeguards aimed, for example, at minimising the risk of traumatic post-hypnotic consequences;
- persons who use hypnosis for fee or reward will be subject to the same disciplinary processes as apply to psychologists, or, in the case of doctors, dentists and nurses, to similar disciplinary procedures under their own Acts.

The maximum penalties under the Act are currently $500. These are out of date, and are upgraded by the Bill to division 5 fines (not exceeding $8 000) and division 7 fines (not exceeding $2 000) in line with more modern Acts. In keeping with the board remaining financially self supporting, fines imposed for offences against the new Act must be paid to the board.

In summary, this legislation provides for community accountability. The public is entitled to expect that psychologists will not stray beyond the boundaries of their own expertise and that professional responsibility will be acknowledged. It aims for excellence in services to the individual and effective mechanisms for quality assurance.

The role of the professional is under increasing scrutiny. The provisions of this Bill makes a significant contribution toward public accountability of psychologists. The profession acknowledges the need for reviewing the existing Act.

Clauses 1 and 2:

These clauses are formal

Clause 3: Repeal

This clause repeals the Psychological Practices Act 1973.

Clause 4: Interpretation

This clause defines terms used in the Bill.
Clause 5: Continuation of the Board
This clause provides that the South Australian Psychological Board continues in existence as a body corporate with all relevant powers. However, all members of the Board will vacate office on the commencement of the new Act (see clause 1 of the schedule).
Clause 6: Constitution of the Board
Provides that the Board is constituted of eight members appointed by the Governor.
Clause 7: Term and conditions of office
Sets out the terms and conditions of membership of the Board. The maximum term of appointment is three years, and members may be appointed for further terms of three years.
Clause 8: Remuneration and expenses
Enables the Governor to determine remuneration and expenses payable to members.
Clause 9: Personal interest of member
Disqualifies a member with a personal or pecuniary interest in a matter from taking part in the Board's consideration of the matter.
Clause 10: Quorum, etc.
Regulates proceedings of the Board.
Clause 11: Committees
Empowers the Board to establish committees to advise the Board or to carry out functions on behalf of the Board. A committee may include persons who are not members of the Board.
Clause 12: Delegation of functions and powers
Gives the Board power to delegate its functions or powers (except those relating to investigations and inquiries under Part 4 or Part 5) to a member, the Registrar, an officer or employee or a committee established under clause 11.
Clause 13: Validity of acts of the Board
Provides that a vacancy or defect in membership of the Board does not invalidate its actions.
Clause 14: Registrar and officers of the Board
Requires the Board to appoint a Registrar and other officers and employees. These persons will not be Public Service employees.
Clause 15: Functions of the Board
This clause sets out the functions of the Board.
Clause 16: Accounts and audit
Requires the Board to keep proper accounts of its financial affairs and to have a statement of accounts in respect of each financial year audited.
Clause 17: Report
Requires the Board to prepare an annual report to be tabled in each House of Parliament. The report must contain statistics relating to complaints received by the Board and the orders and decisions of the Board.
Clause 18: Qualifications for registration
Provides that a person is eligible to be a registered psychologist if he or she is over 18, is a fit and proper person to be registered, has the qualifications and experience in the practice of psychology required by the regulations and fulfils all other requirements set out in the regulations.

The clause further provides that a company is eligible to be a registered psychologist if the sole object of the company is to practise as a psychologist if certain requirements are met in respect of directors and shareholders and if the memorandum and articles of association are otherwise appropriate to a company formed for the purpose of practising as a psychologist.
Clause 19: Application for registration

Sets out the procedure for application for registration and enables the Board to require further information from the applicant.
Clause 20: Registration and provisional registration
Compels the Board to register an applicant if satisfied that the applicant is eligible for registration. The Registrar may provisionally register an applicant if it appears likely that the Board will grant the application.
Clause 21: Limited registration
Enables the Board to grant limited registration in certain cases.
Clause 22: Renewal of registration
Provides that registration must be renewed each calendar year.
Clause 23: Register
Requires the Registrar to keep a register of psychologists which is to be available for public inspection.
Clause 24: Certificates of registration
Requires the Registrar to provide copies of certain information in the register.
Clause 25: Obligation to be registered
Prohibits an unregistered person from using the tests or procedures prescribed by regulation or from holding himself or herself out as being entitled to use those tests or procedures.
Clause 26: Illegal holding out as being registered
Makes it an offence for an unregistered person to hold himself or herself out as a registered psychologist or to permit someone else to do so. It also makes it an offence for a person to hold out another person as being registered if that other person is not registered. The penalty provided in each case is a division 5 fine (maximum $8 000) or division 7 imprisonment (maximum 6 months).
Clause 27: Prohibition on the use of certain words
Prohibits a person who is not a registered psychologist using certain words in the course of advertising or promoting a practice or business. The penalty provided is a division 5 fine (maximum $8 000) or division 7 imprisonment (maximum 6 months).
Clause 28: Board's approval required if psychologist has not practised for five years
Requires a registered psychologist who has not practised for five years to obtain the Board's approval before practising again. The penalty provided for not doing so is a division 5 fine (maximum $8 000). The Board is empowered to require the psychologist to undertake a refresher course or the like and may impose restrictions on the psychologist's right to practice.
Clause 29: Practitioners to be indemnified against loss
Requires a registered psychologist to have suitable insurance relating to his or her practice. The penalty provided for non-compliance is a division 5 fine (maximum $8 000). The Board may grant exemptions from this requirement.
Clause 30: Information relating to claim against a psychologist to be provided
Requires psychologists to provide the Board with information relating to any claims against the psychologist for alleged negligence.
Clause 31: Company to comply with requirements of Act
Enables the Board to require a registered company to comply with requirements relating to provisions to be included in the memorandum or articles of association of the company. If the company refuses to comply with a direction of the Board, the company's registration is suspended.
Clause 32: Alteration to memorandum or articles of association
Provides that the Board must approve any proposed alteration to the memorandum or articles of association of a registered company.

Clause 33: Companies not to practise in partnership
Prevents a company from practising in partnership, unless authorised to do so by the Board.
Clause 34: Employment of registered persons by company
Limits the number of registered psychologists that a registered company may employ.
Clause 35: Joint and several liability
Provides that any civil liability incurred by a registered company is enforceable against the company and the directors or any of them.
Clause 36: Return by companies
Requires registered companies to submit annual returns to the Board and to inform the Board when any person becomes or ceases to be a director or member of the company.
Clause 37: Powers of inspectors
Sets out the circumstances in which an inspector appointed by the Board may investigate a matter. These are where the Board has reasonable grounds to suspect that there is proper cause for disciplinary action against a registered psychologist, that a registered psychologist may be mentally or physically unfit to practise psychology, or that a person other than a registered psychologist is guilty of an offence against the Bill. Powers are given to an inspector to enter and inspect premises, to put questions to persons on the premises and to seize any object affording evidence of an offence.
Clause 38: Offences
Makes it an offence to hinder or obstruct an inspector or to fail to answer an inspector's questions truthfully. The penalty provided is a division 7 fine (maximum $2 000).
Clause 39: Obligation to report incapacity
Obliges a medical practitioner or registered psychologist to report to the Board if of the opinion that a registered psychologist being treated by the medical practitioner or psychologist is suffering an illness that is likely to result in mental or physical incapacity to practice psychology.
Clause 40: Investigation of mental or physical capacity
Empowers the Board to require a registered psychologist to submit to an examination relating to his or her mental or physical fitness to practice psychology.
Clause 41: Inquiries
Empowers the Board to conduct inquiries. If the Board is satisfied that the psychologist is mentally or physically unfit to practise psychology or to exercise an unrestricted right of practice, it may impose conditions restricting the right of practice, suspend the psychologist's registration for up to three years or cancel his or her registration. The Board may also determine whether there is a proper cause for disciplinary action against a registered psychologist. If the Board is satisfied that there is proper cause for disciplinary action it may reprimand the psychologist, impose a division 5 fine (maximum $8 000), impose conditions restricting the right to practice, suspend the registration for up to two years or cancel the psychologist's registration.
Clause 42: Procedure in relation to inquiries
Sets out basic procedures to be followed for an inquiry. The Board must give the psychologist and the complainant at least 14 days notice of the inquiry. Both parties may be represented by counsel. The Board is not bound by rules of evidence and must act according to equity, good conscience and the substantial merits of the case.
Clause 43: Powers of the Board
Gives the Board various powers for the purposes of an inquiry. These include the ability to issue a summons to compel attendance or the production of records or equipment and to compel persons to answer questions.
Clause 44: Costs
Enables the Board to order a party to pay costs to another party. The assessment of costs may be taken on appeal to a Master of the Supreme Court.
Clause 45: Consequences of action against registered psychologists in other jurisdictions
Provides that a suspension or cancellation of a psychologist's registration in another State or Territory is automatically reflected here.
Clause 46: Regulation of the practice of hypnosis
Regulates the practise of hypnosis. The Board may give its approval to the practise of hypnosis by a person who has prescribed qualifications or experience. Medical practitioners, dentists and nurses may practise hypnosis in the course of their respective professions without the Board's approval.
Clause 47: Prescription of qualifications, etc.
Provides for regulations prescribing qualifications, experience and other requirements for the Board's approval to practise hypnosis. The regulations must be made on the recommendation of the Minister who must seek the advice of a committee established for the purpose under subclause (3).
Clause 48: Illegal holding out in relation to hypnosis
Is a provision against illegal holding out.
Clause 49: Inquiry by Board as to unprofessional conduct in relation to the practice of hypnosis
Will enable the Board to conduct an inquiry into an allegation of unprofessional conduct against a person practising hypnosis with the Board's approval.
Clause 50: Appeals
Provides for an appeal to the Supreme Court within one month from the decision appealed against. The Supreme Court is given the power to affirm, vary, quash or substitute the Board's decision or order, to remit the matter to the Board and to make orders as to costs or other matters as the case requires.
Clause 51: Operation of order may be suspended
Enables the Board or the Supreme Court to suspend the operation of an order of the Board that is subject to an appeal.
Clause 52: Penalty for breach of condition
Makes it an offence to breach a condition imposed under the Bill in relation to the practice of psychology or hypnosis.
Clause 53: Offences by a body corporate
Sets out the consequences of a body corporate being found guilty of an offence.
Clause 54: Protection from personal liability
Protects members of the Board, the Registrar, the staff of the Board and inspectors from liability.
Clause 55: Evidentiary provisions
Facilitates proof of registration of a psychologist and of any other matter contained in the register of psychologists.
Clause 56: Punishment of conduct that constitutes an offence
Provides that disciplinary action is not a bar to prosecution for an offence and *vice versa*.
Clause 57: Service of documents and notices
Enables service by post of any notice to be given under the Bill.
Clause 58: Summary offences
Provides for the commencement of proceedings for offences against the Bill.
Clause 59: Application of fines
Provides that fines for offences must be paid to the Board.
Clause 60: Regulations
Provides power to make regulations.
The Schedule sets out transitional provisions.

Dr ARMITAGE secured the adjournment of the debate.

TRADE MEASUREMENT BILL

Adjourned debate on second reading.
(Continued from 4 May. Page 3353.)

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports the measure. In fact, there are two Bills: the Trade Measurement Bill and the Trade Measurement Administration Bill, and we support both measures. Principally, with this legislation we are attempting to bring about some sense of uniformity in the area of trade standards and measurements. It is an appropriate piece of legislation, although we would recognise that our ability to have uniformity across all States and all areas of measurement is still a long way away.

However, in principle the Bill provides that we should have standard measures; we should attempt to get our regulations and the way in which we conduct our business in relation to the sale of goods under some uniform standards. That means that people coming from interstate understand our measures and people coming from overseas do not find disparities between States. The Bill itself makes this binding on the Crown, and that must be a step forward, because so often in the past we have found the Crown is exempt. All the small business people and others out there must conform with the laws of the land, yet the Crown somehow escapes the same scrutiny.

The Trade Measurement Act 1971 was not explicitly binding on the Crown: this Bill is. One disappointing aspect in relation to practicalities is that some instruments regulated by Crown authorities are exempt from the Bill's provisions, but the Government has suggested that control over these instruments will be introduced progressively following consultation with the relevant authorities. A list of those exemptions is contained in the Bill, and I will be asking some questions on that during the Committee stage, so we will not be going directly to the third reading.

The Bill provides that all measuring instruments used for trade must bear an inspector's or licensee's mark, and it is an offence if the instrument does not bear that. This is the part of the Bill that deals with verification, reverification and certification of measuring instruments. A part of the Bill deals with transactions conducted by reference to measurement, and in this part prepacked articles are not affected, as special provisions apply to the sale of meat, and I will also question that. The Bill provides that, where a quantity of meat is offered or exposed for sale at a marked price, the mass and unit price must also be marked with equal prominence to the price marking.

Part V of the Bill covers the requirements that relate to prepacked articles. The Bill covers some new licensing arrangements, and the licensing authority is to have power to issue orders barring the employment of incompetent or unfit persons for certification work. A person who makes a weighbridge available for use must be a holder of a public weighbridge licence, but the individuals who conduct the process of weighing will no longer be required to be separately registered, as is the case under the current State legislation.

With the passage of this legislation we have not had the opportunity fully to check the extent to which there is uniformity amongst the States, but we have been assured that, if it is not there already in the form of this Bill, we are well along the path. We can only take the word of the Government for that: we do not have the specific references to the Acts concerned, although we would say that most of the provisions of the Bill before us are infinitely sensible.

There are some areas of concern in relation to products that are bought in bulk. We buy many meat products from the stores. For example, we might buy half a chicken or half a dozen sausages, which are listed per item. A butcher's shop, for example, does special preparations of shaslicks and a variety of other special meats which, of course, are never shown by weight: they are shown by quantity. If we go along the roads and thoroughfares of Adelaide and country areas on occasions, we see goods being marketed in bulk. It may well be that those goods are marked at $5 a bag, and the Bill requires more specific information about the price per unit measure, in this case kilograms, to be clearly shown.

There are some areas of difference. Concern has been expressed by the hotel and hospitality industry in relation to the glassware that can be used. I am not sure about that item, because I do not know that we would class a glass as a measuring item, but perhaps that can be satisfied during the debate. Certainly, there have been a number of occasions on which publicans have been found short with their measures, and the spirit measures have not actually given the required amount. It is very rarely over: it is normally under, and there can be variations of up to 20 or 30 per cent in the more outrageous cases and minor variations in others. So, we believe that the legislation is appropriate.

It contains sensible changes to the law. In some areas we believe that time needs to be allowed; the legislation should not be enacted until the industry has the capacity to fulfil the requirements of this Bill, as suggested by the hotel and hospitality industry. Also, I would say that in the exempt areas we have prime examples of where the Crown is involved and where there is blatant abuse, and I refer to water meters. When the Government decided to change the system of payment for water usage, all my constituents and those in all the other electorates across South Australia became vitally interested in the amount of water they were using.

While some of the more expensive homes had water allowances and the meters did not count for much if a person was using less than the water entitlement, suddenly people found that the amount of water they were using or were metered to have used by the E&WS Department did not coincide with their understanding of the water actually used. I took up at least six complaints in the space of two months, and all the meters were found to be faulty. There appears to be one rule for some and another rule for others. I am not sure that the quality standards that applied to the original meter are sufficient, or there needs to be an overhaul of those meters within a specific time. Certainly, I do not believe

that the consumers in South Australia are well treated by the water metering system we have in this State.

We have another example in relation to electricity. The computer has gone bung and many of the accounts are inaccurate. However, we know that there are problems with electricity meter reading, and we hope and trust that there will be some check. It does not need to be a full check: it could be a sample check on the quality of the instruments being used to measure electricity, water, gas and those common usage items that are so expensive in the household budget. But, of course, whilst there is a recognition that these things will change over time, this Bill does not require that there be immediate compliance. However, in other areas where goods and services are provided by private enterprise, there is a requirement for a more immediate response. The Opposition supports the intent of the legislation. It is appropriate, but in Committee we will raise one or two items.

Mr LEWIS (Murray-Mallee): I have no difficulties with the position as stated by the member for Mitcham, my Deputy Leader, and the position the Liberal Party takes on this matter has been clearly spelt out by him. I simply want to underline the concerns he has mentioned, which I will take up with greater precision in the debate on the clauses in the Committee stage. I refer to them now, however, to ensure that the Government understands the measure of concern which its proposal in this legislation has generated. Regarding the sale of rough, uncut precious and semi-precious stones, as well as finished, polished precious and semi-precious stones, there will need to be a very great measure of sensitivity taken into account in drawing up the regulations.

The Minister probably knows that, for instance, in the opal industry solids are sold by the carat, but they are sold on the subjective appraisal of the value of each carat of the material according to the base colour of a stone. If the base colour is white, that is the cheapest and, if it is black, that is the most valuable and rarest, with intermediate base colours coming in between. The shape or cut is also a determinant.

Let me explain that. Free form cut and polished material is nowhere near as valuable as material cut in calibrated form, because it allows the cutter to maximise the yield from a given piece of rough material. Likewise, if after the material has been cut it is found to be necessary to mount it as a doublet to give it adequate strength, pricing for the composite doublets and triplets will vary and the sale is made not by weight at all but by size. So that to describe opal *per se* in regulations would be ridiculous, since there are so many other more important variables than the weight of material anyway and, moreover, the form it takes in the finished article will also determine its value.

The approximate yield which comes from the rough will determine how that is to be sold as well. Right now, for instance, small pieces are not sold by weight necessarily: they will be sold by some other measure, particularly and commonly by volume. The same thing applies to stones like sapphires, garnets, topaz and the like, all of which are mined in Australia. It depends pretty much on the nature of the transaction as to whether the stone is sold by weight or by some other measure of quantity. It would ill behove the Government to prescribe the class and the manner in which it has to be determined for the purposes of a sale without regard to the practice of the industry.

That brings me to the next point. A vexed question and a real problem at the present time is the way in which current regulations affect the sale of firewood. Fresh cut, green firewood rapidly loses weight and, after being bagged in plastic bags, as most of us have seen it at service stations, in the event that it has been left in the sun, it loses substantial weight in a matter of a week or so. It has not reduced its calorific value to the customer one jot, and the variation in the calorific value of a piece of that material very much depends upon the species from which the firewood was cut in the first place and has nothing to do with the amount of water in it. So, fair value is again very much a subjective assessment made by the customer, who can see the firewood in the bag when they buy it. As far as weight goes, weight will vary enormously, but not heating value.

The same applies, but to a much lesser extent, with fruit, because the subjective appraisal of the fruit cannot accurately determine the amount of waste there will be once the rind or peel—of oranges and bananas, say—has been discarded. The same goes for lemons and any other citrus, for that matter. Yet to sell it by weight, one presumes, is a fair way of doing it. Well, that is just piffle. It does not work accurately in that either. Where weight can change and where the ultimate yield of consumable goods purchased may vary in consequence of preparation for eating, that practice is ridiculous.

The other substance or compound to which I draw attention, selling it by a given quantity or weight with which care would have to be taken, is glass, if there is to be a prescribed form. The yield that one can get if one is involved in glass blowing will very much depend upon the type of glass and the skill of the blower. Or, if one is involved in building a house and one buys the glass, the weight per square metre will not necessarily give the desired quality anyway. The Government will need to take great care. Real value has more to do with the consistency of the glass with respect to its sheer strength and flex elasticity, as it is called, its density and the evenness of its thickness.

Even selling it by weight at so much per square metre will not be an adequate definition of the way to sell it. There will be variations of thickness across that area of glass which will mean that selling it in that way is not a legitimate method. It has more to do with the reliability of the factory manufacturing the glass and with the increasing, however small it is at the present time, quantity of glass that is coming from areas in our near north, rather than the traditional suppliers from Europe, where quality control and consistency vary more than it has from its traditional source. Again, it is not a fair way to measure.

The other group of commodities to which I draw attention are stock feeds. What I am referring to there is ultimately again, I guess, the kilojoule feed value; that is the ultimate test. However, it will vary not only according to the amount of moisture in the feed (whether it is grain, hay or chaff) but also according to the quality of the material.

If the chaff has been made of inferior hay, or if it is inferior hay itself, that has more to do with its value than

the actual weight of material. To try to protect people who have a pet animal at home—whether that is something as large as a horse or as small as a guinea pig—by requiring the feed to be sold by weight is ridiculous. In my judgment it is wiser to let market forces prevail and let conventional practice determine how customers and their suppliers treat each other, where the subjective assessment of real value can vary so much regardless of the way in which the quantity of the material is measured. It is better to leave the market to work that out.

There were other aspects of the legislation which worry me in particular. I am not sure that the seller's general defence provisions do not in fact negate what the Government claims the legislation is providing. I believe there needs to be some greater measure of definition of that if the Government really thinks it is doing something useful, instead of just producing a lump of legislation that runs to 36 pages, plus the regulations, which could go on *ad infinitum* and which ultimately could end up meaning nothing except a great deal of inconvenience, given the increased number of records that will be required and the increased expense involved in attempting to comply with what could be really ineffectual means of measuring what the Act and the regulations established under it prescribing the articles and the way they have to be measured are ultimately determined.

It will end up, no doubt, increasing the amount of litigation because of the ambiguities that will still be prevalent, and it will end up costing the wholesalers and retailers a good deal more— I worry that it will not really increase the satisfaction that customers at the other end can get over and above what they are now getting in any case.

In conclusion, I refer to the overall position as it affects human beings. I illustrate my point by referring to muesli. This is the ultimate test of the stupidity of having a whole plethora of laws and regulations under statute (as subordinate legislation) to back it up. Give me a definition of muesli and I will demonstrate that it is ridiculous to try to measure, and require retailers to measure, that commodity for resale in any way that is meaningful, because it is comprised of so many different ingredients, which vary in their price from time to time and which it is impossible to segregate into components for the sake of remeasuring to determine whether or not there is fair value; notwithstanding that, if you like the look of the pack you will buy it anyway. The cost of the ingredients, of which the ultimate product is comprised, varies as between them.

I guess, if rolled oats are cheap this year you will find more rolled oats than you will find sultanas and diced dried fruit. You will not find any desiccated coconut if a series of cyclones has wiped out copra crops in the tropics. Yet it is all called muesli. Presumably this legislation would protect consumers from what might otherwise be called 'sharp practices'. With those remarks I simply warn the Government that I do not think its attempts to improve on the existing law will go all that much further compared to the amount of additional inconvenience and expense it will entail.

The Hon. M.K. MAYES (Minister of Environment and Land Management): At the outset, I wish to thank the Opposition for its support. The Deputy Leader outlined the basis of the Bill and gave indications as to why the Government has moved to introduce this: it is part of a national approach to trade measurements. I think it is eminently sensible and something that I guess many people—certainly small business and business generally in our community and at a national level—would argue is well overdue.

For those people who travel frequently between the States, as we do these days, this makes a great deal of sense. The Deputy Leader mentioned tourists and it must be very confusing for them when they land in one State and travel to several others and encounter different measurements and standards. I thank the Opposition for its comments and I note that the Deputy Leader will address some questions to the issues that come before the Committee.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Exemptions from Act.'

MR S.J. BAKER: I will use this clause to ask one or two questions about measuring instruments. However, I note that in the Minister's reply in another place reference is made to other authorities that are required to test various instruments used by public authorities. In relation to telephone calls, parking meters, electricity and gas there are other testing authorities. What interests me is that those tests are done at the time the instrument is actually installed. Those instruments can remain in use for 10, 20, 30 or 40 years. Whilst the tests are done originally, I am not aware that there is a capacity to retest those instruments, although I may be persuaded otherwise.

If one is selling an item in a shop and has to weigh that item, on occasion the inspector will come in to test to see whether that weighing instrument or set of scales is measuring accurately. If a person has a nip in the case of an alcoholic beverage, it is quite simple to test it and it is tested, albeit perhaps irregularly. However, over a period obviously there is more than adequate coverage.

When we have instruments of measurement that last for 10, 20 or so years, there appears to be no constant measurement of those devices. As far as I can gather from the Minister's explanation in another place, once the original item passes the original test there is no ongoing testing unless someone complains. Can the Minister confirm that impression?

The Hon. M.K. MAYES: The Deputy Leader is correct. Items that are exempted are dealt with under different legislation. In some cases, such as taxi meters, there are requirements for retesting, while there are no requirements in respect of tyre pressure gauges. Included in this list are: reticulated electricity, gas and water; telephone calls, which come under Commonwealth legislation; hire of motor vehicles; tyre pressure gauges; and parking meters.

Mr LEWIS: Why are items such as pizzas, pasties and buns not exempt? Is pizza a bread? When is bread not a bread: when it has some savoury cheese and meat on top of it, or is it all bread, in which case pizza is bread because it is leavened dough that has been baked?

Are pasties to be included but pizzas not included? Is there a difference between pasties that are made as logs and sliced and those made as individual pasties? There is no current standard. One simply goes into a bakery or a delicatessen and agrees to take what is offered regardless of whether it weighs 200 grams or 220 grams. Most people would not even know, and the weight could depend on how long the pasty has been in the oven and how much moisture has evaporated from it. However, the bottom line is that people accept what they get as okay or, if it is not, they simply do not come back. Why should pasties be exempt but not other commodities that have been traditionally traded in that way?

The Hon. M.K. MAYES: Pizzas sold as hot or fast food are exempt and you take what you get, but pre-packaged food is sold on the basis that it is not exempt. Fast foods or prepared foods are exempt but those that are sold in a pre-packaged state are not exempt.

Mr S.J. BAKER: Does this new requirement mean the end of schooners and butchers in South Australia? Different measurements are used interstate. If we are to use new glassware—which I have difficulty accepting as a measuring instrument, but with beer on tap it is a measuring instrument—I raise this question seriously for the drinkers of South Australia. Many of us enjoy a schooner of beer on occasion and, if we are feeling a little bloated, we might scale the drink down to a butcher. It is relevant to ask this question, because schooners and butchers have been part of the drinking scene in this State for at least 50 if not 100 years.

The Hon. M.K. MAYES: I agree that this matter is important but from a different point of view. Hoteliers are free to sell beer in any size of glass, but it is expected that they will continue to sell the schooner, the traditional pint glass and the other glasses which have become a tradition with South Australian consumers.

Mr LEWIS: Does the quantity have to be marked on a wine glass if a glass of wine is bought in the front bar or lounge of a hotel?

The Hon. M.K. MAYES: No, there is no provision regarding the sale of wine.

Mr LEWIS: Why is there a distinction between wine and beer?

The Hon. M.K. MAYES: If the quantity of wine is stated on a menu, on a carafe or in any other form of presentation, the quantity must be stated on the measure but not in relation to over the counter sales, as I have indicated.

Mr LEWIS: I seek further clarification. We are anxious to protect drinkers from being given short measure of beer or spirits and we have explicit regulations to cover that. A glass of beer must contain the volume stamped on the glass. Why is it possible for the size of a glass of wine to vary according to the whim of the establishment when it is not possible for the size of a glass of beer to vary according to the whim of the establishment? Are not wine drinkers considered to be worthy of the same measure of protection in law, or are beer drinkers regarded as more likely to be exploited and too dumb to work out for themselves whether they are getting fair value?

The Hon. M.K. MAYES: The honourable member makes a reasonable point, but the traditions are being picked up by this legislation. The honourable member and I have both enjoyed the hospitality of a number of our well run hotels in this State, and the tradition has always been that beer is provided in a measured volume whereas wine is provided at the discretion of the host. That tradition has been picked up by this legislation. I am not predicting what my colleague or any other member who may become Minister will do in the future, but it may be that negotiations will be initiated with the industry to suggest that the quantity should be marked on a wine glass when wine is sold or served in a restaurant or a hotel; however, at this point that is not proposed and tradition is being followed.

Mr S.J. BAKER: The hotel and hospitality industry has made a strong point about the time needed to replace equipment and glasses. The Minister has suggested on her first reflection on this issue during the debate in another place that if 12 months is not enough time further flexibility may be allowed. Can the Minister provide further clarification on that matter?

The Hon. M.K. MAYES: The Deputy Leader is correct. The Minister has indicated that her preference is for a 12 month timetable. However, she has also indicated that, if that is a problem for the industry, she will review the situation. I do not have any information for the Committee regarding the period that the Minister is considering.

Clause passed.

Clause 7—'Measuring instruments for trade must be marked.'

Mr LEWIS: Does this clause mean that from now on I will have to pay to have the scales I use for weighing gemstones and gold stamped by an inspector, or will the practice that has been observed over the years be allowed to continue—as it has regarding beverage glasses—to save me the cost and inconvenience of having my scales licensed and sealed or whatever?

The Hon. M.K. MAYES: My advice to the member is that, if he is using them to sell, he will be required to have them checked or measured; if not, the answer is 'No'.

Mr LEWIS: Of course I use them to sell and to buy things. At present they do not have to be and are not examined by anybody. In that case, how much will it cost the Government to establish the means by which the third decimal point in micro-carats can be determined on electronic scales throughout the gem and jewellery trade? Does the Government have the facilities to do that? How will it test the beam balances being used at present in outback South Australia? Mr Chairman, you probably know that most of those physical balances fit into a box about 4½ by 1½ by 2 inches and are taken out and assembled anywhere in the Donga that the deal is done. They will all have to be checked now, because quite clearly not just thousands but millions of dollars of transactions are undertaken using those balances every year.

Everybody in the trade seems to be very happy about it. I do not see why they must have their equipment stamped—some of it is electronic and some of it uses the straight-out physical balance principle of weights in one scale pan and the subject of the bargain in the other.

The Hon. M.K. MAYES: I am advised that the department does have equipment to check the accuracy of scales. At this point, the department is not quite sure of

the cost. It depends on the nature of the test, but obviously it will do that following the passage of the Bill. The other bad news is that the sort of scales described by the honourable member may not be appropriate or acceptable, but that is something yet to be determined.

Clause passed.

Clauses 8 to 24 passed.

Clause 25—'Special provisions for sale of meat.'

Mr S.J. BAKER: There are some exclusions with regard to the sale of meat, but I know that in practice things such as chicken legs, shashliks and a whole range of other specialised cuts of meat and goods are sold by individual piece rather than by weight. Is this an unnecessary restriction on the industry to demand that it be done by weight? I will be quite specific: in practical terms, if a person goes to a butcher and asks for six shashliks and they cost $1 each, it is a simple matter of parcelling them up and paying the $6. However, once you start selling it by weight, someone might say, 'Look, I'll have a smaller or a larger piece, because it costs a little bit more or a little bit less.' For the more expensive goods it becomes a bit of a problem.

I am not sure whether we should be going down this path in relation to value added meat. Whether it be marinaded, put on the end of a stick or cut in a special way, the article has been enhanced and it is sold not by weight but as a product. It is just like buying flowers—they are a good example because they are not sold by weight. Why is the Government insisting that that sort of meat should be sold by weight?

The Hon. M.K. MAYES: My colleague in another place gave a fairly clear answer to this matter. In my opinion—and I am sure in the opinion of my colleague—it is a very good attempt to give the consumer the opportunity of having a true price. That can be easily achieved with what the Deputy Leader called—and I would agree with him—value added products, such as shashliks, whereby a true price can be offered and the consumer has the opportunity to compare that from butcher to butcher. It is an eminently sensible way to go. Obviously, it will require some rearrangement in terms of the sale processes followed by the industry, but I am sure that it will cope with it, and I am sure that the consumer will be much better off for it.

Mr LEWIS: I am quite sure the contrary will be the case. This is crazy. It will depend on which cut of meat, for instance, is included as to the cost of the item and ultimately the price that is asked for it. In addition to that, it has been clearly reprocessed to the point where we would have to ask ourselves what we are weighing. Is it the amount of marinade that is still hanging on the meat or the density of the skewer, because that is all included? In the case of turkey meat, for example, we would have to ask ourselves whether the meat came from the outer or inner breast, or off the drumstick or wing. It is still turkey, but it varies in value according to the predilection there is for people to eat it. This provision is just a lot of unnecessary red tape and regulatory nonsense.

I really do not know where it will end up. The next thing we know, the Minister will be requiring standardisation of teaspoons used to measure sugar out of the bowl or something. It does not make sense to me.

Why should a piece of meat protein, with some flavouring that includes other animal product, vegetable gums, salt and spices, be weighed by law as a requirement before it is sold, whereas that is not required with another piece of animal protein, called milk, which has had egg-dried powder and other flavouring condiments and substances added to it and turned into custard? It is still food and protein, but it does not have to be measured or weighed. It is put into a little pastry flan and sold; it does not matter. But if it is meat, it does matter. This is nuts; it is crazy—it might even apply to nuts, for all I know.

The Hon. M.K. MAYES: I am not sure I can add much more. The Minister outlined the matter in the other place, and I have responded in this place. It is quite clear that the consumer should be entitled to have the correct quantity of meat when they buy these value added products.

Mr S.J. BAKER: I disagree quite vehemently with the Minister on this matter. On country roadsides, one often sees a side of lamb advertised for $5 or $10, and they would be of varying weights, so I guess that practice would become illegal under this legislation as well. We have applied an amount of stupidity to the law. We have a different product. We do not have a kilogram of sausage meat, or a kilogram of steak or whatever: we are talking about different sorts of products which really do not need to be measured and weighed in the normal sense. When you buy a side of beef from a farm, it is about a third or a quarter of the price that it would sell for in the shops. Sanity must prevail in these areas, and I ask the Minister to pass onto her colleague in another place that at least some members of this Chamber do not believe that the extension of these rules into the areas that we have mentioned is appropriate and that some thought should be given to the extent to which these areas are regulated in the ways suggested by this Bill.

Mr BLACKER: I would like to know where the Deputy Leader gets his side of beef for a third of the price of the butcher's. There is a problem here, I believe, and I believe that it will cause confusion amongst the customers. The shashliks exercise mentioned by the Deputy Leader highlights where the anomalies will occur. Butchers have 40 or 50 different preparations of meat, and probably only a quarter of those are actual 'slabs' of meat. The rest is in various forms of preparation, such as pepper steaks covered with pepper, marinade and so on. In the case of shashliks, more than half the weight would be vegetables and the metal or wooden skewer.

It makes a mockery of the whole thing, because it would be quite ludicrous to identify the meat component of a shashlik and present it in the way being suggested. I think some commonsense needs to apply here because, if shashliks are $1.50 each, that is fine; that is there for the consumer to make that judgment. Whereas, because another person might use a better quality meat, his shashliks might be $1.80 each and, as a result, he will be seriously disadvantaged by virtue of being honest with the quality of his meat, irrespective of the quantity of meat in that same shashlik. I can see confusion reigning.

Clause passed.

Clause 26—'Articles required to be sold by specific measurement.'

Mr LEWIS: This is the funny one. I would otherwise have raised these questions under clause 8, but we seem to have nipped past that one fairly quickly. We already have the Minister's word that it is okay to sell wine, mineral water and fruit juice by the glass, even though the glass could be half full of ice. Ice costs a hell of a lot less than fruit juice or coke, and there is no standard requirement on the vendor as to the quantity of ice that is put in the glass. It is frozen water—straight-out dilution. If the drinks were cold, they would not need ice anyway, but the cunning sods—the vendors—know that they will get away with it. It has become the practice these days to use more and more ice, knowing that it increases profit; there is no question about that at all. It does not matter, because we are not really measuring the quantity that is there; it is a glass, and it is the glass the publican gives you. We do not worry about that; it is not a fuss. With wine, again, it does not matter.

My concern is that, whilst we do not worry about that trade, we will now interfere in a trade that has been going on quite successfully for over 100 years, namely, the dealing in precious and semi-precious stones, where the most significant thing is not the precise second decimal point in the weight but, rather, other factors that affect the value of a precious stone, such as its clarity, its freedom from inclusions and other flaws, the precision with which it has been cut and finished, its shape and form on cut and finish. Whether it is a faceted stone or a stone cut *en cabochon* it does not matter; its ultimate shape will determine its value. For example, the emerald cut is the rectangular looking faceted stone (to use the vernacular, and help members understand what I am talking about). The emerald cut is less expensive than the brilliant cut, for instance, in faceted stones; round in small diameter is less expensive in the same grade as oval in approximately the same size by weight, where the quality of the material is identical in stones that are cut *en cabochon*.

The Minister is telling me that, for all of us engaged in that trade (which is in my pecuniary interests file; everybody knows that I am involved in the trade of precious and semi-precious stones and jewellery, and that I have been a collector for 30 years now), inspectors will run around and check our scales and require us to have them checked, presumably under the regulations, or otherwise, if we are found to be using them without having them checked, we will be guilty of an offence that will be punishable with a penalty of up to $5 000 in some part or such other amount as prescribed in the regulations.

I do not know what that is, but I can tell the Committee that it will go down like a lead balloon in an industry that has looked after itself for so long without Government intervention in any way, shape or form up to the present time. You pretty soon get to know who is selling short weights if anybody attempts that, and they simply do not do any business. That is the anomaly between some commodities being sold without measure and adulterations in the measure anyway, and other commodities where there is an insistence on measure, such as I illustrated with wine, fruit juices and beer.

Also, there are measuring instruments and the necessity to weigh them and, finally, under this provision, what will be the units of weight? If I am selling to a Taiwanese Chinese, they want to buy in caddis; if I am selling to a German, they want to buy in metric carats and grams; if I am selling to an Englishman and some Canadians and Americans, they want to buy in avoirdupois or troy weight, if it is gold, and the same thing applies to precious metals as well. Will the Minister tell me that I cannot engage in those transactions on that basis, because this clause will clearly exclude me from doing so if it is not included in his ruddy, bureaucratic, God-damned regulations?

As I said, it will go down like a lead balloon out in the trade. Most of our trade is done according to what the customer wants, and our reputations are established in good standing over time. People know whether or not they can trust us and we also know whom we can trust among the people from whom we buy. It does not require the Government to get involved in collecting a heap of money from us, putting us to a great deal of inconvenience whenever it runs across us somewhere or other. I find the whole thing altogether unnecessarily bureaucratic and inconsistent. If it is good enough to sell a glass of wine as a glass of wine, why is it not good enough for me to decide how I want to buy my opals, topaz, chrysoprase, tiger eyes or anything? I do not understand why the Government has to get involved in that.

The Hon. M.K. MAYES: The Government is not requiring the honourable member to follow it; this is similar to a glass of wine. A person can sell individual stones but, once quantity is mentioned, a true quantity has to be associated with it. My advice is that it will not restrict the honourable member to a particular method of sale for precious stones; this is dealing with goods.

Mr S.G. EVANS: I wish to raise one issue in the area of drinks, since the Minister and his officer are here. I am sure the Minister is aware of this issue, if his officer is not and he does not float around some of the places that serve alcohol. There is no doubt in my mind that some of the measures that are used for measuring spirits should be banned.

They are a speed mechanism for the operators, the hotels and clubs, and I serve in such a place. I refer to the measures where one tips the bottle and waits for it to run out to clear the container—I am not talking about the silver topped measures but about the plastic measures, which are methods of cheating. On one recent occasion I told the barman that he should be careful, otherwise he would be the subject of a workers compensation claim. He asked me about that and we had words. The manager came over and I told the manager what my complaint was, that is, that they tip the bottle up and back before the liquid stops flowing.

On other measures if we tip the bottle back, we cannot get rid of what is in the measure and it will not double up again and, in effect, we cheat twice. I believe that inspectors need to look at those establishments operating in the early hours of the morning, because often they serve clients only half a measure. When I told the manager that he would have a workers compensation claim to deal with involving the worker, both the worker and the manager got angry. They ended up offering me a free drink, because I challenged them on the measure provided and I said that I did not want it.

I raise the matter here because I hope the department is aware of the situation: these devices are a method of blatant cheating. Certainly, I am not talking about honest operators but about those operators who use these measures in the early hours in the morning. My experience with such measures was at 11 o'clock at night when I encountered deliberate cheating, and I think that the department needs to look at it.

The Hon. M.K. MAYES: That practice is banned under the existing legislation and it will be banned under the new legislation. Inspectors are onto it, and a number of establishments have already been prosecuted.

Clause passed.

Clause 27 passed.

Clause 28—'Requirements as to packaging of pre-packed articles.'

Mr S.J. BAKER: If I read the debates and responses correctly in another place, I understand that imported goods competing with local goods do not have to comply with the weight specifications under this Bill and, therefore, can achieve some unfair advantage over local producers?

The Hon. M.K. MAYES: The quick answer is 'No.' That is not true.

Mr S.J. BAKER: That is not exactly how the debate went in another place. I understand that some of the measures used are less than the kilogram measure in description of a sale price on such goods— However, I will take the Minister's advice and refer back to the debate to see whether there is some anomaly about the way in which goods are packaged and sent into this country in respect to price and quantity.

The CHAIRMAN: The Deputy Leader must not refer to debate in another place.

The Hon. M.K. MAYES: The quick answer is that the issue that was explored in another place related to the name and address and not to the measurement of the item.

Mr LEWIS: I refer to the practice that has developed in recent times involving the selling of pre-packaged condiments to people who seek to apply them to fast food when they buy it to take away. Is there a requirement on the packager and the seller to state the weight of material in pre-packaged condiments? I refer to such things as tomato sauce, mustard and the like which are used to spice up takeaway food and where there is an additional charge, which often represents as much as 10 per cent of the price of the article when purchased as an optional extra.

The Hon. M.K. MAYES: The answer is 'Yes' as to packages above 15 millilitres and 15 grams and 'No' as to packages below those measurements.

Clause passed.

Remaining clauses (29 to 81) and title passed.

Bill read a third time and passed.

The Hon. M.K. MAYES (Minister of Environment and Land Management): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

TRADE MEASUREMENT ADMINISTRATION BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 3354.)

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports the Bill, which deals with the administration of trade measurements. I sometimes wonder why we need two Bills to cover trade measurements, but I take it that it has been past practice. These measures could be contained within one piece of legislation. The Bill specifies that the Commissioner for Consumer Affairs shall be the administering authority and the licensing authority for the purpose of the principal Act and the Commercial Tribunal shall be the Appeals Tribunal in relation to decisions of the licensing authority.

A user-pays system is canvassed under the Bill. Fees for verification and reverification of instruments are referred to and there is supposed to be some commonality between the States. It is further suggested in the Bill that the cost of administering the legislation should be borne by those carrying on business where the measurement of goods for trade is an integral part of their business.

The one question that hangs over the Bill relates to the charging of fees. There are no clear indications of what those fees will be. I am reminded by one of my colleagues that people will have to comply with the legislation with regard to fish products, and they would like to know how much it will cost them to have their weighing scales tested. Perhaps in his second reading response the Minister will indicate what sort of fees will be charged and how we will ensure that the poor business person who is suffering from a myriad of charges and costs by Government can have his costs kept to a minimum. I would appreciate a response from the Minister on the sorts of ground rules that will apply to the testing and verification of measuring instruments.

There are other items relating to proceedings for offences and the extent to which an offence against this Act can be successfully prosecuted. The Bill also upgrades procedures in relation to appeals and search warrants. The Opposition is relatively comfortable with the Bill. We just have the one question, which the Minister may be able to answer in his second reading response.

The Hon. M.K. MAYES (Minister of Environment and Land Management): I hope that I can answer the Deputy Leader's question, which is a reasonable question given that the information is not available to the Opposition, or to the Minister in this House, at this time. The basis on which the fees will be set will involve cost recovery, taking into account the competitive nature of South Australia's industry with other comparative industries interstate. So, there is a comparative base to be built into the criteria that will be used for setting the fees. I hope that has answered the Deputy Leader's question.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—'Fees and charges may be prescribed.'

Mr LEWIS: Will the Minister give the Committee a rough estimate, whether it is zero to $10, $10 to $100 or $100 to $1 000, of the likely charges to be made to miners, dealers and jewellers to have their scales verified, in keeping with the information the Minister gave the House a few minutes ago whilst we were considering the other matter relevant to this measure?

The Hon. M.K. MAYES: I am advised that the green paper that was released contained a scale of possible fees, and the one I think the honourable member is interested in, weighing instruments, indicates an estimated fee of $55.

Mr LEWIS: What is the frequency with which the administrators of this legislation will require those weighing devices to be retested to determine whether they are accurate? In the order of somewhere between $30 and $100 is the indication that the Minister has given us to have our scales tested: how often will we need to have them tested? I think it is all superfluous, but there you go: it is 55 bucks for the Government to pay someone to run around and do things that the trade does for itself, anyhow.

The Hon. M.K. MAYES: The trade can still do that: there is no time period set, but my advice from the officer concerned is that it would be somewhere between 12 and 18 months and depends on the activity of the industry concerned.

Clause passed.

Remaining clauses (10 to 24) and title passed.

Bill read a third time and passed.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 3, lines 16 to 19 (clause 7)—Leave out subclause (2) and insert new subclause as follows:—

'(2) The regulations may confer on the court jurisdiction in respect of offences against a specified Act or statutory provision.'

No. 2. Page 5, line 6 (clause 10)—After 'environmental' insert 'protection or'.

No. 3. Page 5 (clause 10)—After line 6 insert new paragraph as follows:

'(ea) agricultural development; or'.

No. 4. Page 5, line 7 (clause 10)—After 'land' insert 'care or'.

No. 5. Page 7, line 13 (clause 15)—After 'if' insert the following:

'—

(a) the parties appearing at a conference request that the Court be constituted of a full bench; or

(b) [the remainder of subclause (2) becomes paragraph (b)].'

No. 6. Page 10, line 17 (clause 16)—Leave out 'a party to the proceedings objects' and insert 'all parties to the proceedings agree to his or her continued participation'.

No. 7. Page 10, line 18 (clause 16)—Leave out 'not'.

No. 8. Page 11, lines 18 and 19 (clause 17)—Leave out 'or rule of a prescribed class' and insert ', or a rule or order of the court'.

No. 9. Page 13 (clause 21)—After line 23 insert new subclause as follows:

'(4) The court must, to the extent or in the manner provided by the rules, ensure that the parties obtain access to any material submitted under subsection (2),'

No.10. Page 13, line 31 (clause 22)—After 'to an officer of the court' insert ', or to any other person'.

No.11. Page 15, line 19 (Heading)—Leave out 'POWER OF COURT ON DETERMINATION OF MATTER' and insert 'SUPPLEMENTARY POWERS'.

No.12. Page 15, lines 20 to 35 and Page 16, lines 1and 2 (clause 28)—Leave out the clause and insert new clause as follows:—

'Declaratory judgments

28. The court may, on matters within its jurisdiction, make binding declarations of right whether or not any consequential relief is or could be claimed.'

No.13. Page 19, line 20 (clause 39)—Leave out 'commencing proceedings in' and insert `to proceedings before'.

No.14. Page 19, line 28 (clause 39)—After 'dismissed' insert

', or that judgment (with costs) be given against the party'.

No.15. Page 20, line 20 (clause 44)—Leave out 'The Governor may, by regulation,' and insert `The rules may'.

No.16. Page 20, line 22 (clause 44)—Leave out 'the regulations' and insert 'the rules'.

No. 17. Page 20, line 23 (clause 44)—Leave out 'neither charge nor seek' and insert 'not, without the agreement in writing of his or her client, charge or seek'.

No.18. Page 22 (clause 49)—After line 3 insert new subclause as follows:—

'(3) A regulation may not be made for the purposes of section 7(2) in a form such that jurisdiction in respect of offences under more than one Act are conferred on the court by the same regulation.'

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

Motion carried.

STATUTES REPEAL AND AMENDMENT (DEVELOPMENT) BILL

Returned from the Legislative Council with the following amendments:

No.1. Page 1, line 14 (clause 2)—Leave out 'This' and insert 'Subject to subsection (2), this'.

No. 2. Page 1 (clause 2)—After line 14 insert new subclause as follows:

'(2) Sections 8 (e) and 29 will come into operation on assent.'

No. 3. Page 2—After line 1 insert new clause as follows:

'Amendment of the Courts Administration Act 1993

7a. The Courts Administration Act 1993 is amended by inserting after paragraph (b) of the definition of 'participating courts' in section 4 the following paragraph:

(ba) the Environment, Resources and Development Court;.'

No. 4. Page 2, lines 28 to 30 (clause 8)—Leave out paragraph (e) and insert new paragraph as follows:

'(e) by inserting after subsection (4) of section 196 the following subsections:

(5) Subject to subsection (6), a council must not undertake outside the area of the council a project which constitutes a form of development within the meaning of the Development Act 1993 if the primary reason for proposing the project is to raise revenue for the council.

(6) Subsection (5) does not apply to any development on land where—

(a) the land was owned or occupied by the council immediately before the commencement of that subsection;
or

(b) the council had, before the commencement of that subsection, entered into an agreement—

(i) to purchase the land;
or

(ii) to enter into a lease or licence over the land, the term of which exceeds six years or such longer term as may be prescribed, or in respect of which a right or option of renewal or extension exists so that the agreement, or the lease or licence, may operate by virtue of renewal or extension for a total period exceeding six years or such longer period as may be prescribed.

(7) If land owned or occupied by a council immediately before the commencement of subsection (5) is compulsorily acquired from the council after that commencement, the amount of compensation to which the council is entitled must be assessed as if subsection (5) did not affect the council's ability to reinstate the use of the land in another place.;'

No. 5. Page 7, line 11 (clause 13)—Leave out 'approved' and insert 'the construction of which requires approval'.

No. 6. Page 8, line 9 (clause 15)—Leave out '(as the case may be)' and insert '(and, where the plan is brought into action, it will be taken that the amendments effected by the Supplementary Development Plan are amendments to the relevant Development Plan under the Development Act 1993)'.

No. 7. Page 14, lines 26 to 28 (clause 28)—Leave out paragraph (b) and insert new paragraph as follows:
'(b) if no such retirement age applied—on or before the person attains the age of 65 years or, if he or she has attained that age before the relevant day, on the relevant day.'

No. 8. Page 14, line 31 (clause 29)—Leave out 'the relevant day' and insert 'the commencement of that section'.

No. 9. Page 14, line 33 (clause 29)—Leave out 'the relevant day' and insert 'the commencement of that section'.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

Motion carried.

LIMITATION OF ACTIONS (MISTAKE OF LAW OR FACT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 3366.)

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports the legislation. It is normally sorted out before we get here, so there is little more to be said about it. Having taken an interest in the law, in terms of how it is made, since I came into this Parliament, I am fascinated by how lawyers play with the system. When I sat down to read this Bill, I did not know that there was any real difference between a mistake of fact and a mistake of law. Having read the background to this legislation, I understand that, if there was a mistake of fact, it was possible to recover moneys overpaid: however, if there was a mistake of law, there was no right of recovery.

In a case involving David Securities, someone sought to recover moneys that had been paid wrongly six years previously. The matter went to the High Court, and the presumption that a mistake of law did not allow for recovery of moneys overpaid was overturned. We now have the situation where the Government says, 'We will have to see how we grapple with this matter', because in a vacuum there is no prescribed limit during which time such actions must take place for recoveries of money. Of course, various suggestions have been made as to what that time limit should be. I note that the Attorney's original determination was to put a very limited time frame on recoveries of moneys when a mistake has occurred, whether by law or fact; indeed, the suggestion was every 12 months. That met with some outcry from various industries, where many of the mistakes are not picked up for two or three years after the event, and this would have limited their capacity to recover moneys which were quite rightly their own.

The Government, just to add a little twist to the whole issue, said, 'Well, we don't want our revenue base placed at risk, so we are quite happy to accept the principle of mistakes having a longer term time frame. However, the Government should not be bound by that time frame and we want only 12 months in which time a person can recover his or her moneys, which have been wrongly paid to the Government, whether by taxation or other measure.' So, we are left with this strange situation.

In principle, if a person overpays the Government they have 12 months to recover that money; if a person overpays or a firm overpays another firm or another person, the six year rule prevails. I would not dare to argue against the might of the lawyers in another place, but I do reflect occasionally on the strange things that are done in legislation, and this happens to be one of those. I would have thought in principle that if we say there should be a reasonable time frame during which people can recover moneys that have been wrongly paid, whether they be by mistake of law or mistake of fact, and I think there is a similarity between the two, the principle should apply to both Government and private individual or private firm.

However, intent on being the next Treasurer of this State in the not too distant future, I can see the absolute wisdom in protecting our taxation base, and if the Parliament or the State Taxation Office has made an error, or there are other errors in the system which could cause us some grief further down the track, obviously we would like to know about those things sooner rather than later, and I will accept the wisdom of the determinations of another place. The Opposition supports the Bill.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the Opposition for its indication of support for this measure. As the honourable member has outlined, it was the subject of some discussion in another place and comes to us in a form where little further can be said about it. It is a legislative provision that has been similarly enacted in a number of other jurisdictions in this country in order to provide, as the honourable member has said, some sense of responsibility with respect to revenue as a result of recent High Court decisions. I commend this measure to all members.

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

Mr S.J. BAKER: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

CORRECTIONAL SERVICES (CONTROL OF PRISONERS' SPENDING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 March. Page 2522.)

Mr MATTHEW (Bright): The Opposition welcomes this Bill as being a very long overdue measure, and we are pleased to support the Bill this evening. This Bill amends the Correctional Services Act to provide a more flexible and appropriate pay scheme for prisoners and ensure that those prisoners who refuse to work are not able to have access to moneys brought into the prison from outside for the purchase of tobacco and other personal goods. The aim is to provide a financial incentive for prisoners to work by ensuring a significant difference in income of prisoners who work and those who choose not to work. The Opposition realises that this would mean little if the manager of the prison could not lawfully control the spending of trust fund moneys by those prisoners who, for reasons known only to themselves, choose not to work.

The Bill ensures that prisoners' purchases of tobacco and other personal goods be limited by the amount earned in prison industries regardless of the moneys paid into the trust from outside sources. The Government has previously faced two major hurdles with respect to prisoner income, those being, first, that a large number of South Australian prisoners are not gainfully employed in the prison system. The Government has continually claimed that little could be done to establish prison industries as they would compete with the private sector. Certainly interstate experience has proven those claims to be unfounded but, nevertheless, at least if those industries and employment are made available, we have some opportunity through this Bill to vary rates of pay and entitlements. It has also not been possible for the department to ensure that prisoners do work when such work exists in the prison.

This system proposed by the Government is similar to systems used in prisons in other States, particularly in private prison systems which have recently been introduced in Queensland and New South Wales. However, under the Act as it presently stands, it is possible by regulation to limit expenditure by all prisoners in a prison, but the manager of a prison cannot validly be given a discretionary power by regulation to restrict expenditure of a particular kind by some prisoners, perhaps those who refuse to work, while continuing to permit other prisoners, those who are prepared to work, to have access to the accumulated funds for the same type of expenditure.

The reasons for the Bill are appreciated and that sentiment is supported, but a number of things need to be addressed either in concert with or to facilitate the provisions of this Bill. On a number of occasions I have pointed out publicly and in this House that our prisons in this State have become violent centres of drug and alcohol abuse, where prison staff are continually attacked. The number of incidents in the prisons has increased by 387 per cent in just eight years, from 115 incidents in 1982-83, which was the first occasion on which such statistics were recorded in the correctional services annual report, to an alarming 560 incidents in 1990-91. I note that the major contributors to those statistics are drug and alcohol incidents, which have increased by a staggering 1 314 per cent in just eight years, from 28 incidents in 1982-83 to 396 incidents in 1990-91.

It is important to mention those figures in concert with this Bill tonight, because those sorts of incidents in prison, while occurring for a myriad of reasons, occur in a large part due to the frustration of prisoners that their time is not being gainfully occupied. It is not being gainfully occupied in the normal rehabilitative processes that the public would expect to occur in our prisons. The simple fact of the matter is that our prisoners do not have adequate access to education and they certainly do not have adequate access to work.

Of course, on top of those drugs figures, I have mentioned in this House before that some 79 per cent of prisoners tested for drugs in 1991-92 tested positive. That is a further indication that prisoners have turned to drugs as a way of forgetting about where they are, to combat the boredom and the fact that they have nothing to do and no gainful employment to be able to live out their sentence. Indeed, we have also seen prison escapes increase dramatically during a 10-year period, from eight escapes in 1981-82 to 20 in each of the 1990-91 and 1991-92 financial years.

At least 139 prisoners have escaped during the past decade. Much of the reason for that escape rate is that when prisoners move to low security institutions—while it is fair to say that escape would be easier from those institutions than it would be from high security institutions—many of them are bored. The prisoners do not have work to do, or there is not a mechanism to encourage them to work. This Bill at least facilitates, in part, a mechanism to encourage prisoners to work. I welcome that; I believe it could have a considerable impact on reducing the incidence of drug use and abuse in prisons and also on reducing, to some extent, the incidence of escapes.

It is also interesting to note that, during the year ended 30 June 1991, 996 working days were lost through assaults on prison staff. Once again, I believe that is a measure of the frustration felt by inmates. I do not believe it is just an outburst because prisons house some of the nastiest people in our society—many of them

violent—but because those prisoners are frustrated at not having any work during their working day.

While this Bill addresses the payment issues and provides a positive encouragement for prisoners to work, in order for prisoners to work it is important that they be given the opportunity. Our current prison system is a good example of what happens when prisoners do not work. Few would disagree that we need to ensure that those opportunities are provided.

There are opportunities in our prisons that simply are not being utilised. By way of example, I would like to refer briefly to a number of our prisons. In January of this year I visited our Mount Gambier Prison, which is a fairly small prison. In fact, in total that prison had a daily average of just 29 prisoners in the 1991-92 financial year. The prison has some small acreage to allow farming and horticultural activities to take place. However, at the time I visited the prison the grounds were an absolute disgrace: the fields were overgrown with weeds over a metre high.

I spoke to the prison manager as we were walking through those fields and questioned him as to why the prison was in such a bad state and why none of the prisoners was actually working the fields at that time. I was advised that the machinery for ploughing the fields had broken down. I said, 'I understand that; I can appreciate that that is a reason for that particular piece of equipment not operating, but why are the prisoners in their cells? Why are they not being gainfully employed?' The reply was, 'We can't force them to work.' I believe that this Bill may provide that incentive, because I do not think that the Minister, I or anyone in this State wants to see our prisons get to the situation where there is work to be done and prisoners will not do that work and the manager feels frustrated that he cannot provide them with an incentive to work.

That same situation can be seen at the Cadell Training Centre. The farming area of that prison is much larger. Of course, Cadell is one of our lower security institutions and has an average daily number of prisoners of 126 (in 1991-92). As I said, the situation is the same there: weeds were all around that prison farm at the time I visited. The manager of that prison indicated the same thing to me: that he had no way to force prisoners to work. He freely acknowledged that the farm needed work doing. Once again, this Bill may provide a mechanism to clean up, in part, the situation at Cadell.

It is also fair to say that the industrial facilities at the Yatala Labour Prison, Mobilong and Port Augusta do not provide sufficient work opportunities for those prisoners to be gainfully employed. That is one area that it is important the Minister address in concert with this Bill. While this measure will provide the opportunities to encourage prisoners at the farms to work where there is work, at some other institutions there is no work.

The Minister's predecessor in this Parliament stated a number of times that we do not have work available in all prisons simply because to do so would mean that the prisons would be competing with private enterprise. In fact, the Minister's predecessor has thrown that back on the Opposition and said that, as supporters of private enterprise, the Opposition would be the first to jump up to decry the Government's moving into those areas.

The New South Wales Government has demonstrated that it is possible to introduce new industry to prisons, while at the same time not competing with private enterprise in this country. The New South Wales Government has recently gone into the high technology field. Indeed, its prison industries are assembling motherboards for computers. The New South Wales Government has very cleverly targeted the import market.

That Government concluded that most personal computers in this country are actually assembled overseas. The motherboard assembly can take place in our prisons at a low labour rate. The final assembly can take place outside in local private industries, thereby generating Australian employment, and in so doing we create a new Australian industry as well as gainfully employing our prisoners. If those sorts of industry opportunities are provided in our prisons, the payment provisions that have been facilitated through this Bill will enable the prison system an opportunity to utilise fully these provisions.

Prior to concluding, I would like to refer briefly to comments put to me by the Public Service Association of South Australia Incorporated when I asked it to comment on the Bill. As the letter is brief, I will read it to the House in full. It is dated 28 April 1993 and is addressed to me as shadow Minister of Correctional Services. It reads:

Dear Mr Matthew,

Re: Correctional Services Act

Thank you for your letter of 14 April 1993 concerning the amendments dealing with the prisoner pay scheme.

The association and its members normally would not object to the purpose of a scheme which is to encourage prisoners to work. Our only concern would be that it is properly administered and audited to ensure that it is not misused by the department to simply increase payments to prisoners at a time when it is being proposed that our law-abiding members' jobs are about to be reduced by several thousand to satisfy various politicians and accountants.

Yours sincerely,
Jan McMahon,
General Secretary.

I felt it important to place the association's view on the record. The Minister may care to respond to that in his reply. I would be surprised if any great administrative burden was added to the work load of PSA members through the sensible amendments that are put forward in this Bill tonight. The Opposition supports the Bill as a step, albeit a small one, in the right direction.

The Hon. R.J. GREGORY (Minister of Correctional Services): I thank the member for Bright for his support of the Bill.

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

LOCAL GOVERNMENT (VOTING AT MEETINGS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 March. Page 2787.)

Mr S.J. BAKER (Deputy Leader of the Opposition): I am not the lead speaker on this matter but I presume that I have sufficient knowledge to allow this Bill to pass swiftly. The Opposition wholeheartedly supports the Bill. Obviously, the voting rights of members of a council must be sorted out. There is some confusion as to whether mayors of councils should be included when we decide what constitutes a majority of the council. It has been the practice in some councils to include the vote of the mayor, but in other councils that is not the case. The Local Government Act is not explicit on this matter, and the measure before us is designed to make clear that the existing proposition about members being present at a meeting must be clarified by a further amendment that also suggests that a member must be entitled to vote when deciding matters of majority. The Bill clarifies that matter, and of course the Opposition supports it.

Mr OSWALD (Morphett): I thank the Deputy Leader for his contribution to the debate. The Opposition supports the Bill and, as the Deputy intimated, it was brought about through a difference of legal opinion between the Local Government Association and the Crown Solicitor. I wish to place on the record four points that emanated from the problem that confronts the LGA. First, because of this difference of opinion between the LGA and the Crown Solicitor it was decided to proceed to a ballot of councils. Four proposals were put forward to councils regarding ways in which the matter could be resolved by means of an amendment.

Rather than rely on a consensus of opinion in local government, the LGA undertook a survey. The four ways in which the matter could be resolved were put to all councils: first, that section 60(3) could be amended to reflect the Crown Solicitor's opinion; secondly, that the section could be amended to reflect the Norman Waterhouse opinion; thirdly, that the section could be amended to provide that the mayor, like the chairman, has a deliberative vote only but not a casting vote; and, fourthly, that the section could be amended to allow the mayor to exercise a deliberative and a casting vote. Ballots were sent to all councils and the results were collated. For the benefit of members who are interested in this subject, I seek to insert in *Hansard* a table that sets out the four questions and lists in order of preference the results of the survey.

The SPEAKER: Is the table purely statistical?

Mr OSWALD: Yes, Sir.

Leave granted.

	Question 1 (Crown Solicitor's Opinion)	Question 2 (Norman's Opinion)	Question 3 (Minister's Solution Mayor-Chairman)	Question 4 (Mayor to have a deliberative Opinion) casting vote)
1st pref	16	49	14	7
2nd pref	19	18	25	12
3rd pref	18	9	24	22
4th pref	22	6	11	33

Mr OSWALD: When members peruse the table they will find that the result was clearly in favour of the Norman Waterhouse opinion. In fact, the end result was a quite overwhelming rejection of the Crown Solicitor's opinion. Consequently, the LGA advised the Government of its choice and the Government proceeded to bring in this amendment. As the amendment has the overwhelming support of local government and as the Liberal Party has no difficulty with the philosophy involved, with those few words the Opposition is happy to support the Bill.

The Hon. G.J. CRAFTER (Minister of Housing, Urban Development and Local Government Relations): I thank the Opposition for its support of this matter which is relatively minor; however, it is important where councils are faced with the dilemma of conflicting legal advice. Because it may well affect the quality of the decision taking of councils and cause conflict within the community with resulting litigation, it is important that this matter be clarified. I have received representations from the Local Government Association and from the City of Burnside about this matter. I appreciate the cooperation of the Opposition in ensuring that this matter is proceeded with during this parliamentary session. It will clarify once and for all the voting rights of the mayor and thus improve the quality of decision taking and of decisions that are taken at local government level. I commend this measure to all members.

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

[Sitting suspended from 10.40 to 11.55 p.m.]

The Hon. M.J. EVANS (Minister of Health, Family and Community Services): I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

GUARDIANSHIP AND ADMINISTRATION BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1 (clause 3)—After line 27 insert new definition as follows:

'"dental treatment" means treatment or procedures carried out by a dentist in the course of dental practice:'

No. 2. Page 2, lines 8 and 9 (clause 3)—Leave out all words in these lines.

No. 3. Page 10, line 35 (clause 21)—Leave out 'or by the Minister'.

No. 4. Page 10—After line 35 insert new clause as follows:

'Public Advocate responsible to Attorney-General

21a. (1) In performing his or her functions under this Act or any other Act, the Public Advocate is responsible to the Attorney-General.

(2) The Public Advocate may have Public Service employees (but not Health Commission employees) assigned to assist in the performance of his or her functions.'

No. 5. Page 10, line 38 (clause 22)—Leave out 'or Health Commission employee'.

No. 6. Page 11, line 7 (clause 23)—Leave out 'Minister' and insert 'Attorney-General'.

No. 7. Page 11, line 12 (clause 23)—Leave out 'Minister' and insert 'Attorney-General'.

No. 8. Page 27, lines 8 to 11 (clause 57)—Leave out all words in these lines.

No. 9. Page 28, lines 12 to 14 (clause 60)—Leave out 'circumstances exist for the giving of emergency medical treatment under the Consent to Medical Treatment and Palliative Care Act 1993, but otherwise notwithstanding that Act,' and insert 'prescribed circumstances exist for the purposes of section 60a'.

No. 10. Page 29 (clause 60)—After line 12 insert new subclause as follows:

'(4a) Before consenting to the carrying out of any prescribed treatment in relation to a person to whom this Part applies, the board must allow such of the person's parents whose whereabouts are reasonably ascertainable a reasonable opportunity to make submissions to the board on the matter, but the board is not required to do so if of the opinion that to do so would not be in the best interest of the mentally incapacitated person.'

No. 11 Page 29—After line 15 insert new clause as follows: 'Emergency medical or dental treatment of persons unable to consent.

60a. (1) Where medical or dental treatment is given in prescribed circumstances by a medical practitioner or a dentist to a person to whom this Part applies, the person will be taken to have consented to the treatment and the consent has the same effect for all purposes as if the person were capable of giving effective consent.

(2) Prescribed circumstances exist for the purposes of subsection (1) if—

(a) the medical practitioner or dentist giving the treatment—

(i) is of the opinion that the treatment is necessary to meet imminent risk to the person's life or health;

and

(ii) has no knowledge of any refusal on the part of the person to consent to the treatment,

being a refusal made by the person while capable of giving effective consent and communicated by the person to the medical practitioner or dentist or some other medical practitioner or dentist;

(b) the opinion of the medical practitioner or dentist referred to in paragraph (a) is, unless it is not reasonably practicable to do so having regard to the imminence of the risk to the person's life or health, supported by the written opinion of one other medical practitioner or dentist;

and

(c) the appropriate authority for giving consent to the treatment is not reasonably available or, if available, has been requested to give consent but—

(i) has failed to respond to the request; or

(ii) where the person to be treated is under the age of 16 years—has refused to give consent.'

Consideration in Committee.

Amendments Nos 1 and 2:

The Hon. M.J. EVANS: I move:

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

Motion carried.

Amendments Nos 3, 4, 5, 6 and 7:

The Hon. M.J. EVANS: I move:

That the Legislative Council's amendments Nos 3, 4, 5, 6 and 7 be disagreed to.

These amendments provide for the transfer of responsibility from the Public Advocate to the Attorney-General. I do not believe that would be conducive to the proper functioning of that office.

Dr ARMITAGE: As the Minister indicated, these amendments would see the Public Advocate responsible to the Attorney-General rather than related to the Health Commission. The Opposition believes this is an important and quite reasonable expectation. The reason that it is such a reasonable expectation is that, in the mind of the public, about whom the Public Advocate will be advocating, it is important that the public actually perceives there is absolutely no conflict of interest between the role of the Public Advocate and the Health Commission. I remind the Committee that most of the people about whom the advocacy role will be adopted by the Public Advocate will be, by dint of their illness or whatever, clients of the Health Commission or related to services provided by the Health Commission in some other way.

Whilst I in no way suggest that the Public Advocate cannot continue his or her work whilst within the Health Commission, it is an important signal to the community that the Public Advocate is a totally independent person. Accordingly, the Opposition agrees with the amendments. Indeed, at some stage the Minister may choose to tell the Committee why the Public Advocate cannot be responsible to the Attorney-General, given that that is the case in other States.

The Hon. M.J. EVANS: The argument advanced by the member for Adelaide misunderstands the true function of the Public Advocate, who is there to assist those persons who are not able to put their own case. However, the reality of the matter is that the Minister of Health as the person who it is intended should administer the Guardianship and Administration Act is more than appropriate to ensure that representations by the Public Advocate are given appropriate attention in the public sector. I do not believe that in any way the independence of that office would be threatened by having that officer report to the Minister of Health.

Further, the efficiencies of operation within a financial context, which are available through the sharing of functions by the Public Advocate with the Guardianship Board and the sharing of administrative resources, would provide significant savings which could be put toward the creation of this office. There are any number of reasons why the arrangement should remain as proposed in the Bill, which left this House some weeks ago.

Dr ARMITAGE: Given the hour, I merely wish to say that I believe the case was stated eloquently for the Public Advocate remaining responsible to the Attorney-General, but I will not take up the time of the Committee further.

Motion carried.

Amendments Nos 8 and 9:

The Hon. M.J. EVANS: I move:

That the Legislative Council's amendments Nos 8 and 9 be agreed to.

These amendments are consequential upon the fact that the Consent to Medical Treatment and Palliative Care Bill has not yet passed another place.

Motion carried.

Amendment No. 10:

The Hon. M.J. EVANS: I move:

That the Legislative Council's amendment No. 10 be disagreed to.

This amendment requires the board to undertake to contact parents. That is not a practical proposition in many areas because the function has been broadened to include people who are much older and, in many cases, that would be an irrelevant consideration. Indeed, there are other provisions of the Bill which will provide an obligation on the Guardianship Board to consult with a whole range of people who have an interest in a case, and in relevant circumstances that would include the parents concerned. I do not believe this amendment is necessary in this case.

Dr ARMITAGE: For the Minister to indicate that the amendment means that this is not practical is fairly specious, given that the parents are only consulted when their whereabouts are reasonably ascertainable. Surely, that is not expecting too much. The Minister and I have had many discussions about the word `reasonable' in relation to other Bills. I think it is absolutely reasonable that that word remain in the Bill. However, I understand where the Minister is coming from, and I do not intend to press the matter further.

Motion carried.

Amendment No. 11:

The Hon. M.J. EVANS: I move:

That the Legislative Council's amendment No. 11 be agreed to.

Motion carried.

MENTAL HEALTH BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, line 8, Long Title—Leave out "and" second occurring and insert ",".

No. 2, Page 1, line 9, Long Title—After "1940" insert "and the Consent to Medical and Dental Procedures Act 1985".

No. 3. Page 1, line 27 (clause 3)—Leave out "(Mental Capacity)".

No. 4. Page 2, lines 5 and 6 (clause 3)—Leave out the definition of "medical agent".

No. 5. Page 2 (clause 3)—After line 20 insert new definition as follows:

"the public Advocate" means the person holding or acting in the office of Public Advocate under the Guardianship and Administration Act 1993;'.

No. 6. Page 8, line 10 (clause 18)—Leave out "(Mental Capacity)".

No. 7. Page 8, line 27 (clause 19)—Leave out "(Mental Capacity)".

No. 8. Page 8, lines 40 and 41 (clause 20)—Leave out "or by a medical practitioner" and insert ", a medical practitioner or a guardian or relative of the person the subject of the application".

No. 9. Page 9 (clause 20)—After line 2 insert new subclause as follows:

"(4) The Registrar must, not less than two months before the expiry of an order under this section that endures for a period of six months or more, send a notice to the person who made the application for the order and to each other person empowered to make such an application, reminding him or her of the date on which the order will expire."

No. 10. Page 9, line 11 (clause 21)—Leave out ", guardian or medical agent" and insert "or guardian".

No. 11. Page 10, lines 1 to 3 (clause 22)—Leave out all words in these lines.

No. 12. Page 10, line 4 (clause 22)—Leave out "in any other case".

No. 13. Page 14, lines 11 and 12 (clause 27)—Leave out "(Mental Capacity)".

No. 14. Page 14, line 14 (clause 28)—Leave out "(Mental Capacity)".

No. 15. Page 18, line 7, the Schedule—Leave out "(Mental Capacity)".

No. 16. Page 18, lines 30 and 31, the Schedule—Leave out "(Mental Capacity)".

No. 17 Page 18 (The Schedule)—After line 32 insert the following:—

'4a. The Consent to Medical and Dental Procedures Act 1985 is amended by—

(a) striking out from the long title "procedures" and substituting "treatment";

(b) striking out section 1 and substituting the following section:

Short title

1. This Act may be cited as the Consent to Medical and Dental Treatment Act 1985.;

(c) by striking out the definition of "consent" in section 4 and substituting the following definition:

"consent", in relation to medical or dental treatment, means informed consent: ;

(d) by striking out the definition of "dental procedure" in section 4 and substitute the following definition:

"dental treatment" means any treatment or procedures carried out by a dentist in the course of dental practice:;

(e) by striking out the definition of "medical procedure" in section 4 and substituting the following definitions:

"medical treatment" means any treatment or procedures carried out by a medical practitioner in the course of medical or surgical practice and includes the prescription or supply of drugs:

"mental incapacity" has the same meaning as in the Guardianship and Administration Act 1993:;

(f) by striking out from section 5(1) "mental illness or mental handicap" and substituting "mental incapacity";

(g) by striking out from paragraph (c) of section 5(2) "a medical procedure or dental procedure" and substituting "medical or dental treatment";

(h) by striking out from section 6(1) "a medical procedure or dental procedure" and substituting "medical or dental treatment".

(i) by striking out from section 6 (2) "a medical procedure or dental procedure" and substituting "medical or dental treatment";

(j) by striking from paragraphs (a) and (b) of section 6(2) "procedure" wherever it occurs and substituting in each case, "treatment";

(k) by striking out from section 6(4) "a medical procedure or dental procedure" and substituting "medical or dental treatment";

(l) by striking out from section 6(5) "a medical procedure or dental procedure" and substituting "medical or dental treatment";

(m) by striking out from section 6(5) "procedure" third occurring and substituting "treatment";

(n) by striking out from section 6(6) "medical procedure or dental procedure" and substituting "medical or dental treatment";

(o) by striking out from paragraphs (b) and (c) of section 6(6) "procedure" wherever it occurs and substituting, in each case, "treatment";

(p) by striking out from section 7(1) "a medical procedure or dental procedure" and substituting "medical or dental treatment";

(q) by striking out from section 7(1) "procedure" third occurring and substituting "treatment";

(r) by striking out from section 7(2)(a) "medical procedure or dental procedure" and substituting "medical or dental treatment";

(s) by striking out from section 7(2)(b) "procedure" wherever it occurs and substituting, in each case, "treatment";

(t) by striking out from paragraph (a) of section 8(1) "a medical procedure or dental procedure" and substituting "medical or dental treatment";

(u) by striking out from paragraph (a) of section 8(1) "procedure" third and fourth occurring and substituting, in each case, "treatment";

(v) by striking out from paragraph (b) of section 8(1) "a medical procedure or dental procedure" and substituting "medical or dental treatment";

(w) by striking out from subparagraphs (i) and (ii) of section 8(1)(b) "procedure" wherever it occurs and substituting, in each case, "treatment".

No. 18. Page 18. lines 37 and 38, the Schedule—Leave out "(Mental Capacity)".

No. 19. Page 18, line 48, The Schedule—Leave out "(Mental Capacity)".

No. 20. Page 19, line 5, the Schedule—Leave out "(Mental Capacity)".

No. 21. Page 19, line 9, the Schedule—Leave out "(Mental Capacity)".

No. 22. Page 19, line 16, the Schedule—Leave out "(Mental Capacity)".

No. 23. Page 19, line 25, the Schedule—Leave out "(Mental Capacity)".

No. 24. Page 19, line 36, the Schedule—leave out '(Mental Capacity)'.

No. 25. Page 19, line 41, the Schedule—Leave out "(Mental Capacity)".

Consideration in Committee.

The Hon. M.J. EVANS: I move:

That the Legislative Council's amendments be agreed to.

I am pleased to advise the Committee that I am able to accept these amendments. They are almost entirely consequential upon the Consent to Medical Treatment and Palliative Care Bill, which has not yet been passed in another place.

Dr ARMITAGE: The Opposition is even more pleased to agree with the amendments.

Motion carried.

DEVELOPMENT BILL

The Legislative Council intimated that it did not insist on its amendments Nos 1, 7, 8, 16, 20, 23, 26 to 29, 36, 39, 40, 42, 43 and 45 to 57 to which the House of Assembly had disagreed; that it did not insist on its amendments Nos 6, 14, 17, 24, 25 and 31 to 33 and had agreed to the House of Assembly's alternative amendments; and that it did not insist on its amendment No. 13 but had agreed to the House of Assembly's alternative amendment with the following amendment:

Leave out paragraph (b) of proposed new subclause (3a) and insert new paragraph as follows:

(b) by public advertisement, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase and invite interested persons to make written representations on the proposal within a period specified by the Minister.

Consideration in Committee.

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

That the Legislative Council's amendment to the House of Assembly's alternative amendment be agreed to.

Mr S.J. BAKER: I am not sure that these amendments take us very far, but I am sure the wisdom of another place has prevailed. The amendments appear to provide greater requirements on the Government to make explicit its development planning strategy, so the Opposition obviously favours them.

Motion carried.

DRIED FRUITS BILL

Returned from the Legislative Council without amendment.

HARBORS AND NAVIGATION BILL

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

LIQUOR LICENSING (FEES) AMENDMENT BILL (1993)

Returned from the Legislative Council without amendment.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (PLANT) AMENDMENT BILL

Returned from the Legislative Council without amendment.

EVIDENCE (VULNERABLE WITNESSES) AMENDMENT BILL

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

SUPERANNUATION (VOLUNTARY SEPARATION) AMENDMENT BILL

Returned from the Legislative Council without amendment.

GUARDIANSHIP AND ADMINISTRATION BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration In Committee.

The Hon. M.J. EVANS: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments Nos. 3 to 7 and 10.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Armitage, Atkinson, Becker, M.J. Evans and Mrs Hutchison.

TOBACCO PRODUCTS (LICENSING) (FEES) AMENDMENT BILL 1993

Returned from the Legislative Council without amendment.

GUARDIANSHIP AND ADMINISTRATION BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council committee room at 9.30 a.m. on Thursday 6 May.

ADJOURNMENT

At 1.8 a.m. the House adjourned until Thursday 6 May at 2 p.m.