LEGISLATIVE COUNCIL

Tuesday 10 November 1981

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Mining Act Amendment,
Pipelines Authority Act Amendment,
Stamp Duties Act Amendment.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

Pursuant to Statute—

Children's Court Advisory Committee—Report, 1980.
Legal Services Commission of South Australia—Report, 1980-81.
Racing Act, 1976-1978—Rules of Trotting—Driving, Branding and Leasing.
Road Traffic Act, 1961-1981—Regulations—Traffic Prohibition—Robe, Woodville.
Rules of Court—Supreme Court—Supreme Court Act, 1935-1981—Costs.

By the Minister of Local Government (Hon. C. M. Hill)—

Pursuant to Statute—

Adelaide College of the Arts and Education—Report, 1980.
Department of Further Education—Report, 1980.
The Flinders University of South Australia—Report and Legislation, 1980.
City of Whyalla—By-law No. 32—Keeping of Dogs.
District Council of Barmera—By-law No. 32—Itinerant Traders.
District Council of Clare—By-law No. 26—Christison Park.
The Fire Brigades Board—Report, 1980-81.

By the Minister of Community Welfare (Hon. J. C. Burdett)—

Pursuant to Statute—

Beverage Container Act, 1975-1976—Regulations—Mineral Water Bottles.
Dried Fruits Board of South Australia—Report, year ended 28 February 1981.
South Australian Health Commission Act, 1975-1980—Lyell McEwin Hospital—By-laws—Control of Grounds.
Tea Tree Gully (Golden Grove) Development Act, 1978-1981—Regulations—Subdividing and Roads. Development Applications.
The Commissioners of Charitable Funds—Report and Accounts, 1980-81.
Department for Community Welfare—Report, 1980-81.

QUESTIONS

MEDICAL ETHICS

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about medical ethics.

Leave granted.

The Hon. J. R. CORNWALL: In recent weeks, I have raised many serious and important questions concerning the areas of competence and negligence, delineation of clinical privileges, over-servicing, unnecessary surgery, and general peer review in the practice of medicine. I have been surprised and heartened by the support I have received from several leading members of the profession, especially concerned senior consultants.

I want to make clear to the Council that the documents I have previously used in support of my statements were not given to me by Dr David Crompton. The original source of those documents must remain entirely confidential. I had never met Dr Crompton until last week. However, I am honoured to inform the Council that he has decided to strongly support me. He has been in regular contact with me since early last week, by both letters and personal communication. On Monday 2 November he wrote to me as follows:

> I shall be delighted if the efforts which you initiated produce some result in this matter, which I have been chasing for many years with extremely little success. It is very difficult to get Government and extremely difficult to get doctors to adopt a reasonable standard of ethical behaviour . . . There are innumerable instances where incompetent doctors do harm to patients and it is covered up. This applies to all types of doctor, but in surgery it is apt to be rather more obvious than if a patient merely has a skin disease or some medical condition.

With regard to the alcoholic ophthalmologist to whom I have previously referred, Dr Crompton said:

> So far as I can ascertain, when I instructed the Registrar at the Royal Adelaide Hospital about 10 years ago to inform the Medical Superintendent . . . about this man's drunken operating, the R.A.H. board sought advice from the Crown Solicitor but did not inform the Medical Board. Their apparent inaction is disgraceful.

I am extremely anxious that the South Australian branch of the Australian Medical Association should publicly state its position in this matter forthwith. I also ask the Attorney-General, representing the Premier, the following questions:

1. Will he ascertain how many hospitals have stopped or refused operating sessions for this ophthalmologist (whose name I have previously supplied to the Government) in the past 10 years)?
2. Why is no routine method accepted by the medical profession to take adequate steps to deal with this sort of situation?
3. Have other eye specialists, anaesthetists, and relevant hospital authorities who have known of his difficulties in the theatre informed the Medical Board? If not, have they committed an offence?
4. Will the Government introduce appropriate amendments to the Medical Act to ensure that there is a clear responsibility to report a colleague with physical or mental illness which seriously or gravely impairs his or her competence?
5. Does the Premier agree that the cover-ups which have been occurring are gravely prejudicial to patients' best interests?
6. Will the Premier immediately establish a committee of inquiry comprising members of the profession well known for their pursuit of excellence and patients' welfare? Such a committee should include eminent professionals, such as Drs John Jose, Jim Beare, E. B. Sims, and Alex Spitzer and Dr T. A. R. Dinning. Ideally, it should include a representative from the paramedical professions. Because of its socio-political implications, it should also include a member from each of the major political Parties, not necessarily a member of Parliament.

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Premier and bring down a reply.

The Hon. J. R. CORNWALL: I seek leave to make a statement before asking the Attorney-General, representing the Premier, a question about deteriorating medical ethics.

Leave granted.

The Hon. J. R. CORNWALL: Last week, following lengthy discussions which I held with Dr Crompton, he

gave me a previously unpublished letter he had just written headed 'Deteriorating medical ethics'. He considers the present situation to be so serious and the matters I have recently raised so urgent that he has agreed that I should use the contents of the letter in our quest for adequate peer review. In the letter Dr Crompton says, *inter alia:*

The practice of ophthalmic surgery in Australia is in disarray and getting worse. The doctors are mostly to blame and the politicians of both major Parties should consider appropriate action.

Referring to recent changes to the health scheme, he says:

The financial considerations of South Australia are not good enough reasons to tempt the Government to promote the diversion of patients away from the well built and equipped public hospitals where peer-group pressure tends to maintain acceptable standards of care. Harm may come to patients if forced into the private sector. Ophthalmologists, readily responding to requests by patients and general practitioners, are doing more surgery in peripheral hospitals where the surgical risk may be greater. Those doctors who do this, especially those who may not give adequate specialist post-operative care, are unwise. Anyone who in such circumstances increases the risk by inserting intraocular lenses is a fool looking for personal profit rather than better sight for the patient. They must have forgotten that the ethics of the medical profession are based on the interests of the patient, not those of the physician.

Dr Crompton then discusses intraocular or artificial lens insertion at some length, and concludes:

There is nothing evil about intraocular lens implantation (if patients are adequately assessed) but those who plunder the public are the shame of ophthalmology and should be denounced as rogues.

All patients who suffer complication from this type of surgery would be wise to sue the doctor. Any compensation received for negligence might prove inadequate but the real profit would be in the education of others who might then seek safer surgery.

Before members of the College of Opthalmologists leap in publicly to defend their colleagues, as they did recently, I would like to examine what they say in their more private and ethical moments. I have received a bulletin written under the letterhead of the Royal Australian College of Ophthalmologists. It is dated 27 October 1981, and is headed 'Post-operative endophthalmitis'. In simple terms which would be comprehended by all of us that means internal infection of the eyeball. The bulletin says, *inter alia:*

In South Australia in the last two months there have been five cases of post-operative endophthalmitis of which the Executive Committee of the State branch of the R.A.C.O. is aware. This is a disturbingly high incidence. As five different eye surgeons operating in five different hospitals have had these cases, it would seem, on face value, that these are all sporadic cases. There may be cases of which we are unaware. . . .

Indeed there are. It has been brought to my attention that since that bulletin was written two further cases have been reported. The executive committee continues:

It is noted that there are increasing pressures from patients and their G.P.s to operate in hospitals that may have neither the capacity, equipment nor expertise required for safe anaesthesia, proper aseptic surgery and adequate post-operative care.

In a further bulletin of the same date, the R.A.C.O. said:

It has been drawn to our attention recently that some members are operating in country hospitals and only providing minimal post-operative supervision, relying on the local general practitioner to report the onset of any post-operative complications. It seems unlikely to this committee that such G.P.s would have the necessary experience and equipment to diagnose such complications. We do not feel it proper that G.P. involvement in the post-operative care be used to shorten the period of responsibility of the specialist.

Of course, these remarks could just as easily be applied to the whole area of surgery, ranging from orthopaedics to neuro-surgery. They completely vindicate what I have been saying for months about the lack of peer review outside the teaching hospitals. They say quite starkly, as I have said for months, that there are serious and, indeed, fatal flaws in a policy that deliberately encourages more, not less, surgery in community and private hospitals. This is a deliberate policy which has been embraced with blind political enthusiasm but without wit or wisdom by the Minister of Health (Mrs Adamson). Unfortunately, she does not have the necessary background to understand the very serious consequences of her actions.

On the other hand, the Premier, because of his clinical experience and professional concern, does seem to appreciate that a major problem exists. In the past fortnight, I understand that he has discussed many of the matters that I have raised with his senior medical colleagues. I would be very pleased to approach these problems with him on a bipartisan, non-political basis, if he is willing to take appropriate action. Will the Premier immediately establish a representative committee of inquiry to advise what legislative and administrative action is necessary to resolve these serious problems?

The Hon. K. T. GRIFFIN: I will refer that question to the Premier, also.

PLANNING APPROVAL

The Hon. C. J. SUMNER: On 1 October, I asked a question of the Minister of Local Government about a planning approval that was given by the Glenelg council in relation to a proposal to build a 12-storey residential apartment building at 20 South Esplanade, Glenelg, and I told the Council that certain allegations had been brought to my attention in relation to the approval, in particular that the developer, Ray McGrath, of Ray McGrath Pty Ltd, licensed land agents, was a member of the council at the time the approval was granted and that subsequently he transferred the property at a considerable profit. I indicated that, if the allegations were true, they were disturbing and warranted thorough inquiry into the circumstances surrounding this development. The Minister undertook to investigate those allegations, and I understand that he now has a reply.

The Hon. C. M. HILL: I detail the following answers under the grouping developed by the honourable member in his original question, as follows:

1. The Metropolitan Development Plan, City of Glenelg planning regulations, zoning, were made on 21 September 1972. They were based on the model provided at that time by the State Planning Authority. The seventh schedule of the regulations sets out the purposes for which an R2 zone has been created. Residential 2 zone is intended primarily to accommodate single-family dwellings on individual allotments and semi-detached dwellinghouses, but certain parts of the zone may be considered for the erection of row dwellinghouses or of residential flat buildings of medium densities.

High-rise residential flat buildings do not generally conform with the primary purpose for which the zone was created but they are not prohibited. The council is entitled to consider granting consent under the zoning regulations after taking into account the merits of the application and whether special circumstances warrant the council to consider the site suitable for the proposal, having regard to the zoning. The residential 2 zoning does not impose a height restriction and the density considerations relate to persons per hectare on the whole site. A high rise development does not necessarily mean high density.

In reporting upon the 12-storey application to the Building and Planning Committee on 20 January 1981, the council's senior planning officer recommended the application be refused and expressed the opinion that the proposal did not conform with the primary purpose of the zone, that intensity and size of the building was significantly higher than what is intended under the regulations, and construction of a 12-storey building on the site would not

be consistent with the development of the South Esplanade and, in particular, to the intention of a residential 2 zone.

At that meeting, a motion to refuse the application was lost. A second motion to consent to the application subject to conditions to be determined including similar conditions imposed for the approval granted for the nine-storey application on the same site approved by the Building and Planning Committee on 9 December 1980 was passed. In his report to the Building and Planning Committee on this nine-storey application, the senior planning officer expressed the opinion that the application did not conform to the primary purpose for which the zone was created, but that circumstances existed which warranted the council to consider the site as being suitable, and recommended the council grant approval subject to conditions. It should be noted that the council has since approved an 11-storey residential flat building in Colley Terrace and is presently considering an application for a 17-storey residential flat building in North Esplanade.

2. The applicant was Saltram Investments Pty Ltd. The annual return of a company holding a share capital, lodged with the Corporate Affairs Commission on 23 September 1981, shows R. S. McGrath was appointed as secretary and director of Saltram Investments Pty Ltd on 8 September 1981, and the company's registered office was changed to 42 Brighton Road, Brighton, which is also the address of Ray Mcgrath Pty Ltd, licensed land agents.

The application by Saltram Investments for a nine-storey building and, subsequently, for a 12-storey building, showed the address of the applicant as c/o 42 Brighton Road, Brighton, and was signed by the architect. Mr McGrath was a member of the council's Building and Planning Committee at the time the applications were considered. The council's minute book shows Mr McGrath withdrew from his chair when both applications were considered. On behalf of the company, Mr McGrath wrote to the Town Clerk on 4 December 1980, seeking an opportunity to discuss the second 12-storey application with a subcommittee of the Building and Planning Committee, nominating himself and the architect to attend. The Building and Planning Committee refused the request. The minute book shows Mr McGrath withdrew from his chair when this request was discussed and voted upon.

3. Saltram Investments made an application for consent to use the land under the Metropolitan Development Plan, City of Glenelg planning regulation, zoning, for a nine-storey residential apartment building containing 24 flats on 14 October 1980. It was approved by the council on 9 December 1980, subject to certain conditions. The instrument of consent was sent to the applicant on 12 December 1980.

Saltram Investments made a subsequent application on 4 November 1980 for consent to use of land for a 12-storey residential apartment building containing 33 flats which was approved by the council on 20 January 1981, subject to certain conditions to be established. The conditions were established at a meeting of the council on 17 February 1981. The instrument of consent was sent to the applicant on 18 February 1981.

An appeal was lodged against the consent by three objectors. During the hearing by the Planning Appeal Board, agreement was reached between the objectors and the applicant, and the appeal was withdrawn. The council was party to the appeal, but knew nothing of the terms of the compromise between the appellant and Saltram Investments Pty Ltd which resulted in the withdrawal.

4. The subject land has been in the name of Saltram Investments Pty Ltd as registered proprietor since 1968, until its sale to McMahon Properties Pty Ltd on 22 September 1981. R.M.L. McGrath obtained an option to purchase the whole of the shares in Saltram Investments Pty Ltd on 10 September 1980, for $365 000 having paid a deposit of $10 000 not part of the purchase price. The option expired on 10 March 1981, and was relinquished.

On 2 February 1981 R.M.L. McGrath entered into an unconditional contract to purchase the whole of the shares in Saltram Investments Pty Ltd for $376 000, having paid a deposit of $10 000 as part of the purchase price with settlement on 10 September 1981. The application from Saltram Investment for consent to erect a nine-storey residential building was lodged with the council on 14 October 1980. The application was signed by the architect. The property was transferred from Saltram Investments Pty Ltd to McMahon Properties Pty Ltd on 22 September 1981 for $635 940.

5. There was a considerable profit as a result of the business transaction.

6. An application for consent for use of land by Allepo Pty Ltd, 10-12 North Esplanade and 2-2A King Street, Glenelg North, for a nine-storey building containing 27 apartments, was refused by the council's Building and Planning Committee on 6 November 1979. Mr McGrath was Chairman of the committee for 1979-80. The council minutes do not show a record of voting. A record of voting is only required when a division is called. I am informed by the Town Clerk that his notes show the decision was carried on the casting vote of the Chairman, Mr McGrath. It is common meeting procedure for a Chairman to exercise a casting vote against a proposal.

It should be noted that this proposal was immediately opposite an existing high rise residential building, Holdfast Towers. It was subject to 46 objections generally on grounds of its proximity to Holdfast Towers, and was recommended for refusal by the council's senior planning officer. The applicants did not appeal against the council refusal. The Town Clerk and senior planning officer of the City of Glenelg readily made available all their documentation on these matters. The transactions are clearly set out and properly recorded, and the council's Building and Planning Committee has been properly constituted, under section 153 (1)(b) of the Local Government Act, 1934, as amended. Mr McGrath readily made documents available that my officers are not normally entitled to ask for. My officers have found nothing to suggest Mr McGrath acted improperly as a member of the Glenelg council.

CLOUT

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about Clout.

Leave granted.

The Hon. B. A. CHATTERTON: Some honourable members may not be aware of a chemical product on the market called 'Clout' which is a systemic chemical and which is applied to the skin of sheep to kill lice and other external parasites. It is widely used by farmers in Australia because it is much more convenient than dipping sheep in the traditional way. The manufacturers of the chemical warn people using it to wear gloves because it would be absorbed into the skin of humans as it is absorbed into the skin of sheep. That is the only warning on the label of this chemical.

A constituent of mine had an accident with Clout, when the tube connecting the tank to the applicator burst and Clout was squirted into his eye. He was able to wash out the Clout but was concerned that there might be other effects. He rang the State distributors of Clout to ask

whether there was any antidote or any other medical treatment that the company could recommend. The company distributing Clout said that it had no knowledge of the medical effects, nor could it recommend any antidote or provide any information whatsoever on the possible effects. One obvious solution to the problem would be that the label on Clout could carry information which would tell people where they could contact somebody in the Health Commission or in the recognised major hospitals who would have knowledge of the possible poisonous effects of this or other chemicals. The Minister of Agriculture administers the relevant Agricultural Chemicals Act which requires that labels on agricultural chemicals be registered in this State.

Will the Minister consider the possibility of ensuring that agricultural chemicals which are registered in this State and which have their labels recognised by the State Department of Agriculture have included on the label the information that I have just mentioned, about where people can get advice on suspected poisonings from the relevant officers in the State Health Commission or recognised hospitals, which may have poison experts?

The Hon. J. C. BURDETT: I will refer the honourable member's question to the Minister of Agriculture and bring back a reply.

RENMARK THEATRE COMPLEX

The Hon. C. W. CREEDON: Has the Minister of Local Government an answer to my question of 18 August on the Renmark theatre complex?

The Hon. C. M. HILL: Cabinet has recently approved that the Renmark Regional Cultural Centre Theatre Trust in conjunction with the Public Buildings Department develop the Renmark Theatre Project with a view to establishing such a facility in the Riverland. Approval has also been given to the trust to borrow $1 200 000 under the semi-government loan borrowing scheme in the 1981-82 financial year in preparation for construction of the proposed building.

SEMI-GOVERNMENT SECURITIES

The Hon. M. B. DAWKINS: Has the Attorney-General an answer to the question asked by the Hon. L. H. Davis on 16 September about semi-government securities?

The Hon. K. T. GRIFFIN: Transfer of South Australian Gas Company securities are included with other dutiable transactions on returns, submitted monthly by brokers. It would be a difficult and time consuming task to isolate the cost of collection in respect of these particular securities, but it is unlikely that the cost would outstrip the amount collected. Treasury has been asked to give attention to measures to assist in the establishment of secondary markets in semi-government securities, but any announcement in this regard would be premature at this stage.

INDUSTRIAL ACCIDENTS

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to my question of 30 September about industrial accidents?

The Hon. J. C. BURDETT: In the interests of maintaining industrial harmony in South Australia, the Minister of Industrial Affairs has written to the Commonwealth Minister of Industrial Relations, the Hon. Ian Viner, asking him to look into the matter raised concerning notification to next-of-kin by Australian National Railways, in the event of an accident to one of its employees.

CENTRAL DISTRICTS HOSPITAL

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare an answer to my question of 22 October about the Central Districts Hospital?

The Hon. J. C. BURDETT: I am advised by the Minister of Industrial Affairs that it is not the policy of the Department of Industrial Affairs and Employment to make inspections of time and wage records of an entire company only on the complaint of an employee, whose complaint is usually specific to his/her circumstances. Routine checks are conducted upon request, provided officers of the Industrial Branch of the Department of Industrial Affairs have sufficient specific information to indicate that a breach exists and upon which to act.

It is considered that it would be impossible to conduct inspection of time and wages records under the guise of a routine check at the Central Districts Hospital now that the matter has been raised in Parliament, because the administration of the hospital would be well aware that an inspection of records by officers of the Department of Industrial Affairs could be imminent. For that reason, more information has been sought on the alleged breach so that the investigation officers who go to the hospital would be armed with as much information as possible. The type of specific information which would be of assistance is as follows:

- some actual dates on which the alleged stand-downs occurred;
- who was stood down—that is, domestic staff or nursing staff or both;
- were those employees who were allegedly stood down engaged on a full-time, regular part-time or casual basis;
- were the employees stood down for a full day or more or for only part of a shift.

It would be appreciated if this information could be supplied as soon as possible so that appropriate action can be taken.

CLASS SIZES

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to my question of 1 October on class sizes?

The Hon. C. M. HILL: There is no minimum class size specified within schools, and classes of fewer than seven students are common. Such classes most frequently arise at upper secondary level, where schools within whose discretion the allocation of available staff lies choose to maintain a wide subject choice even though few students may choose some subjects, and other classes may have to be large to compensate.

Non-government schools are registered by the Non-government Schools Registration Board which has developed a set of registration criteria. *Inter alia,* it states that:

The board, as a guide, will expect that the minimum enrolment numbers will be as follows:

Primary schools	Initial enrolment of 10, with an average attendance of eight.
Secondary schools	Secondary schools offering a full 8-12 years secondary education: minimum enrolment of 60.
	Secondary schools offering less than the full 8-12 years secondary education the average enrolment per year level not to be fewer than 10.

Combined schools — Those schools which aim to offer education spanning the primary and secondary years, should in general comply with the above requirements for primary and secondary schools. However, the board may give special consideration with respect to overall numbers in the combined school.

The Department of Further Education has a general policy of requiring a minimum of 10 students in a vocational class before that class may be commenced. Classes may be started with fewer than 10 students when this is necessitated by a limitation in the availability of specialist equipment when the teaching by its nature involves a one-to-one situation (such as individual music tuition), or when a full-time staff member is available and, in the judgment of senior college management, the provision of the class is the most productive investment of that staff member's time. Exceptions to the general policy of vocational classes requiring a minimum of 10 students are occasionally made for special groups of students, such as migrants and Bedford Industries workers.

The decision as to whether a class should be discontinued in the event of a significant decline in student attendance after the class has commenced is the responsibility of college management. No minimum class size is stipulated for the continuation of a class once it has commenced. No minimum class size is stipulated for leisure-interest classes. Rather the emphasis is on financial viability of a college's programme; each college is required to return a set rate of its revenue expenditure. This requirement usually necessitates an average minimum class size of approximately 12 students.

EDUCATION FUNDING

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to a question I asked on 1 October about education funding?

The Hon. C. M. HILL: In the area of adult matriculation, including prematriculation, the 1980-81 expenditure was $1 247 000 and the 1981-82 budget is $1 305 000. In the area of trade training, the 1980-81 expenditure was $12 877 000 and the 1981-82 budget is $13 248 000. In August this year, a conference on 'Young Women Entering Non-Traditional Occupations' was conducted for senior department managers to consider actions. The conference made recommendations to increase women's participation in vocational courses.

In 1982 an extended pre-vocational (trades) course will be conducted by the Transition Education Unit in conjunction with the Equal Opportunities Officer and Curriculum Development Branch. The course will provide young women with hands-on experience in a variety of trades, and will also address the particular problems women face in entering an area perceived to be male dominated. In November of this year there will be a publicity campaign directed at encouraging young women to consider vocational training in a broad range of programmes including the trades areas.

An affirmative action programme has been mounted at Regency Park Community College to attract women into electronics courses. Twenty places are being reserved for women in the electronics technicians course. There has been liaison with schools, both through special 'girls only' link courses in electronics and through lecturers visiting schools to address students, to encourage girls into this area.

Close links have been established between the Education Department and the Department of Further Education, particularly with the Transition Education Unit and the Equal Opportunities Officers of each department in an attempt to widen girls' career aspirations. The establishment of the extended pre-vocational (trades) course for young women is an attempt to implement the Education Department's 'Equal Opportunities and Women' policy.

SCHOOL CANTEENS

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to a question I asked on 17 September about school canteens?

The Hon. C. M. HILL: The following information is provided to the honourable member:

1. Primary, 410 schools; Secondary, 101 schools; Area, 44 schools; (Total 555).

2. No information is available on whether the canteens are actually located in the school grounds. However, the following schools operate school canteen accounts and remit financial statements to the department each year:

Primary, 226; Secondary, 94; Area, 31; (Total 351).

(Other categories of schools which supply canteen statements are rural and special rural (2), Aboriginal (6)—total canteen statements supplied by schools—359.)

3. From financial information supplied by schools operating canteen accounts, the following schools made an operating loss during that period:

Primary, 24; Secondary, 2; Area, 2; (Total 28).

(All canteens in the other categories of schools made a profit.)

4. Information is not available as staff are employed by school councils, not the Education Department. Financial statements remitted by schools for the year ended 31 October 1980 did reveal the number of schools which incurred some form of expense for paid assistance either in the form of wages, honorarium, or contract payments.

Primary, 180 schools; Secondary, 93 schools; Area, 26 schools; (Total 299).

(Canteens in other categories of schools did not make similar payments.)

5 and 6. Information not available.

7. Yes, the current award rates are published in the *Education Gazette* as amendments occur. In addition, audit officers check that current award rates are applied when they visit schools from time to time.

8. During the 12 months ended 30 June 1981, the following breaches of the appropriate award were detected;

17—for not recording time worked in a time book.

4—for working too many hours without a meal break.

9 and 10. This information is not available.

11. None. During the 12 months ended 30 June 1981, four primary schools were requested to abide by the regulations.

12. Until the planning and construction of the first flexible-plan primary and secondary schools in the early 1970s, all schools were provided with open shelter sheds for the purpose of student eating facilities. The open sheds were generally noisy, dirty and very difficult for staff to supervise effectively. In many schools, teaching staff had responded to these difficulties by choosing to supervise students eating their lunches in normal teaching areas within the school. Therefore, shelter sheds were converted to other uses, especially to provide activity rooms and multi-purpose teaching areas.

The briefs for new schools developed during the 1970s reflected this change of attitude towards student eating facilities and provided activity halls and enclosed recreation areas instead of open shelters.

STOBIE POLES

The Hon. M. B. DAWKINS: Has the Attorney-General a reply to a question asked by the Hon. Mr Davis on 24 September about stobie poles?

The Hon. K. T. GRIFFIN: Since 1974, the Electricity Trust has had arrangements under which it will place mains underground in special locations such as park frontages, foreshores, recreation areas, adjacent to historic buildings and tourist attractions, etc., where there is some benefit to the general community as well as local residents, provided that the local council or some other relevant authority (for example, the Department of Environment and Planning or the National Trust) will accept responsibility for trenching and reinstatement, provision of space for ground level equipment (for example, transformers) if required, co-ordination with other authorities, and arrangements with consumers for alterations to consumers' services.

A large number of schemes have been carried out under these arrangements, including the historic village at Loxton, the Adelaide Mosque, Market Street, Burra, and the Naracoorte caves. Undergrounding in Main Street, Hahndorf, is to be done under the same arrangements. In this case, the cost is being shared by the District Council of Mount Barker, the Department of Environment and Planning and the Electricity Trust.

The poles in front of Parliament House are old tramways poles originally installed by the Municipal Tramways Trust. They have been left solely to carry street lights for the Adelaide City Council. The possibility of replacing the poles with a more modern standard is being discussed with the council.

BRIAN GROVE CONSTRUCTIONS

The Hon. J. E. DUNFORD: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question about Brian Grove Constructions.

Leave granted.

The Hon. J. E. DUNFORD: Honourable members will note that on 15 September, which is nearly two months ago, I asked the Minister representing the Minister of Industrial Affairs the very lengthy question which appears on page 817 of *Hansard*. Basically, the question dealt with the liquidation or winding up of Brian Grove Constructions. I explained to the Council that 50 men employed in Pirie Street had lost their jobs and that subcontractors in Mount Gambier had not been paid. Subsequently, my question was reported in the *Border Watch*. I have not yet received a reply from the Minister.

I am concerned about this matter because on 27 October the Deputy Leader of the Opposition in another place asked a similar question about the same company. In his reply reported in *Hansard* Mr Brown said that he was answering a question asked the previous day in relation to Brian Grove Constructions, and he gave a very lengthy reply. The question was asked on 27 October and the Minister of Industrial Affairs replied on 28 October. My question was asked on behalf of the workers concerned and the trade union that represents them. I have had to wait for a reply for two months.

The Hon. K. T. Griffin: The reply has been available for two weeks. It was here last week, but you have not asked for it.

The Hon. J. E. DUNFORD: Excuse me, I am asking the question. I saw the Minister concerned before Question Time and he said that he has no recollection of it.

The Hon. K. T. Griffin: You've lost your note then, haven't you?

The Hon. J. E. DUNFORD: It is none of the Attorney-General's business. Even if the reply was available last week, it is nearly two months since I asked that question, whereas in another place a reply was received the day after the question was asked. If a note was lost, I did not lose it. The Minister has told me that he does not have the reply. I want to know on behalf of the people who asked these questions, when I will receive a reply.

The Hon. J. C. BURDETT: The previous question was not directed to me—it was directed to the Attorney-General.

The Hon. J. E. DUNFORD: I desire to ask a supplementary question. When can I obtain the reply from the Attorney-General, and why has it taken so long?

The Hon. K. T. GRIFFIN: If the honourable member would care to look at page 817 of *Hansard* he will note that the question asked on 15 September 1981 was directed to me as Minister of Corporate Affairs. About a fortnight ago I placed a notice on the honourable member's desk informing him that the reply was available. However, he did not bother to ask for it. The reply has been available for over a fortnight, and I have been waiting for the honourable member to ask for it. The reply is as follows: Mr England of Peat Marwick Mitchell is expected to be appointed provisional liquidator and he will be arranging for the preparation of a statement setting out the financial status of the company as at the date of liquidation. At this stage the Corporate Affairs Commission has not instituted an investigation into the affairs of the company and in accordance with normal practice would not do so unless there was some indication that there had been a breach of the legislation for which the commission was administratively responsible.

The liquidator would in due course make a report to the commission indicating whether or not as a result of his review of the affairs of the company he was of the opinion that there had been any breach of the companies legislation. When this report has been received, the commission can consider what action should be taken. Considerable research has been done by officers of the Department of Public and Consumer Affairs into proposals to establish a building indemnity scheme. A report has been prepared and industry has been consulted.

It is not proposed at this stage to proclaim Part IIIC of the Builders Licensing Act which refers to a building indemnity fund. The scheme presently under consideration is not intended to assist subcontractors, but is designed to protect members of the public who have a claim against a builder who cannot meet such claims due to death, insolvency, disappearance and where the consumer has no other avenue of redress either under statute or common law. The Government is not holding any moneys which are legally owed to Brian Grove Constructions Pty Ltd.

CHILDHOOD SERVICES COUNCIL

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about the Childhood Services Council.

Leave granted.

The Hon. BARBARA WIESE: It has been reported to me that the Minister of Community Welfare recently addressed a meeting at Murray Bridge, which was held under the auspices of the Liberal Party. At that meeting the Minister said that in his view the Childhood Services Council had to go. That is a very serious allegation, in view of the fact that the Government, through the Minister of

Education, had already announced that a review of the Childhood Services Council would be carried out.

The Hon. C. M. Hill: Have you been talking to Liberals?

The Hon. BARBARA WIESE: Yes.

The Hon. Frank Blevins: They are all coming over like crazy. We cannot keep up with the invitations.

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Many Liberals have become disenchanted with the Government and are quite happy to talk to us. Is it true that the Minister of Community Welfare has pre-judged the outcome of the Government inquiry by making the statement attributed to him? If not, as one of the Ministers responsible for the inquiry, will he inform the Council of his attitude to the Childhood Services Council? Will the Minister assure the Council and people in the community who are concerned about this matter that the child care programme in South Australia will not be cut back or discarded as a result of the Government's review of the Childhood Services Council?

The Hon. J. C. BURDETT: I certainly did not say at a meeting at Murray Bridge or anywhere else, under the auspices of the Liberal Party or anyone else, that the Childhood Services Council had to go. I merely referred to a review. I think it is necessary to review it, because it has been in operation for some time. It is responsible to three Ministers: the Minister of Education, the Minister of Health, and me. I think it is necessary to ascertain whether the correct method of operation is being used and whether any better methods are available. I did not pre-empt the review. I am looking forward to the result of the review. Certainly, there is no suggestion that the child care programme will be cut back as a result of the review. The review deals with administration and whether the most appropriate method of administering these programmes is being used.

MONEY BILLS

The Hon. R. C. DeGARIS: Mr President, I seek leave to make a brief statement before asking you a question about money Bills.

Leave granted.

The Hon. R. C. DeGARIS: Last week the Hon. Frank Blevins moved to delete clauses in a declared money Bill—clauses which in themselves were not money clauses. Because the Bill was a money Bill and the amendment was a suggested amendment, the Hon. Frank Blevins, because of the principles he has advocated over the years, is understandably disconcerted, as are his colleagues. Under the interpretations we have followed, a Bill that is not a money Bill can have in it a money clause, but a clause that is not in itself a money clause is a money clause if it is part of a declared money Bill.

We have had, over the years, a number of arguments and disagreements over the question of interpretation of money clauses, money Bills, and the paralleled case of Crown lands Bills. The House of Commons handles such questions by using the advice of a Procedures Committee. Mr President, if you feel that it is within your competence to investigate and report to the Council on the desirability of establishing such a committee, would you be prepared to do so? Alternatively, will you ask the Standing Orders Committee when next it meets (or the joint Standing Orders Committee) to investigate the question of the establishment of a Procedures Committee in the South Australian Parliament?

The PRESIDENT: I will certainly take that matter up, first, with the Standing Orders Committee, when that entire committee can be brought together (which I hope will be in the near future).

ETHNIC TELEVISION

The Hon. C. J. SUMNER: Does the Minister Assisting the Premier in Ethnic Affairs have a reply to a question I asked on 22 September about ethnic television?

The Hon. C. M. HILL: I have written to the Federal Minister for Communications, indicating the wide support existing in this State for some form of multicultural television, and seeking the Commonwealth Government's plans to extend S.B.S television programmes to this State. I strongly support such a possible extension. I shall inform the member as soon as a reply is received from Mr Sinclair.

SOLDIER SETTLERS

The Hon. B. A. CHATTERTON (on notice) asked the Minister of Local Government:

1. *(a)* When the Department of Lands wrote to soldier settlers on Kangaroo Island on 25 January 1977 and 31 March 1977 to explain the alternatives available to them, did the department inform settlers that their debts would not be cancelled if the Minister proceeded to cancel their leases by way of notice of intended forfeiture?

(b) If not, why not?

(c) If so, how were settlers informed?

2. Why was a decision made not to cancel the debts of the two settlers who made a voluntary response to the letters of the department?

The Hon. C. M. HILL: The replies are as follows:

1. *(a)* The department did not tell the settlers their debts would not be cancelled if the Minister proceeded to cancel their leases by way of notice of intended forfeiture.

(b) It was considered to be inappropriate to deal with the issue of the debts until the settlers' responses had been made.

(c) See *(a)* above.

2. A decision to not cancel the debts was not necessary as the question of debt cancellation was irrelevant in those cases.

SPORTS GRANTS

The Hon. ANNE LEVY (on notice) asked the Attorney-General: Which sporting bodies in the Murray Bridge area have received capital grants from the State Government since 1970, and what sums were granted in each case?

The Hon. K. T. GRIFFIN: The replies are as follows:

1981-82, Murray Bridge Agricultural and Horticultural Society (to upgrade hall which is used for basketball), $4 000.

1981-82, Murray Bridge Basketball Association, $34 000.

1980-81, Jervois Cricket Club, $400.

1980-81, Mypolonga Tennis Club, $6 000.

1979-80, Murray Bridge Croquet Club, $5 000.

1978-79, Monarto shooting complex, $16 250.

1978-79, Pony Club Association of South Australia—Southern Zone, $5 000.

1978-79, Murray Bridge Agricultural and Horticultural Society (upgrade facilities used by sporting bodies), $1 515.

1974-75, C. T. of Murray Bridge (development of outdoor basketball facilities), $700.

ARRESTS

The Hon. ANNE LEVY (on notice) asked the Minister of Local Government: In the month of September 1981:

1. How many people were arrested in South Australia?
2. How many people were granted bail when arrested?
3. How many people were granted bail so rapidly they were never put into a police cell?
4. How many people had body searches when arrested?
5. What was the average length of time between being charged and getting bail?

The Hon. C. M. HILL: The replies are as follows:

1. 1 751 (approximate).
2. This information is not available.
3. This information is not available.
4. No records of body searches are kept.
5. This information is not available.

REPLIES TO QUESTIONS

The Hon. ANNE LEVY (on notice) asked the Attorney-General: When can answers be expected to the following questions:

1. On school canteens, asked on 17.9.81.
2. On pregnancy terminations, asked on 22.9.81.
3. On pap smears, asked on 23.9.81.
4. On farm trees, asked on 24.9.81.
5. On disposable nappies, asked on 24.9.81.
6. On pregnancy terminations, asked on 24.9.81.
7. On abortion committee, asked on 29.9.81.
8. On English class, asked on 30.9.81.
9. On abortion pamphlet, asked on 30.9.81.
10. On education funding, asked on 1.10.81.
11. On class sizes, asked on 1.10.81?

The Hon. ANNE LEVY: I have received replies to seven parts of this question. Another three parts of the reply are available and I have not been able to ask for the replies yet. I think, on examining the question, that there is only one part listed which has not been replied to or which was not available. That is the fifth part, on disposable nappies. If I do not get a reply to that at some time, I will put it on notice again.

The Hon. K. T. GRIFFIN: The member has indicated that replies have been given or are available to all but one part of the question and, accordingly, rather than ask her to put the question on notice for another day, I indicate that the remaining part of the question will be followed up with a view to providing a reply as early as possible.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

The Hon. C. M. HILL (Minister of Local Government): I move:

That the time for bringing up the report of the Select Committee be extended until 17 November 1981.

Motion carried.

ESSENTIAL SERVICES BILL

Consideration in Committee of the House of Assembly's message that it had disagreed to the Legislative Council's amendments.

(Continued from 28 October. Page 1652.)

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

That the Council do not insist on its amendments.

There are four amendments to the Bill that are still the subject of disagreement between this Council and the House of Assembly. Perhaps, because it is so long since we last looked at this Bill, it would be helpful if I briefly indicated the four amendments. The first relates to the definition of an essential service and is to bring the definition back to the definition that appeared in an earlier Bill introduced by the previous Government.

The second amendment provides for the period of an emergency to last for no more than 14 days, rather than the 28 days originally incorporated in the Government's Bill. The third amendment, which is an amendment to clause 4, provides that a direction of the Minister during the period of an emergency shall not be made so as to impose any form of industrial conscription, and the fourth amendment is to leave out clause 11 of the original Bill to provide that no action shall be taken by way of *mandamus* in respect of a decision of the Minister during a period of emergency.

The arguments both for and against the amendments have been well canvassed in both Houses and during the Committee stage in the Council. They are issues that can be appropriately discussed by the managers of both Houses with a view to establishing whether there is any prospect of resolution of the disagreement between the two Houses. I have indicated clearly the Government's view that the provisions of the original Bill, in our opinion, are appropriate and reasonable and ought not to be the subject of the amendments we are now considering. For the reasons I have previously given, I have moved this motion.

The Hon. C. J. SUMNER: I oppose the motion and maintain that the Council should insist on its amendments. The Labor Party is opposed to this Bill in its present form. We did not vote against the Bill at the second reading stage but honourable members will recall that we voted against the Bill at the third reading stage because certain amendments that we proposed were not accepted. However, the Council did accept some amendments, which the Attorney-General has just outlined and which the House of Assembly disagreed to.

The Council should maintain its attitude of support for the amendments. They do not go all the way to the position that the Labor Party adopted on this Bill, but they do make some improvements to the legislation as originally introduced by the Government. The amendments provide for a narrower definition of what is an essential service and, in particular, define that as being a situation where the community, or a section of the community, would be deprived of the essentials of life. It seems to me that that definition fits more closely the original intention of the Bill, which is to maintain essential services, rather than the broad definition that the Government proposed in its original Bill where it referred to the health and the economic and social life of the community being seriously prejudiced. I believe that our amendment properly restricted that definition to what this Bill ought to cover, and that is the essentials of life—not some vague reference to social prejudice. On that point the Council should maintain its attitude of insisting on its amendment.

The second amendment, about which there is now dispute, is the period within which Parliament should be called together. Our position was that it should be seven days. The Bill introduced by the Government provided that it should be 28 days. Following a proposal from the Hon. Mr Milne, the Council eventually agreed to 14 days. We believe that seven days is appropriate. Certainly, 14 days is better

than the 28 days. I ask the Council to insist on that amendment.

Amendment No. 3 refers to the question of industrial conscription and says that the Bill should not be applied to impose any form of industrial conscription. Our amendment originally was much broader than that and referred to strikes and other forms of industrial action. Our amendment would have taken them out of the purview of the Bill, on the basis there has never been a situation where essential services have been denied to the community in an industrial situation by the withdrawal of labour. Accordingly, the Bill in the form in which it was introduced by the Government was unacceptable. Our broader amendment was not accepted, but the Hon. Mr Milne's amendment, which said that the Bill should not be used to impose any form of industrial conscription, was accepted by the Council. I believe that that is an improvement on the Government's Bill and should also be insisted upon. In our view it still does not go far enough.

The final amendment relates to clause 11 and deals with the question of whether or not the courts should be deprived of any reviewing power over what happens under this Bill, and whether the courts should have any power to review any action that the Government, or a Minister, takes under the Bill. I do not wish to canvass all the arguments on this clause. The Government, when in Opposition, said a clause such as this in another Bill, which denied the courts the right to intervene if a Minister was acting outside the Act, was tantamount to dictatorship and a denial of democracy. In this Bill the Government is trying to do just that. The Council should insist that a person who may feel aggrieved by a decision or action of a Minister or a Government under this clause should have the possibility of some redress through the courts. There should be some scope for that individual to say that the Government or the Minister has acted outside the purview of the legislation.

The Government, when in Opposition, was emphatic in its attitude to such a provision in connection with the petroleum shortages legislation. The Government seems to have changed its mind about democracy and dictatorship when it comes to debating this Bill. Nothing has occurred since this matter was last considered by the Council or the Committee that would warrant our changing our mind on these amendments. As far as the Labor Party is concerned, they should be maintained on the basis that they make some improvement to the Bill; nevertheless, they do not improve it to the extent that we find it satisfactory. I oppose the motion.

The Hon. K. L. MILNE: There have been persuasive arguments put by the Hon. Mr Sumner. I am unable to change my mind on this occasion. I believe that these amendments make the Bill more reasonable. We have to be careful in passing legislation of this kind that we are not imposing more on the people than we originally intended. The Government would be wise to try the legislation as it has been amended. If it does not work, then it can come back to us again. The definition relating to the social life of the community being impeded negatives the whole thing. Very often the reason for a strike is to bring to the attention of people generally a group in the community who have been under-privileged and have been taken for granted. I know it is sometimes misused. It also depends on what one thinks of strikes. One object of a strike is to make people uncomfortable, to have them think about it, have it negotiated, and to generally call attention to the problem. The amended Bill is a much better way of doing it so that you get the essentials of life, and if people are inconvenienced and have to ask their member or the union what the trouble is—

The Hon. R. J. Ritson: What are the essentials of life?

The Hon. K. L. MILNE: What is essential to me would be different from what is essential to you. That is the point. Cigarettes are essential to you: they are not essential to me. It encompasses things of this kind.

The Hon. N. K. Foster: What about sex?

The Hon. R. J. Ritson interjecting:

The PRESIDENT: Order! We had better get back to the amendments before us.

The Hon. K. L. MILNE: The removal of clause 11 is wise. There was some discussion on what was industrial conscription. We all know what military conscription is—it is when people are called up and forced to do what the Government wants them to do. To do that would negative the intention of the Bill. It is much wiser to take it out. I oppose the motion.

The Hon. R. C. DeGARIS: I point out to the Attorney-General that there appears to be no motion on file listing the amendments. That does not matter much.

The Hon. Frank Blevins: Why did you raise it?

The Hon. R. C. DeGARIS: Because I remember well what happened before.

The CHAIRMAN: The amendments should be on file; they were distributed on the last day of sitting.

The Hon. R. C. DeGARIS: I believe that there are four amendments, and at least one was the subject of a large division of opinion in the Council. Page 986 of *Hansard* shows the division was carried by 13 votes to eight votes in relation to a period of 28 days or 14 days. I understand that the question of agreement or disagreement to that amendment is to be included as part of the general motion, and that places some of us who agreed with 14 days being sufficient in a somewhat difficult position in voting on that motion.

The Hon. C. J. Sumner: That's the aim.

The Hon. R. C. DeGARIS: That may be the aim; I do not know that it is. It would be reasonable when a vote such as this comes before the Committee that the various amendments to which another place has disagreed are dealt with separately. I ask the Attorney to consider that procedure.

The Hon. N. K. FOSTER: I support the proposal advanced from this side of the Chamber—by both the Australian Labor Party and the Australian Democrats. I point out to the Attorney-General as forcefully as I can that there is no-one in either Chamber of this Parliament who is opposed in principle to an essential services Bill in some form or other. There is no real misunderstanding by the three political Parties represented in this Parliament concerning essential services. There is a degree of concern in the minds of men and women. What the Hon. Mr Milne said, in response to a good interjection by the Hon. Dr Ritson concerning the degree of necessity and the degree of definition, was true.

I refer to industrial conscription. Conscription in any form is against civil liberties and the rights of the individual. There is no question about that. Some of the most bitter disputes and dire industrial consequences have flowed from the insistence on conscription through Government legislation and the coersing of employees. True, such occasions are few and far between, but their effect has hung around for a long time. There has been one place in Australia where, in terms of industrial peace, they have served some purpose, but that is in Broken Hill, and that situation is probably the result of the isolation of that community. Even then some honourable members would disagree about that. Conscription begets violence of the worst kind. The only industrial conscription over any considerable period occurred in South Australia between 1928 and the late 1930s, perhaps reaching to 1940, when the police barracks remained

adjacent to the Adelaide-Wallaroo-Mount Lyell works in Port Adelaide for almost 20 years.

A number of people lost their lives. An executive member of the union was murdered, and the last person was murdered about four or six years later; a senior vice-president of that organisation was stabbed to death. For that crime, the ethnic group of people concerned was tried and deported from Australia. It was a most sorry situation that served no good purpose. Volunteers were coersed into replacing *bona fide* trade unionists and were taken on board ship in great numbers, and I refer to Greeks and Italians who were on a ship off the coast of Western Australia. They had no knowledge about the dispute and were told untruthfully and maliciously by people in authority that work was waiting for them on the Port Adelaide docks. That occurred before there was an industrial problem. Volunteers with special weapons were brought into this State. Those weapons still remain in the armoury of the Police Force. Up to 500 troopers were used to gallop down the sandhills between Largs Pier Hotel and Outer Harbour to charge the men walking towards the ships.

A film could be made of those ugly days which could possibly make the Anzac saga pale into insignificance, even though this was violence in peace time compared with violence in a war. The marks on those who suffered in the depression or who were children in the depression are still evident today. People who were hoodwinked into joining the volunteers later formed an organisation which was recognised by the Arbitration Commission within four years because of the terrible conditions meted out to them by the same employers who had refused *bona fide* trade unionists about four years earlier.

By the early 1950s that union sought recognition and registration for both permanents and casuals and joined with those it considered to be its colleagues, although 20 years earlier these people had been in conflict with the Waterside Workers Federation in Adelaide. The police persecution (and it was persecution), the trooper violence towards women and children, was evident then, and honourable members can research this in the State Library or the Parliamentary Library. It meant nothing in respect to essential services. The delays extended from 1920 to at least 1940, when the war created a sounder standing for the people involved. No wonder members on this side of the Committee have been substantially against any form of conscription.

I now refer to the incident that gave birth to this Bill. I refer to the recent transport strike. I was surprised to find that two of the principal unions involved had set wheels in motion to ensure that food warehouses in this State were contacted by the trade unions and that food was being made available to supermarkets for distribution to the public in the normal way. That was initiated by the trade unions. It is the responsibility of any trade union to take upon itself acceptance of its responsibility in regard to essential services in a strike situation. That is more often the rule than has generally been acknowledged in the House of Assembly and in this Chamber.

I support the amendments, as I firmly believe that they will add to the worthwhile nature of the Essential Services Bill of the Government. Violence begets violence. There is such a thing as legislative violence, and it is in some measure contained in this Bill. Such provisions do not and should not achieve anything. It may be true that people's economic or social life can be prejudiced by an act of the Government. We have razor gangs operating at both State and Federal levels, denying the right of people to a weekly wage or salary. If anybody in this Chamber dares to rise after I have resumed my seat and say that that is not a direct result of Government action, policy or legislation, he must be living in a fool's paradise or else he is blinded by Party political policies. If a person is cut off from earning a wage or salary he is outside the clauses of the Bill, which are essential to those who are still fortunate enough to be in a position of enjoying a wage or salary.

People who work in the retail stores in Rundle Mall say that the stores are now employing twice as many people as they employed two years ago. One cannot dispute their figures but one can dispute their morals. People are now working three to one shift. If we take the number of man-hours worked in the industry, we find that there is an overall reduction in the total number of hours. If anyone goes to the Royal Adelaide Hospital during visiting hours he will find very little, if any, staff available. If you look at the figures of people working in hospitals against those working there two years ago you will get an awful shock. The Attorney-General is a member of the razor gang and insists that the Government policy, which has operated for some time now, remain. He is now introducing a Bill—

The CHAIRMAN: Order! I remind the honourable member that the Bill has been well and truly introduced. He should be dealing with the amendments.

The Hon. N. K. FOSTER: I am pointing out that members opposite claim there is a necessity for the Bill in respect of their policies. They ought to understand the amendment moved by the Opposition in regard to shortening the relevant term. There is nothing to suggest that that amendment detracts from the intent and purpose of the Bill. Therefore, I support my colleagues and Mr Milne, who has previously had something to say on this matter. I will not refer to the *Hansard* report of the previous debate, as it speaks for itself. In the Opposition's amendment, we asked that 28 days be reduced to seven. The Government has seen fit to agree in part by allowing it to be 14 days.

The Hon. R. C. DeGaris: No, it hasn't.

The Hon. N. K. FOSTER: The honourable member may be correct. I have spoken about industrial conscription. The specifying of the number of days is unnecessary in legislation of this type. Given the majority that the Government gained at the last election, it should be able to maintain its numbers. The Bill makes a point of principle, but the whole thrust is one of overkill, and overkill can produce a situation in which a dispute will become much lengthier, more bitter and more difficult to solve.

As the Hon. Mr Burdett knows, in the case of the petrol resellers dispute Parliament did not need to be called together to solve that problem or to consider emergency legislation. Between the Friday when the dispute was called and the Monday afternoon the Government bent over backwards through Cabinet to ensure that it accommodated the petrol resellers, because it had nowhere to go and had no redress. The Government finds itself in a situation in which, because it is dealing with people who are not joined in trade unions but are in organisations that see fit to pay a greater allegiance to the philosophy of the Liberal Party than to the philosophy of people on this side, it is hastening very quickly. The Government's action was almost an over-reaction to appease these people, who will deny the public the right to the freedom of petrol supplies. The Government dealt with these people differentially, as it dealt with the transport union. The Government cannot afford that type of luxury.

I suggest that members opposite do not follow me in that aspect of debate, making wild claims about what they might do, because a meeting was held only this morning in a suburb of Adelaide in respect of the resellers who are now screaming again and who are not satisfied with what the Liberal Party is doing. Members opposite should tread very warily in regard to this matter, but they must apply the same set of rules to all groups of people in the community,

regardless of whether a group calls itself the Chamber of Commerce, a group not registered under the Conciliation and Arbitration Act—Commonwealth, State, or both. The other people band together, pay allegiance to no-one but themselves and have no rules to go by.

The CHAIRMAN: Before I put the motion, does the Attorney-General intend to comply with the request of the Hon. Mr DeGaris?

The Hon. R. C. DeGARIS: I believe that my request is reasonable. For the first time in my political life in this Chamber I will be forced to withdraw from any vote on this particular matter. The reason is that I do not believe that any member of this Council should be placed in a position in which he cannot vote on questions in a way that accurately expresses his opinion. If I voted for the motion, I would be voting against something about which I feel quite strongly; if I support the Labor Party and the Democrats in voting, I will be doing the same thing. I make the point that it is quite wrong that any member, in voting in this Council, cannot vote as he desires.

The Hon. Frank Blevins: Is this the first time this has occurred in 20 years?

The Hon. R. C. DeGARIS: It is the first time that I have taken this point. Whether it has occurred before, I do not know, but it is the first time it has occurred to me.

The Hon. C. J. Sumner: What did you do in 1968-70?

The Hon. R. C. DeGARIS: I was always most amenable. I do not agree with amendment No. 1 that passed this Council, nor am I entirely in agreement with what was in the original Bill. As I stated in the second reading stage, I do not like the words 'or social' as they apply to the life of the community. Regarding amendment No. 2, I am strongly of the view that 14 days is long enough for any Government to operate without referring its actions to a Parliament.

The Hon. N. K. Foster: The Government is the Cabinet, and it is not out of session, as the Parliament is out of session.

The Hon. R. C. DeGARIS: That is probably quite true. There is no difficulty in calling Parliament together within 14 days. In regard to amendment No. 3, I am totally opposed to any definition attempted in the legislation of 'industrial conscription', and I refer honourable members to the Oxford English Dictionary in regard to the definition of the word 'industrial' and the word 'conscription'. Members will find exactly what that phrase means by being placed in the legislation. I suggest that it is quite ridiculous to have that definition in the Bill. Regarding amendment No. 4, there has been a long debate about this question, and I believe that there has been a misinterpretation in the minds of a lot of members as to the meaning of clause 11, which states:

> No action to compel the Minister or a delegate of the Minister to take, or restrain him from taking any action in pursuance of this Act shall be entertained by any court.

The Hon. C. J. Sumner: What do you mean?

The Hon. R. C. DeGARIS: I believe we went into that question when the Bill passed the Council. It was stated that any action could be taken in the court against a Minister. That clause applies to a very narrow area in relation to action being taken in the court. I believe it must be agreed that any injunctions taken to prevent the Government's taking action in a position of crisis or emergency would be quite foolish.

The Hon. C. J. Sumner: Do you support that?

The Hon. R. C. DeGARIS: I support clause 11. It is quite clear that—

The Hon. C. J. Sumner: Have you changed your mind?

The Hon. R. C. DeGARIS: I have not changed my mind at all. That was exactly what I stated in the second reading stage, or words to that effect. I am left in a position where, for the first time in my life in this Parliament, I am unable to cast a vote.

The Committee divided on the motion:

Ayes (7)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, K. T. Griffin (teller), C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons G. L. Bruce, B. A. Chatterton, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons L. H. Davis and R. J. Ritson. Noes—The Hons Frank Blevins and J. R. Cornwall.

Majority of 2 for the Noes.

Motion thus negatived.

Later!

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference to be held in the House of Assembly conference room at 10 a.m. on Thursday 12 November, at which it would be represented by the Hons G. L. Bruce, K. T. Griffin, D. H. Laidlaw, K. L. Milne, and C. J. Sumner.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 28 October. Page 1652.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill, which allegedly consolidates the various Acts under which the State Transport Authority operates into one Act. I say 'allegedly' because, when introducing the Bill, the Attorney-General said that it, 'attempted a major rationalisation'. I am not sure that even the Government was confident about the Bill's effects, because the second reading explanation refers to it as being only an attempt. Be that as it may, I am sure the Government expects the Bill to be effective. Perhaps the Government was quite specific when it stated that this Bill was merely an attempt, because the Minister of Transport in another place said, when speaking to the Bill, that it was basically a draftsman's Bill which was very difficult for members of Parliament to understand. I am not sure about other members of Parliament, but I would rather that the Minister spoke only for himself and not for me. If, as the Minister has said, it is difficult for members to understand, and after all we are considering it, what chance does anyone else have of understanding it? I found the Minister's remark to be rather strange.

It became quite clear from the progress of the debate in another place that there had been no consultation with S.T.A. employees at all. This Bill significantly alters the major operation of the various Acts under which employees must work. I think it is a slight on S.T.A. employees that the Minister did not consult with them before introducing this Bill. In fact, I think the Minister was quite stupid not to do that. However, responsibly, the employees and their organisation did not take any drastic action, but merely brought the oversight to the Minister's attention. They pointed out that there had been no consultation with them or their representatives and requested that some consultation take place quickly. To his credit, the Minister agreed to have consultations with the union concerned, consultations that resulted in what I believe was a reasonable measure of agreement.

The union still has some doubt about the reason behind the introduction of this Bill. It appears that there was no problem working under the various Acts, so the need for this Bill to consolidate them into one Act is beyond me. Perhaps it will make it easier for someone down the line to deal with certain provisions if they have to lock into only one Act instead of several. I believe it is rather trivial to consolidate two Acts into one. There is no operational need for this Bill, because there was no difficulty in working under the various Acts.

The Minister of Transport said that there would be no alteration to any principles in the other Acts replaced or amended by this Act. He said that it neither added to the powers of the S.T.A. nor took any away. He said that it merely brought various bits and pieces together into one Bill, and he assured the employees that no-one would be disadvantaged. In fact, he said that it would only benefit the employees, but he did not go on to say how. He said that it would be of benefit to them and that it would not disadvantage them in any way. I take that as a very clear indication of the Government's intention, even though it does appear to have some doubt about whether the Bill will be successful.

Given the assurances that the employees have received from the Minister of Transport, the Opposition is prepared to assist with the speedy passage of this Bill. I believe the Opposition in another place was quite correct in insisting on consultations between the employees and the Minister. I believe it was perfectly proper for the Opposition to do that. As I have said, it was a very serious oversight by the Minister that that did not occur initially. It was left to the Opposition to draw that matter to the Minister's attention. If it is found later that this Bill deliberately (and I very much doubt this) or inadvertently (and that is always possible) disadvantages any employees, the Opposition and the employees concerned would expect the Minister to keep his word that the Bill was not intended to disadvantage anyone. If that does occur, the Opposition would expect the Minister to solve any problem that arises. However, the Opposition does not expect that to happen and, from what the Minister has said, he does not expect that to happen, either. If any problems do arise, we expect the Minister to keep his word and attempt to sort them out.

I think that probably the most valid thing to say about this Bill is that it is another example of legislative padding, on the very say-so of the Minister's second reading explanation. The measure does nothing: it does not take anything away from anyone and it does not give anything to anyone. It merely replaces several pieces of paper with different titles with one piece of paper. It is an exercise in name changing, re-numbering of provisions, and things like that. It is of no consequence to the affairs of the State. Obviously, the only reason for it is to give some appearance that the Government has some sort of legislative programme, which it has not. I would be out of order if I went down the track at any length on that, although I would like to do so.

The Hon. K. T. Griffin interjecting:

The Hon. FRANK BLEVINS: I have been virtually invited to do that. I have never understood why Governments legislate like crazy to give the appearance of having a marvellous legislative programme and why they churn out Bills day after day. That strikes me as quite strange. A significant number of the Bills that I have seen coming before this Parliament restrict the rights of people in one way or another and, if the Government wants to give the appearance of great legislative activity because the people expect it, I think that the people need a little re-education, because I think that in some instances they would complain when Parliament was sitting and a few rights that they had were being eroded, rather than the position being the other way around. However, in deference to the Chair, I will not stray any further from the Bill.

The ACTING PRESIDENT (The Hon. M. B. Dawkins): The honourable member would not be allowed to do that.

The Hon. FRANK BLEVINS: The Opposition supports the Bill, particularly with the assurances given by the Minister, and we see no reason to delay its passage further.

The Hon. K. T. GRIFFIN (Attorney-General): In the second reading explanation, I indicated that the Acts that this Bill replaced were outmoded and really did not cope with modern automated and semi-automated vehicular systems and that there was a real need to bring the legislation governing the State Transport Authority, in particular, much more up to date so that it kept the powers and responsibilities of the authority very much up to date with, among things, new technology.

I think it important that this Council be reassured, as has already been indicated by the Hon. Frank Blevins, that immediately the question of consultation with representatives of the union had been raised with the Minister, the Minister agreed next day to have consultations. Those consultations were held and they were most satisfactory. I understand that the Minister and representatives of the union are satisfied that there has been proper consultation and that this legislation does not impinge on the rights of employees. I am pleased that the Opposition supports the Bill.

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

RACING ACT AMENDMENT BILL

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

It proposes amendments to the principal Act, the Racing Act, 1976-1980, designed to give effect to recommendations of the Committee of Inquiry into the Racing Industry that the Government has accepted but not yet implemented. A number of recommendations of the committee have already been implemented through amendments to the Racing Act, which were introduced into Parliament in November 1980 and brought into operation on 1 January 1981. These earlier amendments were generally related to the provision of additional finances to the racing industry and the Government introduced them as a matter of urgency. It is now generally agreed that the changes introduced have been of significant benefit to the industry. The amendments now proposed are designed to implement most of the remaining recommendations of the Committee of Inquiry, and cover a number of diverse aspects of racing. The major changes proposed are as follows:

1. The committee has recommended that the Trotting Control Board and the Greyhound Racing Control Board be reconstituted and reduced to a membership of five. The committee has argued that the membership proposed would create boards which are less affected by sectional interests and better equipped to work for the overall development of the codes concerned. Selection of members from a panel, as proposed, would give greater flexibility of appointment. The committee has recommended the enactment of specific provisions designed to ensure that members of controlling bodies and other boards are free to work in the interests of the whole industry without the constraints of representing a club or sectional interest. The Government has accepted this recommendation and the Bill makes provision accordingly.

2. The Committee of Inquiry has recommended that the Totalizator Agency Board be empowered to pay dividends after each race. It argued that such a service would give cash customers of T.A.B. the same privileges as the telephone betting customers, whose winnings are available after each race. The Government agrees that this step would provide a better service to the public and believes that its introduction would not have any adverse effect on the industry. This service is already available in Queensland, New South Wales, Western Australia, Tasmania and the A.C.T. The Bill includes a provision designed to give effect to this recommendation.

3. The Government has agreed that, as a general principle, the racing industry should be given as much autonomy as possible to make and implement many decisions which are important to its future. To further this end, the Government has accepted the Committee of Inquiry recommendation that the principal Act be amended to remove the present restriction on the number of meetings which may be conducted by each code in the metropolitan area at which on-course totalizator betting may be conducted.

4. The Committee of Inquiry has recommended that the functions of the Racecourses Development Board be expanded in order to give it the greater flexibility which may be necessary in the future. The committee argued that it may be in the interests of the racing industry to make grants, subsidies or loans for facilities which are not necessarily public in nature in order to improve a racecourse or to benefit the industry. Such an action could include the development of a training facility. Similarly, the committee argued that it may be desirable for the board to make a grant to a person or a body, other than a registered racing club, in order to benefit a particular code. For example, a consortium of clubs could be funded to develop a computerised totalizator facility. In accepting this recommendation, the Government has decided that grants made under these additional powers should be subject to the approval of the Minister of Recreation and Sport, in addition to the approval of the Treasurer.

5. The Committee of Inquiry considered that it is an anomaly that South Australia is the only State in which neither bookmakers nor their clients are able to take legal action for the recovery of gambling debts. The Government has already taken action to protect the public by granting a significant increase in the level of bonds payable by bookmakers. A desirable second step will be to ensure that members of the public have the right to take action for the recovery of gambling debts, and in providing for this the Government believes that the right should be available to both parties concerned.

The Bill also proposes amendments to the principal Act to substitute for all references in the Act to dogs references to greyhounds. Greyhounds are the only dogs raced for the purposes of the Act and the expression 'greyhound racing' is the expression generally used and preferred by those involved in that form of racing. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Under the clause different provisions may be brought into operation at different times. Clause 3 amends section 3 of the principal Act which sets out the arrangement of the principal Act. The clause amends this section by substituting for the term 'dog' the term 'greyhound' in the heading for the division relating to the controlling authority for dog racing. Clause 4 amends section 5 of the principal Act which sets out definitions of terms used in the Act. The clause amends this section by substituting for all references to dogs references to greyhounds.

Clause 5 amends section 10 which provides for the constitution of the Trotting Control Board. The clause provides for a board of five, instead of seven, members, two being appointed on the recommendation of the Minister and the remaining three being persons nominated by the Minister from panels of three nominated by the South Australian Breeders, Owners, Trainers and Reinsmens Association, the South Australian Trotting Club and a meeting of other trotting club representatives, respectively. The two members appointed on the recommendation of the Minister are, under the clause, to be the Chairman and Deputy Chairman of the board.

Clause 6 reduces the maximum term of office for members of the Trotting Control Board from four years to three years. Clause 7 makes a consequential amendment to section 11 reducing the quorum for the Trotting Control Board from four to three members. Clauses 8 and 9 make amendments substituting references to greyhounds for references to dogs. Clause 10 amends section 25 by providing a definition of the Greyhound Racing Control Board, that is, the board that was the Dog Racing Control Board continued in existence under the name the 'Greyhound Racing Control Board'.

Clause 11 provides for the change of the name of the Dog Racing Control Board to the Greyhound Racing Control Board. Clause 12 amends section 27 which provides for the constitution of this board. Under this clause, the board is to be constituted of five members, instead of six members, two being appointed on the recommendation of the Minister and the remaining three being persons nominated by the Minister from panels of three nominated by the Greyhound Owners, Trainers and Breeders Association of South Australia, the Adelaide Greyhound Racing Club and a meeting of other greyhound racing club representatives, respectively.

Clause 13 reduces the maximum term of office of members of the Greyhound Racing Control Board from four years to three years. Clauses 14, 15, 16 and 17 substitute references to greyhounds for references to dogs. Clause 18 amends section 45 by reducing the maximum term of office of members of the Totalizator Agency Board from four years to three years. Clause 19 amends section 56 which provides for a quarterly distribution of Totalizator Agency Board profits to the controlling authorities for horse racing, trotting and greyhound racing. The clause amends this section to authorise the board to make the distributions on the last day of the board's four-weekly accounting period that last expires before the end of each quarter.

Clause 20 amends section 62 which provides at subsection (2) that the dividend on any totalizator bet must not be paid until the end of the race meeting that includes the race on which the bet was placed. The clause amends this section so that, instead, it provides that the dividend on any bet shall be paid as soon as practicable after the race on which the bet was placed, except where the Minister directs otherwise. Clauses 21, 22 and 23, amend sections 63, 64 and 65, respectively, by removing the specific limitations on the conduct of on-course totalizator betting at local horse racing, trotting and greyhound racing meetings. Instead, on-course totalizator betting at such race meetings will be authorised by the Minister, on the recommendation of each controlling authority.

Clauses 24 and 25 substitute references to greyhounds for references to dogs. Clause 26 amends section 128 by providing for a maximum term of office for members of the Racecourses Development Board of three years. Clause 27 changes the name of the Dog Racing Grounds Devel-

opment Fund to the name the 'Greyhound Racing Grounds Development Fund'. Clause 28 amends section 135 which provides that the function of the Racecourses Development Board is to provide financial assistance for the development of public facilities in the grounds of racecourses. The clause amends this section so that the board may, in addition, with the approval of the Minister, provide financial assistance for the development of other facilities that the board is satisfied will benefit horse racing, trotting or greyhound racing.

Clause 29 inserts a new section 146a providing that a member of a board established under the Act shall not, without the consent of the Minister, be or become the secretary or an employee of a club or association established for any purposes related to racing. The proposed new section also provides that every member of such a board shall decide every matter that he is required to decide as a member according to his own opinion or belief and not according to the direction of any person or body. Under the section, contravention of either of these provisions is to constitute a breach of the conditions of appointment to the board and render the member liable to be removed from office. Clause 30 inserts a new section 149a which provides that bets made lawfully with and accepted by bookmakers, authorised racing clubs or the Totalizator Agency Board are to be valid and enforceable as contracts notwithstanding any Act or law to the contrary.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

INDUSTRIAL SAFETY, HEALTH AND WELFARE ACT AMENDMENT BILL

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

CORONERS ACT AMENDMENT BILL

In Committee.
(Continued from 22 October. Page 1523.)

Clause 9—'Rules.'

The Hon. K. T. GRIFFIN: On the last occasion when we considered clause 9, the Leader of the Opposition raised questions about the appropriateness of granting the coroner the power to make rules to allow for the recovery of costs of certain inquests. I explained that the intention of the clause was to make rules to authorise the coroner to order certain costs against a party to an inquest, and that such costs were intended to be limited to witness fees and costs of expert evidence and not to allow for what amounts to extensive legal fees of particular parties.

I indicated that I would endeavour to obtain some statistics from the coroner. I have not yet been supplied with the detailed statistics by the coroner. Notwithstanding that, the matter ought to nevertheless continue. During a brief discussion with the coroner, he indicated that over the last 18 months or thereabouts the incidence of fire inquests had increased significantly, and that the majority of these inquests were undertaken at the request of interested parties, usually an insurer, with a view to fishing for facts and other information. He also indicated that the same practice is developing in respect of road accident fatalities, where a significant number of inquests were undertaken at the request of an insurer.

The coroner still has a discretion as to whether or not to hold an inquest. He endeavours to oblige if at all possible, but in the majority of these cases he would not ordinarily, of his own motion, direct that an inquest be held. Therefore, the Government provides a service to insurers and picks up the cost of witness fees and of any experts who may prepare reports or be required to give evidence. This area is of concern to the Government, where expense is being incurred by the Government for a specific interest of an insurer in circumstances where the cost ought to be paid by the insurer. The coroner can, if he deems it appropriate, make an order for payment of those costs.

I remind honourable members that the rule as to costs would be subordinate legislation and would be tabled in both Houses of Parliament, and there would be an opportunity to disallow it if members of Parliament decided that the rule was drafted in such a way that it took into account more than was warranted.

The Hon. C. J. SUMNER: The Attorney has not been able to take this matter any further despite the period that he has had to produce some evidence to justify this clause, which would allow the coroner to award costs. On 22 October the Attorney requested that progress be reported. He undertook to attempt to obtain information regarding the abuse of the opportunity to ask for inquests and the costs thereby suffered by the State.

The Attorney has not produced anything concrete. The only concrete information appeared in the Budget papers, and I referred to them on 22 October when I indicated that the breakdown last year of coronial inquiries showed that for fires $9 000 was spent and that $10 000 had been budgeted. Further, this year $14 000 has been allocated for inquiries into fires. I do not see how the Attorney can maintain that there has been abuse of coronial procedure or that the increase in fire inquests that has occurred constitutes abuse.

The Hon. B. A. Chatterton: Surely most of that increase would have been spent on the Adelaide Hills fire.

The Hon. C. J. SUMNER: True, in the last financial year there was an inquest into the Adelaide Hills bushfire, into the Gays Arcade fire and the Horsnell Gully fire, which all occurred within the last financial year. The Attorney has been unable to produce to the Committee any justification for this clause, or any statistics or evidence of abuse. On that basis I must maintain my previous opposition to the clause, and the general point that coronial inquests are a public service provided by the State. They ought to be provided without the risk of people having to pay costs.

Abuses could occur, but people might not request inquests if they believed they could be landed with heavy costs, including the cost of lawyers. This is particularly the case with, say, widows, whose husbands may have been killed in motor vehicle or industrial accidents. I believe that is not a great cost in relation to inquests into fires. In the long run, the move is probably a cost-saving exercise anyway, because the evidence obtained from a coronial inquiry usually forms the basis for a settlement if it is a situation in which an insurance company is involved in a claim for damages. All that the Attorney has said this afternoon reinforces my argument that the clause should be opposed.

The Committee divided on the clause:

Ayes (9)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Noes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, C. W. Creedon, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. L. H. Davis. No—The Hon. J. R. Cornwall.

The CHAIRMAN: There are 9 Ayes and 9 Noes. So that the question may be considered by another place, I give my casting vote for the Noes.

Clause thus negatived.

Title passed.

Bill read a third time and passed.

RIVER TORRENS (LINEAR PARK) BILL

Adjourned debate on second reading.

(Continued from 28 October. Page 1647.)

The Hon. B. A. CHATTERTON: I support the principle of this legislation which is to provide powers for the Government to acquire land to carry out the development of the Torrens River linear park and also flood mitigation of the river and the transport corridor that goes in part along the Torrens valley. However, while I support the legislation in principle, the Government has not explained why this legislation is necessary and why the powers of acquisition under the previous legislation are inadequate. This question was raised during the debate in the House of Assembly but the Minister did not really provide a full explanation as to why this new Bill was needed and why the previous Act was not sufficient or why amendments to that Act would not have been an adequate way of dealing with the problem. I hope the Minister responsible for the Bill in this Council is able to look at the debate and provide a more satisfactory answer as to why legislation has been introduced in this way.

The other major concern that I would like the Minister to answer at the end of this debate is in relation to the way in which the report 'The River Torrens Study—A Co-ordinated Development Scheme' could be amended. Under this Bill we have in clause 3 power to acquire land. Land is defined as land within the plan. The plan is defined as the plan within the co-ordinated development scheme contained in the report. The report is then defined as meaning 'The River Torrens Study—A Co-ordinated Development Scheme', which is deposited in the General Registry Office as No. 1685 of 1981. On all appearances it is fairly watertight and the only land that can be acquired under clause 3 is the land within the plan within the report.

Would the Minister confirm that they are the only acquisition plans being granted under this piece of legislation? If that is the case, how does the Government intend to deal with the situation where additional land is necessary and where the report would have to be amended? How would such amendments to the report be carried out? I believe that the corridor now being proposed for transport in the Torrens valley is not exactly the same corridor contained within the plan in that report. Presumably, it is not completely covered by the acquisition powers within this piece of legislation. Presumably the Government would wish to amend the report to enable it to acquire that land. If that is in fact the situation, how would the report be amended? Would it be on public display and would Parliament have any opportunity to disallow any amendments that were made to the report?

Whilst I support the legislation in principle, they are the two principal queries that I have. Why was this legislation necessary and what does the Government propose if any alterations are necessary to the plan contained within that report, as that is the only land that can be acquired under this legislation as I read it?

The Hon. M. B. DAWKINS secured the adjournment of the debate.

FORESTRY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October. Page 1653.)

The Hon. ANNE LEVY: The Opposition supports this legislation in principle, but I wish to raise a few matters and hope the Minister will be able to assist. The 1979-80 report indicates that there are about 26 000 hectares of native forest and woodland in South Australia controlled by the Woods and Forests Department. This is to be compared with about 3 000 000 hectares conserved under the National Parks and Wildlife Act. The comparison in terms of numbers is not a very relevant one as a very large part of the 26 000 hectares controlled by the Woods and Forests Department is in a high rainfall area, unlike a very large portion of native parks and conservation parks conserved under the National Parks and Wildlife Act. Certainly the native forests and woodlands in high rainfall areas are under-represented in the national parks system. Therefore, preservation of that area will be of greater value.

The Bill is to create native forest reserves and certainly if this is for conservation of such native areas we support the concept wholeheartedly. The second reading explanation of the Minister indicated that the purpose of the forest reserves was for conservation purposes but that is not clear in the legislation as it stands before us. The Bill states that a native forest reserve is any forest reserve which is declared as being a native forest reserve. There is no greater definition than that. Furthermore, it states that, when any forest reserve is declared to be a native forest reserve, a proclamation shall contain a statement of the purpose for which the native forest reserve is established. It does not in any way indicate that this purpose is for conservation or protection of the area, and there is no comeback by any organisation or by Parliament if they do not like the purposes which are stated in the proclamation.

I am not suggesting for one minute that the department has any nefarious purposes but we can postulate that it would be possible to declare a native forest reserve, and the purpose stated could be wood-chipping or it could be for firewood. Neither of these purposes would come into the conservation category, and there would be nothing to prevent such a proclamation being made and no way for Parliament to disapprove of such a purpose being declared. The legislation makes quite clear that, if the purposes of a native forest reserve are to be altered, the proclamation changing the purposes must be laid before Parliament and can be disallowed by motion in either House. This is an extremely valuable protection, since a change of purpose will therefore be clear public knowledge and can be debated in the Parliament. It differs from a normal regulation as it is to have no effect until the proclamation has been before Parliament for 14 days or a motion for disallowance has been defeated, withdrawn, or has elapsed.

The tightness of this provision will ensure that proper consideration is given to any change of purpose for a native forest reserve and that full Parliamentary processes can occur. However, the original proclamation setting up a native forest reserve makes no provision for examination by Parliament or the public, and there is no means of objecting. The purposes for which a reserve is established may not be for conservation, as suggested in the second reading explanation, but could be for purposes such as firewood or wood chips. It is for this reason that I have an amendment on file, which I will be quite happy to discuss in the Committee stage. This amendment will make quite clear that the purposes for which a native forest reserve has been proclaimed are, in fact, purposes related to conservation of native trees and vegetation.

The Bill also makes provision for forest wardens to be appointed in a manner that is exactly analogous to that in which wardens are appointed under the National Parks and Wildlife Act. One might suggest that the powers are somewhat Draconian, but I can see the virtue of consistency—wardens under the National Parks and Wildlife Act and wardens under the Forestry Act should have the same powers. The only addition to the powers of national parks and wildlife wardens that the native forest wardens will have under this Act is that any living animal that has been seized as evidence of an offence may be released from captivity. Obviously, this is a very sensible provision and it would seem that, in any examination of the National Parks and Wildlife Act, a similar provision should be inserted relating to offences that may be detected by a warden under that Act.

There is raised the question of whether a whole new category of person is to be employed as wardens of forest reserves. Can the Minister say what extra staff are expected to be appointed as forest wardens to fulfil the functions that have been established under this Act, or will extra duties be assigned to existing officers without creating any new positions?

Another matter that is dealt with extensively in the Bill is the change of title from the Conservator in the old Act to the Director of the Woods and Forests Department. Obviously, this is a machinery matter that is just updating the provisions of the Act.

One other matter on which I wish to comment is clause 16 of the Bill, which repeals section 22 of the principal Act. Section 22 gives power to Parliament to provide moneys for the purposes of the principal Act. It is certainly true that for many years the Woods and Forests Department has not had money provided to it from Treasury. In fact, it generates its own income and has been a revenue-raiser for the State. One might perhaps wonder why the provision for Parliament to allocate moneys to the department is to be repealed, since at some time in the future it may be necessary for public moneys to be allocated to the department. Apart from that, there is still the query whether the section would be necessary even for this purpose. As I understand it, the Public Finance Act would allow the Parliament to make provision of moneys for any Government department, including the Woods and Forests Department, regardless of whether or not section 22 was retained. To that extent, I suggest that clause 16 of the Bill before us may be irrelevant, because, whether or not section 22 of the original Act exists, the Parliament can appropriate moneys for that department.

Regarding the amendment to clause 4 that I have on file, I point out that a similar amendment was moved in the Lower House but was not accepted by the Minister, who believed that the wording of the amendment might inhibit the department in some of the activities that it wished to carry out in regard to native forest reserves. However, further discussions have taken place since then with the Minister of Forests and the Woods and Forests Department. My amendment differs from the amendment moved in the Lower House in its wording; I understand that it is a form of wording derived from the purposes that the department wishes to follow in regard to native forest reserves. The Minister of Forests has indicated to me that he appreciates the purpose of the amendment that I will move, and I trust that it will receive sympathetic consideration from the Government as a means of ensuring that native forest reserves cannot be declared as such for the purpose of, say, firewood, but are to have a conservation purpose as stated in the amendment. Discussion on this matter can wait until the Committee stage, when the Minister may be able to indicate whether the Government will accept my amendment or something similar. I support the second reading.

The Hon. B. A. CHATTERTON: I also support this Bill. The Hon. Anne Levy has already explained very adequately that the major purpose of the Bill is to provide protection to native forest reserves, such reserves having been protected for more than a decade by Government policy. However, that is not always satisfactory, and I certainly support the inclusion of that policy within a legislative framework where it will be open to Parliament to disallow decisions that would change the uses of native forest areas.

The other major innovation within this legislation is the appointment of forest wardens. I believe that move will give the Woods and Forests Department greater opportunity to use forest areas for recreational purposes, as has been done to some extent already. Car rallies and other recreational events have been held within plantation forests where they do little or no damage. The appointment of forest wardens with various powers will enable the department to control recreational uses to a greater extent and will therefore allow much more multiple use of forest areas. I think this is a move that we should all support very strongly, because it takes a great deal of pressure off other areas which very often have a high conservation value.

I am sure that the only way in which to protect these areas from the ravages of off-road vehicles and other things that damage the natural vegetation is to provide alternative areas where people can use off-road vehicles. Those alternative areas are very often within the plantation forests where forest roads and other access tracks can be used by people who wish to use these vehicles. I am sure the appointment of forest wardens and the separation of native forests from plantation forests will assist very much in the multiple use of forests.

Finally, I would like to comment on the repeal of section 22 of the principal Act, a matter that was referred to by the Hon. Anne Levy. If this section is repealed and funds for the department are no longer voted by Parliament, as is necessary because of the department's operating on a deposit account basis, will the estimates and budget for the department come before the Parliamentary Estimates Committees and will it be open to scrutiny as it has been in the past? Will there be any change in the present procedure? Section 22 requires that money be voted by Parliament, so will the repeal of that section remove the department from the scrutiny of the Estimates Committees? I support the Bill.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for their contributions. The two questions that remain to be answered relate to forest wardens and whether they will be provided from the present staff or whether additional staff will be employed; and, secondly, the question raised by both honourable members in relation to the repeal of section 22. I ask both honourable members to raise their questions in Committee and I will endeavour to obtain replies. I thank honourable members for their contributions.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J. C. BURDETT: I suggest that progress be reported to enable these questions to be answered. It will also give me more time to consider further the amendment placed on file by the Hon. Miss Levy.

Progress reported; Committee to sit again.

HISTORIC SHIPWRECKS BILL

Adjourned debate on second reading.
(Continued from 28 October. Page 1655.)

The Hon. ANNE LEVY: The Opposition supports this Bill, but I wonder whether it is necessary. Back in 1965, the Aboriginal and Historic Relics Preservation Act was passed in this State and, under certain interpretations, it could have covered shipwrecks as well as other historical relics. That Act was repealed in 1979 and replaced by the Aboriginal Heritage Act, which would not have covered shipwrecks. At the same time, the South Australian Heritage Act was amended by the South Australian Heritage Act Amendment Bill of 1979, which specifically added shipwrecks to the Heritage Act, as can be ascertained from page 97 of the 1979 Statute Book. The sole purpose of the amendment was to ensure that shipwrecks were covered by the Heritage Act.

To that extent I am not clear why the Bill now before us is necessary, because I thought we may have already covered that situation in 1979. However, I realise that the Bill now before us is complementary to the Commonwealth Act of 1976, and it may well be that it is felt desirable that more detailed legislation dealing solely with shipwrecks should occur at a State level to complement the Commonwealth Act. Marine archaeology is a relatively new science. No doubt it has derived from the relatively modern invention of underwater breathing apparatus as used by scuba divers, equipment that has enabled much longer periods to be spent under water and, consequently, much more detailed investigations of shipwrecks.

A beautiful example of modern marine science archaeology was given in a B.B.C. film that was shown recently on the A.B.C. It detailed the work that had been done on a newly discovered wreck of a ship from the Spanish Armada that was wrecked on the Irish coast in 1558. Anyone who saw that fascinating documentary would realise the tremendous historical interest in and value of ancient shipwrecks. I am sure that all would agree that their preservation and examination will be extremely valuable. Even though in our waters we are unlikely to find anything as ancient as 1558, there are many nineteenth century wrecks that have not yet been found. When they are found, they will be of great historical value to the State.

The previous Minister of Environment (The Hon. Dr Cornwall) gave a great deal of encouragement to the Marine Archaeology and Scuba Diving Associations. He opened a congress that was the first underwater archaeological congress to be held in Australia, and, under his guidance, the department provided a grant to the local association. Only a few days ago the *Tigress* wreck was discovered off Port Noarlunga, and this illustrates the kind of find that can be expected to be made in future. As I have said, the importance of such finds is undoubted. We can be grateful that the seas are safer today, thanks to modern technology improving the equipment and navigational aids on ships so that shipwrecks are not as common in the twentieth century as they were in the nineteenth. Certainly, many of the shipwrecks along our fairly dangerous coasts in the past remain to be discovered and the information that can be obtained will be of great value. To protect such shipwrecks when they are discovered will be a very sensible step.

The Bill gives protection to any shipwrecks found and also to any item taken from a shipwreck. The Minister responsible must be notified by the discoverer of any new shipwreck, and he can direct the finder to hand over any items removed from the shipwreck or he can give instructions as to how items are to be cared for. The latter point is important, because many articles, be they of wood or metal, that have been under the sea for many years require special techniques to be used to preserve them when they are brought to the surface. Many individuals would be unaware of the proper procedures to be adopted for preservation of these items.

Obviously, the Minister can take expert advice and direct any finder of the procedures that he shall take if he wishes to keep some item, and in this way the required specialist care can be provided. The Minister also has power to order that any items from a shipwreck be handed over to him. One conjures up visions of the cupboards in the Minister's office being filled with items recovered from shipwrecks, but I am sure that that is not what is intended. I wonder whether the Minister could give information as to what is expected to happen with any item of value which is recovered from a shipwreck and which the Minister instructs should be handed to him. I presume that the items would have to go to a museum, either the State Museum on North Terrace or perhaps the Port Adelaide Maritime Museum that is yet to be established. However, there is no information in the second reading explanation as to what is envisaged for such items that doubtless are to be handed over so that they will be available for public exhibition.

The Bill also makes provision for a register of shipwrecks to be kept. This is obviously necessary, but there is a concern that it could perhaps lead to vandalism of shipwrecks when they were discovered if people whose care for and appreciation of the value of a shipwreck were not what one might hope it to be. If they discovered, from a register, the existence of a shipwreck, they could damage the wreck or remove items from it without proper care. It is perhaps a double bind. A register is necessary so that people will know what shipwrecks there are and where they are but, on the other hand, there is a risk that putting this information on the register could invite vandalism by unscrupulous people.

That perhaps raises the question of how protection is to be afforded to wrecks when information about them is put on the register. Obviously, people interested in marine archaeology are highly responsible people and would in no way damage a wreck, but other people may not realise the significance of a wreck and, either intentionally or unintentionally, cause a great deal of damage.

I understand that there was in Western Australia an example of this kind of damage, very much to be deplored, when a wreck was discovered a number of years ago. It was the wreck of the *Tryall,* a Dutch ship that was wrecked as early as 1622. Although there was protection of shipwrecks under the then Western Australian legislation, when people returned to the wreck a short time after its discovery they found that it had been completely vandalised. Underwater depth charges had been used and this valuable historical wreck was utterly destroyed. I wonder whether the Minister can assure us that such tragedies will not occur here if any shipwreck is found and if particulars are put on a register.

My final point relates to clauses 21 and 23, which set up inspectors who presumably are to protect the shipwrecks and be responsible for enforcement of the Act. Clause 21 does not mention that police officers may be inspectors, but merely states that the Minister can appoint a person to be an inspector. The clause then adds that every inspector appointed under the Act will be provided with an identity card.

The Hon. J. C. Burdett: What about under subclause (1)?

The Hon. ANNE LEVY: Under subclause (1), the Minister can appoint a person to be an inspector, and any person appointed as an inspector under that provision will be given an identity card. Clause 23 (2) provides that an inspector, other than a member of the Police Force, shall

be required to produce his identity card when he is arresting someone, but allows that a member of the Police Force may not have an identity card because he is required only to produce written evidence that he is a member of the Police Force. This is not the same as an identity card issued under clause 21 (2).

I mention this because it differs from the Forestry Act Amendment Bill that we have just been considering, whereby forest wardens are clearly stated to be either policemen or people appointed specially for the purpose. In that case, the identity cards will be issued only to the wardens who are not members of the Police Force. Clause 21 of this Act makes no provision for appointing a policeman as an inspector without having to supply him with an identity card, as is the distinction clearly being made in the corresponding clause in the Forestry Act Amendment Bill.

I wonder whether this is an intentional omission from the Historic Shipwrecks Bill or whether there is some significance in the way in which it differs from the Forestry Act Amendment Bill and the National Parks and Wildlife Act, in terms of the appointment of inspectors as forest wardens who may or may not be police officers. This may be regarded as a minor quibble. We support the overall purpose of the Act but wonder whether the specific Act is necessary in view of the amendment to the South Australian Heritage Act. We support the second reading of the Bill.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the honourable member for her contribution. She asked several questions, one of which related to what would happen to items taken from historic shipwrecks. I undertake to obtain an answer for the honourable member, although I hope that the Bill can proceed through its remaining stages without waiting for the answer.

Another question asked was in relation to vandalism of shipwrecks. The honourable member acknowledged the need for a register, but pointed out that it puts one in a sense on the horns of a dilemma, because since people can learn there is a shipwreck they can vandalise it. The honourable member asked for an assurance that the tragedy she referred to would not happen again. I cannot give her that assurance. The Bill seeks to cope with that situation through a system of heavy penalties and rewards and is intended to ensure, as far as possible, that once historic shipwrecks are discovered, they are not vandalised.

The Hon. Miss Levy raised a point about clause 21 and clause 23. Clause 21 is the only clause which enables the Minister to appoint an inspector and requires an identity card to be issued to each inspector. Clause 23 draws a distinction between the way in which inspectors who are members of the Police Force must identify themselves, and the way in which other inspectors must identify themselves. I do not see any harm in this. Members of the Police Force have a general law enforcement role, and they are required to identify themselves in a different way. There seems to be nothing strange about this. Inspectors, other than members of the Police Force, have only a specific role under the Act, and they will be required to identify themselves by producing the identity card issued in accordance with clause 21 (2). The matter can possibly be explained by the fact that this Bill follows closely the Federal legislation, whereas the Forestry Act Amendment Bill with which we have just been dealing was drawn up in different circumstances. I thank the honourable member for her contribution.

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2)

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

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It grants an additional entitlement to private sector employees generally in South Australia apart from those employees covered by Federal awards over whose working conditions this Parliament has no jurisdiction. Under the Bill a full-time employee who is ill for a period of at least three consecutive days (excluding weekends and public holidays) whilst on annual leave becomes entitled to sick leave (up to the limit of his sick leave credits) in respect of the period of illness. The period of sick leave will not then count as annual leave. This new entitlement applies the principle which has applied to State public sector employees for some years.

The introduction of this Bill follows a decision of the Full Court of the South Australian Industrial Court and a request by the major employer representative organisations for appropriate remedial legislation. Earlier this year an application was made to vary the Clerks (S.A.) Award. It sought a provision to the effect that an employee who became sick while on annual leave could claim sick leave against his sick leave credits and be entitled to a further period of annual leave in lieu of the period of sickness.

In view of the current wording of section 80 of the Industrial Conciliation and Arbitration Act—the section dealing with sick leave—the matter was referred to the Full Court of the Industrial Court. The Full Court found that under section 80 an employee is only entitled to a grant of sick leave if he is 'unable to attend or remain at his place of employment' and that hence an employee is not entitled to sick leave while on annual leave.

The application was subsequently amended so that what is, in effect, presently sought is an extension of annual leave by a period of sickness up to a maximum of 10 days a year. If the application is granted, employees entitled to the benefit of the award would have an additional 10 days paid leave a year on account of sickness because the additional leave could not be debited against sick leave credits.

Such a provision while clearly directed at overcoming the problems raised by the Full Court would, in the opinion of the Government, create an undesirable anomaly. It would create a burden upon industry in this State that exists nowhere else in Australia. It is clear that the present situation has developed out of what is, in essence, a statutory technicality or anomaly. The logical response to this situation is to remove the anomaly by amending the legislation. In fact, a member of the Full Commission currently hearing the matter has suggested statutory amendment as the appropriate means of resolving the current difficulties.

There have been discussions between the major employer representative organisations and the unions concerned on the question of sick leave on annual leave. Discussions have been held with both employer organisations and unions as to the general nature of the amendments proposed. Both employer organisations and unions are aware of the general nature of the amendments proposed. However, the amendments are, in the opinion of the Government, so eminently fair and reasonable that there is no point in delaying the introduction of the present measure. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 provides for the grant of sick leave while on annual leave if the illness is such as would have incapacitated the employee for work for three days or more, any such sick leave will not count as annual leave. New subsection (5a) provides that paid sick leave granted either under section 80 or under an award or industrial agreement is to be debited against the sick leave credit of the employee. This provision is intended to prevent the creation of new species of sick leave that are not subject to the rules of the Act or the relevant award or agreement dealing with the acquisition of sick leave credits.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

STATUTE REVISION (FRUIT PESTS) BILL

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

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It makes extensive amendments to the Fruit Fly Act and repeals the Oriental Fruit Moth Control Act, the Red Scale Control Act and the San Jose Scale Control Act. With recent developments in biological and integrated control, the need for active committees to deal with oriental fruit moth, red scale, and San Jose scale no longer exists. (It should be noted however that the Waikerie Red Scale Committee will continue on a non-statutory basis and the Government will act to ensure that it retains its current assets for the purpose of its continuing operations.) The three pests are now widely dispersed and there is therefore no present need for concerted containment measures to prevent their spread from property to property. The Government believes that the committees, together with the statutory framework under which they operate, can now be abolished. Hence the present Bill provides for the repeal of the Oriental Fruit Moth Act, the Red Scale Control Act and the San Jose Scale Control Act.

The Fruit Fly Compensation Committee has not operated since about 1974 when eradication methods were revised to operate in such a way that very little fruit removal occurs. The committee required a separate Compensation Act to be passed each year before it could operate and this was appropriate where a large number of claims were involved. Compensation claims for fruit or damage are now extremely rare and are dealt with by direct Ministerial approval. The present Bill amends the Fruit Fly Act to reflect this altered position. The principal Act, as amended by the Bill, will provide simply that the Minister may, out of moneys provided by Parliament for the purpose, pay compensation to any person who suffers loss in consequence of measures taken in pursuance of statute to control or eradicate fruit fly. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends the Fruit Fly Act in the manner outlined above. Clause 4 repeals the Oriental Fruit Moth Act, the Red Scale Control Act and the San Jose Scale Control Act. The assets and liabilities of the statutory committees established under those Acts will vest in the Crown. But in the case of the Waikerie Red Scale Control Committee it is the Government's intention to return the assets to the proposed new non-statutory committee when satisfactory arrangements have been completed.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 October. Page 1711.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is prepared to support this Bill. The question of how to deal with what has been and still is an increasing crime rate in this State and this country is a matter of considerable concern to the community. One method which was adopted by the Liberal Party at the last election and which has been referred to in this Council on previous occasions was to politicise the issue to the greatest extent possible to promote irrational debate and to instil fear into the community. Further, the other part of the Liberal approach to this issue was to make extraordinarily extravagant promises about what it would do in Government to the extent of committing itself to 'making the streets safe for our daughters'. I have condemned on previous occasions the attitude on the Liberal Party to this issue when in Opposition; it did absolutely nothing to promote any rational debate on it.

If one looks at the Police Commissioner's report for 1979-80 one sees that there was a considerable increase in crime in that year over crime in previous years as follows: murder and attempted murder, 16.67 per cent; rape and attempted rape, 34.5; serious assault, 37 per cent; robbery, 50 per cent; breaking and entering, 33 per cent; larceny, 40 per cent; and drug offences, 121 per cent. We will have to await the Police Commissioner's report for this year to see whether that trend has been arrested to any extent. As the Liberal Party should have known before the 1979 election, the crime rate in South Australia and the increase in crime have not generally been above the figures in other States. In some areas we have been above other States and in other areas we have been below other States.

What happened in South Australia, since the Second World War has been mirrored in other States of Australia and has been mirrored in the English-speaking democracies and in most of the industrialised world. However, the approach of the Liberal Party was to try to grab as much political advantage from this serious issue as it could and to make extravagant promises, which I believe will remain unfulfilled. Its so-called law and order policy amounted to little more than window dressing, despite the emotional rhetoric which accompanied it. If one refers to some aspects of the policy mentioned in the second reading explanation one can mention the Crown's right of appeal against sentences which was a proposal of the Labor Government. It was, in fact, I who introduced the first Bill into this Council to provide for that. The fixing of a non-parole period is now part of the law. A judge is required to fix a non-parole period.

This has little practical effect because the court previously had the power to fix non-parole periods and in fact

did so on occasions. In any event, it was most unusual for a prisoner to be released on parole before he had served a third of his sentence, and a third of the sentence would be the normal non-parole period fixed by the courts. The Bill may have the practical effect of lowering the period within which a person can apply for parole, because under the previous system the normal period was a third of a sentence, whereas under this system a lesser period may be fixed by the trial judge, thereby indicating to the Parole Board that a prisoner ought to be released before a third of the sentence has been served. I suggest that the much acclaimed policy is of little practical significance.

The Attorney-General also mentioned the question of cumulative sentences and of giving the power to the court to award a greater number of cumulative sentences. Again I do not believe in practice that that will be of any great effect as far as the courts are concerned, as there was already a power to award some cumulative sentences and it is unlikely that removing the restrictions on the number of cumulative sentences will result in a large number of sentences being added on top of one another, thereby substantially increasing the sentences imposed by the courts.

The next leg to this so-called policy is the increased penalties contained in the Bill. Again I suggest that the increases are unlikely to have any effect upon the crime rate in South Australia just as those previous matters I mentioned probably would not have any significant effect. It is interesting to note that there has already been an increase in the rate of detention in South Australian institutions. I refer to the quarterly report for the period ending 30 June 1981 of the Office of Crime Statistics in the Attorney-General's Department. It contains a table which indicates that the rate of detention and the number of people in custody have increased since 1978. For the year ending 1978 the average population in custody was 750. A further table follows for 1979, 1980 and 1981. I seek leave to have that table inserted in *Hansard* without my reading it, as it is statistical.

Leave granted.

CRIME STATISTICS

Year ended 30 June	Average Population in Custody	Rate per 100 000 General Population—Mid Year
1978	750	59.4
1979	795	62.3
1980	839	65.2
1981	861	66.5

The Hon. C. J. SUMNER: The table indicates that there has been an increase in detention rates in South Australia, although that increase does not appear to have had an appreciable effect on the crime rate. I have outlined the Liberal approach to this issue. When I was Attorney-General my concern was to ensure that facts should be made available to the community so that informed judgments could be made about the criminal justice system. I certainly did not want to dampen down any debate which the community might wish to have about the system or about sentencing policy or indeed about the leniency of sentences. However, as opposed to the Liberals who decided that they would try to politicise the issue completely, I believe that greater information ought to be made available to the community. I asked Mr Grabosky, the Director of the Office of Crime Statistics in the Attorney-General's department to prepare a brief summary of the issues involved in criminal justice in South Australia and to disseminate that information throughout the community. This was done to some extent prior to the election. I think the present Attorney-General continued the proposal that I had to disseminate the booklet within the community.

The booklet was designed to provide people and community groups who are interested with some information on the criminal justice system so that at least, if a debate was to rage, it could rage on the basis of factual information. I would like to summarise some of the things mentioned about the crime rate to try to put paid to the notion of some people in the community (and perhaps the Attorney-General also) that merely by increasing penalties, the crime rate will be decreased.

The booklet pointed out that generally maximum sentences were adequate in South Australia and that very severe sentences were available to the courts for the most severe crimes. The penalty for murder, rape, armed robbery, wounding with intent to do grievous bodily harm, and burglary was life imprisonment, and for sale of herion, the penalty was 25 years imprisonment or a fine of $100 000 or both. For the most serious offences, very heavy penalties were certainly available. The impression was given that those penalties were not available and that somehow or other the penalties that were handed down by the courts (and in some cases it was alleged that they were lenient) were the fault of the Labor Government.

The question of the cause of the increasing crime rate in South Australia has been mirrored since the Second World War in the rest of Australia and the rest of the world. The situation is extremely complex. The factors involved include an increase in population to start with and the fact that there are more opportunities for crime to be committed. Statistics indicate that young males figure very high in the category of people who commit crimes. There was an explosion in population after the Second World War, so that the proportion of young people in the community has been much greater. Accordingly, there has been an increase in the crime rate. Population and the number of young males and young people in the community have contributed. Unemployment cannot be ignored: there seems to be little doubt that there is a relationship between the unemployed and those who commit crimes.

There has been an increase in opportunities to commit crime, and an increase in the number of objects that can be stolen. People spend more time outside the house. The city is a much more anonymous place than the country town, and therefore there is greater difficulty in detection. Attitudes to women have changed; women in public particularly are less confined and protected than they were before the war. Again, that situation has provided further opportunity for crimes to be committed. Another factor is the breakdown in the family unit that has occurred since the Second World War. The quarterly report from the Office of Crime Statistics indicates that nearly half of the juveniles who appear before the Children's Court or Children's Aid Panels do not live with their natural parents. Sixty per cent of persistent offenders who appear before the Children's Court are from one-parent families, and 83 per cent of males convicted in the higher courts in South Australia in 1977 were unmarried. That indicates the importance of family factors in the increase in the crime rate.

Another matter that could be mentioned is media portrayal of violence. It is quite probable that the portrayal of violence, particularly on television, also contributes to the situation that exists today. In Australia generally Aborigines are disproportionately resented in the gaol population. The quarterly report to which I have referred indicates that 31 per cent of the people received into custody to the quarter finishing on 30 June 1981 were Aborigines and from 10 per cent to 15 per cent of South Australia's prison population at any one time is made up of Aborigines. Abuse of alcohol

is also a factor. The Senate Standing Committee on Social Welfare in the Commonwealth Parliament concluded that 73 per cent of men who committed violent crimes had been drinking prior to the commission of the crime and that alcohol was associated with half the serious crimes in Australia.

I have tried to indicate to the Council that the increase in the crime rate that has occurred in this State and in the rest of the country is a very complex matter and is not solely related to the question of sentencing. It is quite wrong to believe, as the Government implies, that this Bill will automatically reduce the crime rate. It is too simplistic to say that increased penalties will reduce crime. Undoubtedly, imprisonment is necessary, and it probably deters in the sense that an individual may not reoffend or in the sense that imprisonment may have a general deterrent effect. This is difficult to quantify, but it is probably true that there is some deterrent effect in sentencing. Other factors are as important in deterring people, one of which is the perceived likelihood of apprehension.

What is often ignored in the deterrent theory of imprisonment is that it assumes that offenders make careful and rational decisions about whether or not they will commit an offence. That ignores the large part that alcohol plays and the fact that many crimes, particularly crimes of violence in domestic situations, are not committed on the basis of careful and rational decisions but on the basis of emotional decisions made under enormous stress. The question of whether or not the penalty is life imprisonment or 10 years imprisonment does not enter into the offender's calculations. Imprisonment is necessary to protect the public, but that really applies only to a hard core of offenders who society believes should be imprisoned because they are completely recidivist and hopeless, people who continually reoffend.

Whether imprisonment is necessary or desirable for rehabilitation, which is another proposition put forward, is open to considerable doubt. In fact, I think one would have to come to the conclusion that imprisonment as a means of rehabilitation is a failure. It is probably that realisation which leads the courts to impose what may appear to be lenient sentences in some situations where they believe that the offender is not likely to re-offend and where his rehabilitation would be much better served not by imprisonment but by some other form of sentence. That recognition by the courts, the community and those people interested in crime (that imprisonment as a means of rehabilitation is a failure) explains the reluctance by courts to impose sentences of imprisonment unless they really have to. However, the community must feel that justice has been done in any particular situation. The individuals or the community aggrieved may feel that retribution must be exacted by long prison sentences. If the community is not satisfied in that respect, there is disrespect for the system which can ultimately lead to individuals taking the law into their own hands. However, the desire for retribution should not lead to the simplistic conclusion that if a sufficient penalty is imposed offenders will be automatically deterred and the crime rate reduced.

I have tried to indicate that the reasons for the increasing crime rate are complex. They are only marginally related to so-called lenient sentences. This Bill will certainly not be a panacea. It is unlikely to make a great deal of difference, but in so far as it corrects some anomalies it deserves support. I ask members of the Council to consider whether increasing the penalty for assaulting a policeman from two years to five years is likely to deter an offender. Is increasing the penalty for indecent assault from five years to eight years for a first offence or from seven years to eight years for a second offence likely to increase the deterrent effect? I do not know whether that will occur.

In so far as imprisonment provides some general deterrent, the Bill deserves some support. However, I emphasise that it cannot be seen as a panacea. The reasons behind the crime rate are much more complex. I emphasise that to see imprisonment or increased severity of sentences as producing an automatic solution to the problem would be quite wrong.

The Opposition will consider moving an amendment to clause 6, which amends section 39 of the principal Act, if the Attorney-General cannot provide an adequate response to the Opposition's concern in relation to this clause. The present maximum penalty for common assault is 12 months. The amendment is designed to increase that maximum to three years. If that occurs, common assault will thereby become an indictable offence in all circumstances and it will not be able to be dealt with in the Magistrate's Court. That will mean that the slightest of pub brawls will have to be dealt with in a trial-by-jury situation in the District Court. That seems to be quite unnecessary. In fact, a threat to another person can be deemed to be an assault; there is no need for actual physical contact. If a person is put in fear of being struck, that is an assault. However, it is not a battery. Battery occurs when striking takes place.

If this proposal is adopted a potential maximum of three years is relevant for a threat which would constitute an assault. That would have to be a trial by jury, and I think that is unnecessary. First, it will clog up the Magistrates Court, where committal proceedings will have to be conducted and it will then clog up the system in the higher courts which will be dealing with what could be quite minor matters with the whole paraphernalia of a jury trial. I do not think that is necessary. If the penalty for common assault is to be increased, two years is adequate. If an assault involves any bodily harm, there is the more serious charge of assault causing actual bodily harm available to the prosecution. I certainly believe that clause 6 needs to be looked at. The Opposition supports the Bill with that qualification.

The Hon. J. A. CARNIE secured the adjournment of the debate.

COOBER PEDY (LOCAL GOVERNMENT EXTENSION) BILL

Returned from the House of Assembly without amendment.

CREMATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 6.15 p.m. the Council adjourned until Wednesday 11 November at 2.15 p.m.