LEGISLATIVE COUNCIL

Thursday 11 February 1982

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

QUESTIONS

KANGAROO ISLAND STRUCTURE

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about a structure on Kangaroo Island.

Leave granted.

The Hon. C. J. SUMNER: Yesterday, in another place, the question was raised of the role of the Minister of Agriculture, Mr Chapman, in frustrating inquiries by the State Planning Authority in relation to a shack which is alleged to have been built at Emu Bay on Kangaroo Island by a Mr Zealand, contrary to planning regulations. The Opposition received a letter about this matter as follows:

As a regular visitor to Kangaroo Island for over 28 years I am disgusted at the events which are taking place at Emu Bay close to Kingscote. A local contractor, W. K. Zealand, some time ago placed a shack on the sandhills overlooking Emu Bay without obtaining permission from the council or the State Planning Authority. To circumvent the Act he built the structure on two truck chassis which have wheels and claimed it is a caravan.

The State Planning Authority, as it is required to do, commenced legal proceedings against the owner to have it removed. However, it is being frustrated by the local member, Ted Chapman, who has resorted to intimidation of officers of the authority. Now the owner is boasting that the Premier, David Tonkin, stayed in the illegal structure over the New Year break, at no cost. What can be done about this disgraceful situation?

The Premier, in another place, subsequently made a personal explanation in which he indicated that, in fact, he did stay at the shack during a holiday on Kangaroo Island in January. It appears to be true that the State Planning Authority has taken proceedings against Mr Zealand in relation to this shack. The Attorney-General is responsible for the conduct of prosecutions and proceedings of this kind.

The Hon. K. T. Griffin interjecting:

The Hon. C. J. SUMNER: The Attorney-General is responsible for prosecutions and proceedings on behalf of the Government. As Attorney-General, he is chief adviser to the Government on these matters. An extraordinary story has been revealed. Proceedings were apparently issued by the Crown Law Office on behalf of the State Planning Authority to deal with this alleged illegality. The Premier, wanting a holiday, went to Kangaroo Island and whilst there had discussions with Mr Zealand. Apparently, he then obtained certain undertakings from Mr Zealand: Mr Zealand was going to remove the shack. In the light of that undertaking, the Premier apparently thought it was all right for him to go and stay there. Apparently, knowing that proceedings had been issued by his Government to have the shack removed, the Premier decided to make use of the shack, and have a holiday in it.

That to me is quite an extraordinary situation. The Premier indicated yesterday that he was not sure whether the proceedings were continuing. Can the Attorney-General say, first, whether the proceedings are continuing or have been discontinued? Secondly, if they have been discontinued, on what basis have they been discontinued? Thirdly, has the shack been removed?

The Hon. K. T. GRIFFIN: I am not aware of whether or not there are proceedings in this matter. I am not aware, if there are proceedings, of what is their current status, nor am I aware of the information the honourable member has sought in respect of the third question. Regarding the legal proceedings, I am prepared to make some inquiries and will bring back a reply. The Leader has sought in some way to implicate the Premier in this matter, but in no way can it be suggested the Premier or any Minister is condoning any breach of the law. I would be surprised if the Premier was aware of the particular difficulties, if they are as the Leader says. I will make some inquiries as to whether or not proceedings have been issued and about the current status of them, and I will bring back a reply.

The Hon. C. J. SUMNER: I have a supplementary question. Will the Attorney-General investigate allegations contained in the letter I read to the Chamber, that the Minister of Agriculture resorted to intimidation of officers of the State Planning Authority and frustrated inquiries by them into this matter?

The Hon. K. T. GRIFFIN: If the Leader will make the letter available to me, I will look more carefully at it. He has not quoted an author to that letter; it was just a bald allegation made. I am not prepared to make any investigation unless there is more information available to give me a reason to conduct an inquiry.

PUBLIC SERVICE SECONDMENTS

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Attorney-General, representing the Premier, a question on the matter of Public Service secondments.

Leave granted.

The Hon. B. A. CHATTERTON: At various times, a number of public servants, under Liberal and Labor Governments, have been seconded to the staff of Ministers or members of the Opposition, both in the State and the Commonwealth Parliament. This practice has continued under the present Government. I am aware that the Premier is concerned about this matter and has had a number of discussions with the Chairman of the Public Service Board to try to determine a policy as far as this Government is concerned on how the secondments will be handled. A number of public servants are involved, or wish to become involved, in transfer in one way or the other. Since these policies are not readily available, I ask that the Premier clearly state what the policy of the Government is on public servants who wish to work on a temporary basis in the Commonwealth Public Service, or for Commonwealth members or Ministers. What are the requirements that those public servants have to fulfil to be able to undertake such work?

The Hon. K. T. GRIFFIN: I will refer that question to the Premier and bring back a reply.

HACKNEY HOTEL

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before asking the Minister of Local Government a question about the Hackham Hotel.

Leave granted.

The Hon. J. R. CORNWALL: Yesterday, the Minister of Local Government on behalf of the Chief Secretary (Hon. W. A. Rodda) replied to a question asked by the Hon. Mr Dunford in November 1981 concerning appalling conduct at and adjacent to the Hackham Hotel.

Members interjecting:

The Hon. J. R. CORNWALL: I am sorry. I meant the Hackney Hotel. It is nice to see the mirth but I will put a stop to that in a moment. The original question arose as a

result of a report in the *Advertiser* under the by-line of Mr Bob Whitington. In his reply the Minister stated:

> Despite the impression one might gain from the *Advertiser* article, reported acts of hooliganism in the Hackney area are no more common than in the vicinity of other similar licensed premises in the metropolitan area.

Of course, that is nonsense and is a whitewash for the Hackney Hotel. The Minister went on to state:

> It would appear that the writer of the newspaper item is endeavouring, for reasons of his own, to attribute to the Hackney area an incidence of crime involvement—

Members interjecting:

The PRESIDENT: Order! One would like to hear the honourable member with the call.

The Hon. J. R. CORNWALL: The report states:

> It would appear that the writer of the newspaper item is endeavouring, for reasons of his own, to attribute to the Hackney area an incidence of crime involvement which is not statistically supported by reported offences to police.

This clearly casts grave aspersions on the *Advertiser* and more particularly on the professional competence, credibility and ethics of Mr Whitington.

Bob Whitington is due to retire in two months after working as an *Advertiser* journalist for 48 years. He has been distinguished throughout his career by the highest standards of professionalism and ethics. For a long time he was, without doubt, the best investigative reporter in South Australia. He is regarded by all his journalistic colleagues with affection and admiration.

It has been my good fortune to know him professionally and socially for more than a decade. I am compelled to make this statement today as a person who still has regard for ethical standards and decency in political life. Yesterday the Chief Secretary, with the help of the Hon. Mr Hill, cast those standards aside. This now appears to be an integral part of the 'Alice in Blunderland' technique of the Government. Ministers deny that a problem exists and attack any section of the print or electronic media which dares to tell the truth.

The facts are that Mr Whitington had been aware of the problem at the Hackney Hotel for about 18 months. During the course of his investigations he spoke to dozens of people who live in the area. He has a daughter who lives in close proximity to the hotel and he has personally observed much of the outrageous behaviour in areas adjacent to the hotel.

Presumably the fact that he has a daughter who lives in close proximity to the hotel and who lives in a Housing Trust flat prompted the snide inference that Mr Whitington misreported the facts for reasons of his own. In his characteristically scrupulous way Mr Whitington did not write the story until he had double checked all the facts. When two cars were stolen and a third car was burnt adjacent to the hotel on the same night, he felt it was time to go into print.

The Chief Secretary has previously been known as an amiable incompetent. However, on this occasion he has attempted to besmirch Bob Whitington's good name and reputation. The fact that it was done in such a ham-fisted way does not detract from the Chief Secretary's guilt. The Minister of Local Government also deserves total condemnation for his enthusiastic participation in the exercise, which was more characteristic of the Minister of Local Government than of the amiable Chief Secretary. Decency demands that the Chief Secretary and the Minister of Local Government offer immediately a full and unqualified public apology to Mr Whitington. Will the Minister of Local Government and the Chief Secretary, as decency demands, offer such apologies forthwith?

The Hon. C. M. HILL: The answer is 'No'. The answer which was given yesterday and which had been previously dispatched to the Hon. Mr Dunford by post simply was that statistically the incidence of crime involvement was simply not supported as the writer of the previous article considered that it was. The answer stated that the police regularly monitored services at that centre, that they had all the statistics at their disposal, and that they considered them alongside those for other comparable areas such as areas around other hotels. If it is a fact that Mr Whitington has taken offence at some words included in the reply, I hasten to point out to him that there was nothing personal at all in the Chief Secretary's reply.

The Hon. J. R. Cornwall: It was a disgraceful smear.

The Hon. C. M. HILL: It was not a smear at all.

The Hon. J. R. Cornwall: Why were the words 'for reasons of his own' put in? It was a typical Murray Hill smear.

The Hon. C. M. HILL: Simply because the Minister involved does not know the reason for—

The Hon. J. R. Cornwall: But you knew the implication.

The Hon. C. M. HILL: What are you talking about?

The Hon. J. R. Cornwall: Just for once in your life, tell the truth.

The Hon. C. M. HILL: I ask that the member withdraw those words, in accordance with Standing Order 200.

The PRESIDENT: The Minister has asked the Hon. Dr Cornwall to withdraw the words.

The Hon. J. R. CORNWALL: I do not believe that I used any words that were unparliamentary. I referred to the truth and to telling us the truth.

The Hon. FRANK BLEVINS: I rise on a point or order. The Hon. Mr Hill has drawn attention to Standing Order 200 and is alleging that the Hon. John Cornwall has transgressed it. For the member's information, I point out that Standing Order 200 states:

> Members may rise at any time to speak 'to order' or upon a matter of privilege suddenly arising, except that while the Council is dividing a member can only speak to a point of order by permission of the President and while covered and seated.

I suggest that the point of order taken by the Hon. Murray Hill is quite clearly out of order.

The Hon. C. M. HILL: I take another point of order, under Standing Order 208, on the same matter of the words used by the Hon. Dr Cornwall.

The PRESIDENT: The point that the Minister has taken refers to untruths, lies, or insinuation of lies, which every Parliament has considered unparliamentary. We have had occasions previously when we have had to check and recheck this particular matter. Therefore, I ask the Hon. Dr Cornwall to withdraw the words that the statement was untruthful.

The Hon. J. R. CORNWALL: Yes, I withdraw those specific remarks.

The Hon. C. M. HILL: I hope that I have sufficiently made the point that there was no personal reflection intended upon the particular journalist involved and the reply given yesterday explains quite clearly that the statistics did not indicate that the incidence of crime at or around the Hackney Hotel was worse than that in comparable areas.

HUMAN ACHIEVEMENT SKILLS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before directing a question to the Minister who is representing the Minister of Agriculture in this Chamber today.

Leave granted.

The Hon. ANNE LEVY: I have received a document which other members have also received regarding human achievement skills, which is apparently part of the Human Technology of Robert Carkhuff and Associates (whoever such people may be). This document states that the authors 'wish to share the five-level scaffold on which our own

vision is being built' for South Australia. The five levels apparently relate to the quality, nature, and degree of involvement that humans have with each other. I gather that all individuals are categorised into one of five categories: level one being the detractor; level two being the observer; level three being the participant; level four being the contributor; and level five being the leader. I will not read the descriptions of those different levels which are probably better unrecorded.

The authors state that 'as trainers in human achievement skills we have taught detractors and observers how to participate and participants to contribute and lead'. They claim that this programme (whatever it is) has been used in numerous places in educational institutions, including Australian schools, in Aboriginal communities and, in particular, they state that the Department of Agriculture in this State has actively supported human achievement skill training for field and administrative staff. Can the Minister of Agriculture say what these human achievement skills referred to are? Can he tell us the nature and extent of the support given by the Department of Agriculture to this programme, how many Department of Agriculture staff have had this form of training, who paid for the training, how much was paid from public funds, and was any evaluation done on the effects of such training on the Department of Agriculture in this State?

The Hon. K. T. GRIFFIN: I will refer that question to the Minister of Agriculture and bring back a reply. It would be helpful if the Minister had a copy of the brochure so that he and his staff are able to see the context in which the assertions are being made. I ask the member to make a copy available.

SEX DISCRIMINATION

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about sex discrimination.

Leave granted.

The Hon. L. H. DAVIS: Members will be aware of the role played by the W.E.A. primarily in the provision of adult education courses on a wide variety of topics for more than 20 000 people annually. The State Government recognises the contribution by the W.E.A. through a Government grant each year. In the *Advertiser* on Saturday 6 February 1982 the W.E.A. advertised its courses available for the first half of 1982. However, I was bemused to read under the heading 'Do it yourself' advertisements for courses titled 'Home Handyperson' and 'Home Handywoman'. Nowhere in the advertisement was there mention of 'Home Handyman'. The details of the course for 'Home Handywoman' states:

> This course will show you how to become self-sufficient around the house so that you can carry out simple repair and maintenance activites. The topics to be covered include the use of tools, basic repairs, household security and basic electrics. The relevant Building, Sewerage and Electrical regulations will be discussed so that you know when a professional tradesperson is required.

Having mentioned 'home handy woman' in the headline, the advertisement refers to words more acceptable under the Sex Discrimination Act, namely, 'professional trades person'. Therefore, I have the following questions for the Premier. First, does this constitute a breach of the Sex Discrimination Act? Secondly, in view of this advertisement and, more especially, other recent publicity associated with the operation of the Sex Discrimination Act, is the Government satisfied that there may not be at times an apparently too liberal interpretation of some provisions of the Act?

The Hon. K. T. GRIFFIN: I will refer that question to the Premier and bring back a reply.

PETROL RATIONING

The Hon. G. L. BRUCE: I seek leave to make a short explanation prior to asking the Attorney-General, representing the Minister of Mines and Energy, a question about petrol rationing, a question I am asking for the umpteenth time.

Leave granted.

The Hon. G. L. BRUCE: On 22 September I am reported at page 1028 of *Hansard* as asking a supplementary question as follows:

> I disagree that the odds and evens system works, and is the Attorney prepared to take the matter to the Minister and ask whether a report could be made by service stations on sales on odds and evens days compared to sales in the previous weeks before rationing? Further, will he report back on that? If he does, we will see who is right and who is wrong.

I got an answer back, but I will come to that later. On 29 September I again raised the matter in a question as follows:

> Petrol rationing has been the greatest shemozzle of all time, and I would be interested to see how much petrol was sold on odds and evens days compared to the amount sold on the same number of days before rationing was implemented.

I waited some time for an answer. I received an answer in December, which appears on pages 2119 and 2120 of *Hansard*. I then asked the following supplementary question:

> Is the Attorney prepared to take the matter to the Minister and ask whether a report could be made by service stations on sales on odds and evens days, compared to sales in the previous week before rationing?

Of course, my line of questioning is still that. These are the answers I got back in relation to that specific question and I think that there is some dishonesty going on somewhere. If sales are above usual, that should be stated. I think they are, because the following answer came back about odds and evens, is dated 22 December, and states the following:

> Any assessment of the effectiveness of the odds and evens system needs to consider what would have happened had no action been taken by the Government.

There is no answer as to whether they had more or less sales—just 'consider what would have happened'. The answer continues:

> From a random sample of service stations it has been ascertained that during the four days of odds and evens in the recent shortage demand was contained to an acceptable level. This would indicate that odds and evens was an effective mechanism to contain petrol demand to a level below what it would otherwise have been.

There is no saying whether the sales were up or down, kiss me foot, or anything else. The answer then came back to the specific question. This answer was tabled yesterday, as follows:

> The system of odds and evens which was used in the first four days of the restrictions was successful in that it constrained demand to an acceptable level. This can be viewed as successful because it was expected that petrol sales would have increased significantly in the absence of any restrictions.

The answer states, as a rider to shut me up ('Don't ask this question any more'):

> A similar system has been successfully used in New South Wales.

What does one do to get an answer to a question that can be answered, because petrol stations do take a record of the sales they make on a particular day. I know that because I have pulled into a service station and seen a person reading the pumps last thing at night. The argument I had with the Attorney-General can only be vindicated by an answer to the question: can the Minister advise on the sales of petrol on odds and evens days during petrol rationing com-

pared to the amounts sold on the same days previous to rationing being introduced and, also, on the same days after rationing ended? They have those figures. I believe that there is deception in the Government because I do not believe that the odds and evens system has worked. To prove that I would like those figures from the Government.

The Hon. K. T. GRIFFIN: I will refer that question to the Deputy Premier and bring back a reply.

NURSING HOMES

The Hon. J. E. DUNFORD: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Health, a question about nursing care within nursing homes in Adelaide.

Leave granted.

The Hon. J. E. DUNFORD: The basis for my question goes back a long time. In fact, the research officer in the Parliamentary Library provided me with information going back to 1979 and a headline 'Elderly fed on $1.05 a day'. That story involved a case in the Industrial Court when a woman was dismissed and gave evidence under oath about what was occurring in a nursing home. I raised that matter in Parliament in May 1979. In fact, as a result of that a headline appeared in the newspapers referring to me and stating 'Food cost of elderly compared with dog's'. The press used a bit of initiative in those days—it certainly does not now. The press came out to my home, saw my dog and photographed it. I ask that some action be taken to defend these people, who are not members of any trade union. Even their own relations will not look after them.

During the recent recess, which was certainly too long (I know you, Mr President, like myself, are hardworking and like to get on with the job), I read in the *Advertiser* of 4 February 1982 an article headed 'Home fed 45 people on 1½ chickens'. I did not believe that that could be true. I showed the article to the Hon. Dr Cornwall and said, 'This is our State, mate.' He said, 'Listen, mate, it's a terminal State.' It is a terminal State: it is dying economically. The older citizens of our community are dying in these nursing homes without any protection from Parliament or from the Minister of Health.

The article is very lengthy, but it is pertinent and I must congratulate the medical writer, Barry Hailstone. The article states:

> One-and-a-half chickens had been used to make a meal for 45 elderly patients at an Adelaide nursing home, it was claimed yesterday.
>
> And at another home, one leg of lamb was used in a meal for about 40 patients.

The Minister of Health has said that this matter is political. The article continues:

> The allegations have been detailed by Mrs Marcia Wilson, who has formed a health pressure group, the Health Care Action Committee.
>
> The committee, made up of South Australian nursing home nurses, wants the South Australian Government to regulate the quality of private nursing homes to protect the interests of elderly inmates.
>
> The allegations against the two nursing homes are contained in more than 800 letters of complaint received by the committee since its formation last week.
>
> 'We have also had 50 letters praising the standards of some private nursing homes—and there are some excellent ones,' Mrs Wilson said.
>
> But the committee's 11 members—all of whom were practising nursing home workers—either knew of, or had first-hand experience of, 'appalling treatment of elderly patients in nursing homes'.

Further on, the article states:

> Homes in near-city suburban areas were the worst offenders.

That is correct. Right next door we are sitting in our luxury appointments receiving good wages. The article continues:

> Mrs Wilson supplied the *Advertiser* with names of nursing homes which, she said, were amongst the worst offenders.

I would certainly like to see that list from the *Advertiser*. The article continues:

> It was not uncommon for the mid-day meal to be served to patients who were still in their night attire, or for patients to be dressed ready for bed at 4 p.m.
>
> 'On the other hand we have got some very good hospitals which have excellent and active programmes for patients,' she said.

Eventually, the *Advertiser* received a comment from the Minister of Health last week (according to the article) and she described the group as being political rather than professional. Members would be aware that the group consists of professional nurses. The article continues:

> The group's chairman, Mr G. Churchill, said yesterday his action committee was made up of working professionals who were representative of the industry, were aware of anomalies and were prepared to advise the Health Commission or Minister of Health.
>
> Mrs Adamson said the Central Board of Health had established a working party two years ago to review appropriate staffing levels in nursing homes in the light of modern acceptable nursing practice.
>
> A report probably would be made within the next month or so...

Nothing was said about food and accommodation—only staffing levels.

What action has the Minister of Health taken against those nursing homes which are systematically starving elderly people to death? That is a strong statement, but if this article is true there is absolutely no doubt that some of these people would be dead today. Will the Minister supply to the Council the names of the nursing homes mentioned in the *Advertiser* article of 4 February 1982, so that relatives of these people can take action to protect their kin? What action has the Minister taken prior to receiving the report from the working party to regulate the quality of private nursing homes to protect the elderly, bearing in mind that the Minister said that the report will probably be released next month? What were the terms of reference of the working party, which was established two years ago by the Central Board of Health?

The Hon. K. T. GRIFFIN: I will refer those questions to the Minister of Health and bring down a reply.

PARLIAMENT HOUSE ACCESS

The Hon. N. K. FOSTER: Will the Attorney-General, representing the Minister of Public Works, take up with his department the problem elected members of Parliament are having getting into and out of Parliament House? Since the heatwave in Adelaide I have found on no less than—

The Hon. K. T. Griffin: Do you want leave to make a statement?

The Hon. N. K. FOSTER: No, I do not want leave to make a statement. Members cannot get into or out of this building because the plastic-coated key cards will not operate, because they have been buckled and warped by the heat. The cards must be taken to another point in the car-park to gain entry to this building. I urge the Government to straighten out this problem.

SOUTH AUSTRALIAN JOCKEY CLUB

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question on the rumours about the financial plight of the South Australian Jockey Club.

Leave granted.

The Hon. C. J. SUMNER: Recently, I heard a disturbing rumour about the financial plight of the S.A.J.C., including the rumour that if its liquidity does not improve its cheques

will be dishonoured from tomorrow. First, is the Government aware of the financial plight of the South Australian Jockey Club? Secondly, if so, is the Government contemplating any action and, if so, what action is proposed?

The Hon. K. T. GRIFFIN: The honourable member must mix in different circles than I do. In view of the matters he has raised, I will refer his question to the Premier and the Minister of Recreation and Sport and bring back a reply.

The Hon. C. J. SUMNER: I have a supplementary question. In view of the apparent urgency of this situation, will the Attorney-General undertake to refer the matter to the Premier immediately?

The Hon. K. T. GRIFFIN: I will undertake to do it as soon as I possibly can.

GUARDIANSHIP BOARD

The Hon. C. W. CREEDON: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Health, a question on the matter of the Guardianship Board.

Leave granted.

The Hon. C. W. CREEDON: When this matter was first brought to my attention, I did not know that such a board existed. If my information is correct, this board seems to have very wide powers and can commit people to an appropriate place for specialist medical attention and detention. Further, I believe that a person of no particular expertise or training can make out a complaint against another person that will be followed up by the Guardianship Board, even to the extent of issuing a summons and calling out the police to compel the person complained against to appear. Can the Minister say who are the members of the board and what are their areas of expertise or qualifications? What is the term of their office? Does the board usually take note of or act on complaints from persons with no expertise? On receipt of that kind of complaint, is it customary for the board to confine persons for indefinite periods? Is it usual for the police to be used to enforce appearances before the board? Is there any appeal against a decision of the board, especially if a person is detained on a complaint of a person with no particular expertise?

The Hon. K. T. GRIFFIN: The Guardianship Board was established under the Mental Health Act several years ago, I think during the term of the previous Administration. The board has wide powers, but exists as an independent body to assess the merits of any application before it in respect of persons who do not have the necessary mental capacity to administer their own affairs. I have not heard of any complaints about the board, or misgivings about its operation. My information about the board suggests that it acts responsibly and carefully in respect of any person whose affairs it is required to consider. I will refer the honourable member's detailed questions to the Minister and bring back a reply.

PARLIAMENTARY STAFF

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking you, Mr President, questions on the topic of the review being conducted into the organisation of staff working in Parliament House.

Leave granted.

The Hon. FRANK BLEVINS: Mr President, I draw your attention to your circular of 20 November 1981. You will remember that, towards the end of last year, there was a minor controversy in this Chamber regarding the existence of this review committee prying into the affairs of members of the staff and, obviously, members of the Council, to ascertain just what, we do not know. We do not know, either, who instigated this committee. Is the review still continuing? If so, when can we expect a result from this committee?

The PRESIDENT: I am sorry to keep on saying that I do not know. The review is continuing. I cannot anticipate when it will be finalised, because I have not been in contact with the committee for some time.

The Hon. FRANK BLEVINS: I have a supplementary question. Could you, as President, find out when the review committee expects to bring down its report so that we can see what it has found out?

The PRESIDENT: I believe that I could ascertain that.

The Hon. N. K. FOSTER: I have a further supplementary question. Have you been made aware, as President of this Council, whether or not the so-called review committee or steering committee—or whatever other name it may take on itself in an effort to identify itself—has taken note of remarks you have made in this Chamber endeavouring to answer questions posed to you by members of this Chamber, namely, that you were not aware of some of the occurrences? Moreover, you voiced some sense of disappointment, if not disgust, that all of the organisations representing employees in this building were not duly and properly notified of the inquiry or given the right to be represented on it. Has the committee considered your pertinent remarks in answer to questions?

The PRESIDENT: I do not think that I said any of those things. There are two committees. One is the review committee, which I understand is still taking evidence. The other is the steering committee, which is a different committee; it will assess the review committee's findings and presumably make recommendations on them.

The Hon. N. K. FOSTER: I have a further question. Can you, Mr President, through your good offices, persuade those who have taken it on themselves to circularise certain members in respect of some matters, to have all members of this Parliament clearly circularised as to the intent of both of those committees, their supposed function, area of involvement and area of inspection and examination, and, more importantly, as to what members of the Parliamentary staff have been instructed to appear before either one or both of these committees?

The PRESIDENT: I would find that a very large order to fulfil. I will certainly look at the question to see whether I can provide a reply.

HEALTH COSTS

The Hon. R. C. DeGARIS: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Health, a question about health costs.

Leave granted.

The Hon. R. C. DeGARIS: In a document that came to members of Parliament from the Bureau of Statistics in Canberra, I notice a rise in health costs in Australia over the past two quarters. In the September quarter, the rise in health costs in Australia was 10.57 per cent and in the December quarter it was 14.98 per cent. All members will realise that this is an extremely high increase in the costs for health care in Australia. The total c.p.i. rise must be largely contributed to by the increase in health costs in Australia. Are these increases in health costs reflected in South Australia and, if they are, in what areas were those health costs incurred in the September and December periods?

The Hon. K. T. GRIFFIN: I will refer this matter to the Minister of Health and bring back a reply.

The Hon. Frank Blevins: It's health insurance costs.

SEA POLLUTION

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Local Government, representing the Minister of Fisheries, a question on the matter of sea pollution.

Leave granted.

The Hon. B. A. CHATTERTON: A number of officers in the Fisheries Department have conducted research on the effect of dispersants used on oil at sea and are disturbed at the deleterious effect it has on the marine environment. They have put before the Minister various proposals that the Government should take more action in trying to control oil pollution because of the effect it has on the marine environment and the possible effect on fisheries in this State.

Naturally enough, since most of the oil being loaded or unloaded is in St Vincents Gulf, this is regarded as very serious. What is most unfortunate is the response that they have received from the Minister of Fisheries, who said that nothing should be done because the Minister of Mines and Energy had told the Minister of Fisheries that he did not want to upset the oil companies before an election, and that the question should be put off for at least 12 months before anything was done in this area by the Fisheries Department.

I am extremely disturbed if this is the case, that the St Vincent Gulf fishery should be sacrificed in this way to an expedient policy. Has the Minister given instructions to the department to put off any action on the use of dispersants in the case of oil spills in St Vincent Gulf or other areas in South Australia?

The Hon. C. M. HILL: I will refer the question to the Minister of Fisheries and bring down a reply.

HEALTH COSTS

The Hon. R. C. DeGARIS: I desire to make an explanation in relation to the question that I just asked about health costs.

Leave granted.

The Hon. R. C. DeGARIS: I want to make an explanation because of the interjection of the Hon. Frank Blevins that the increase in health costs was related to insurance charges. I appreciate that. I would like to rephrase my question to emphasise that, if there is an increase in health insurance costs, there must be an increase in the actual cost of delivery of health services to create that increase.

The Hon. Frank Blevins: It's health insurance costs.

The PRESIDENT: Order! This will not turn into a debate. I hope the Hon. Mr DeGaris has a further question to put.

The Hon. R. C. DeGARIS: Has the State Government undertaken an analysis of the increased cost of health care? In what area are health costs increasing?

The Hon. K. T. GRIFFIN: I will refer the question to the Minister of Health and bring down a reply.

The Hon. N. K. FOSTER: I rise on a point of order, Mr President. This is a serious matter and, if I am out of order, please sit me down. No answers to questions have been forthcoming from the front bench. Ministers opposite are a disgrace to this Parliament and this State. The Attorney-General, that fascist, sits in his place today and says that he cannot give a direct answer to a question that is a matter of public knowledge. That is a disgrace and he should be ashamed of himself.

The PRESIDENT: Order! That is not a point of order; it is a statement which has nothing to do with the question or anything else.

The Hon. K. T. GRIFFIN: I rise on a point of order, Mr President. I ask that the honourable member withdraw his statement.

The Hon. N. K. Foster: What was that?

The Hon. K. T. GRIFFIN: You called me a fascist.

The Hon. N. K. FOSTER: You are. I withdraw and apologise and say that the Attorney is as close a relative of the deceased fascists of Europe as we have seen in this State.

The PRESIDENT: Order! That is not acceptable.

The Hon. N. K. FOSTER: I withdraw. I do not want to go out this week, because I am not due to go to Victoria for a fortnight. If the Attorney seeks such a withdrawal and apology, if such a withdrawal of the truth will satisfy his conscience, if he accepts such Parliamentary procedure concerning withdrawal and apology when the truth is involved, then I withdraw and apologise.

The PRESIDENT: Order! There is no need for an explanation before an apology and a withdrawal. If the honourable member will withdraw and apologise, we will let the matter drop.

The Hon. N. K. FOSTER: I withdraw and apologise, but I reserve the right to call him that whenever I see fit.

Members interjecting:

The Hon. N. K. Foster: The truth hurts, doesn't it mate? You and your connections with the Festival of Light and whatever.

The PRESIDENT: Order! If the Hon. Mr Foster continues to interrupt he will have to be named. I warn him to that extent.

I.Y.D.P.

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General a question about finances for the International Year of the Disabled Person.

Leave granted.

The Hon. ANNE LEVY: The International Year of the Disabled Person finished on 31 December last. I understand that the total amount allocated for expenditure on I.Y.D.P. projects was not fully expended by that date and that some funds remain from the moneys allocated for the particular projects undertaken in that year. Several suggestions have been made about how the remaining funds could be spent. I presume that the Attorney would agree with me that it should not return to Consolidated Revenue but should be used for the benefit of disabled persons in our community, as that is what it was allocated for.

One suggestion is that it should be used to employ a project officer who could examine best how a resource centre for the disabled could be used by, in particular, retarded people and their families, there being a considerable need for such a resource centre for retarded people. Proper investigation of such a resource centre would be an admirable project on which this remaining money could be used. I ask the Attorney whether consideration has been given to expending the remaining funds on projects to help the disabled, whether consideration has been given to a resource centre for the retarded and their families and, if not, whether he would consider spending the remaining money on such a project.

The Hon. K. T. GRIFFIN: I am surprised to hear the suggestion that there are funds remaining unspent from last year which had been set aside for specific projects. My understanding was that all money which was available for

I.Y.D.P. projects through the I.Y.D.P. secretariat and advisory council had been allocated for projects. I am not sure whether it has all been transferred to those projects, but I understood that that was the case. If it has not all been transferred, it would be because payments are being made by instalments to actual projects.

The Hon. J. R. Cornwall: Didn't they run out of money?

The Hon. K. T. GRIFFIN: They did not run out of money. The Executive Director of the I.Y.D.P. secretariat is still engaged in that office. There is secretarial assistance available. Some funds from the budget were directed towards the running of the office which were left over but which are being expended in the equal opportunity area leading up to the proclamation of the Handicapped Persons Equal Opportunity Act on 1 July this year. All of the funds that have been allocated in the State Budget will be expended if they have not already been expended on projects or on on-going initiatives in respect of programmes started in 1981.

I announced on Christmas Eve last year areas of those on-going initiatives. The central resource centre was one of the areas that I indicated was being examined, that resource centre being a place available for persons with a disability, their friends, relatives and others to have as a focal point for either their own organisation's activity or for information about Government or other programmes that were available for persons with a disability.

Certainly, the central resource centre is being investigated, and that is one of the things that the executive officer has the responsibility for investigating, in conjunction with other officers in government. I am not aware of any surplus as referred to by the honourable member. I will inquire and, if the statement I have made is not accurate, I will certainly correct it, but I am confident that what I have indicated is correct and that all money that has been allocated for I.Y.D.P. has been spent or otherwise will be used in pursuing initiatives commenced in 1981.

PUBLIC WORKS COMMITTEE REPORT

The PRESIDENT laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Holden Hill Regional Police Headquarters and Court Complex.

PETROLEUM (SUBMERGED LANDS) BILL

Read a third time and passed.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This Act, which commenced operation on 1 April 1977, has achieved its initial objectives, particularly that of placing building industry workers on the same footing as workers in other industries covered by the State Long Service Leave Act regarding long service leave entitlements. However, day-to-day administrative problems have been experienced by the board constituted under the Act, whilst anomalies and further difficulties have been highlighted in submissions received from employer and employee bodies, the board itself, members of Parliament, the Ombudsman and the Commissioner of State Taxation. The proposed amendments result from a careful consideration of all submissions and are intended to ensure the most equitable and efficient operation of the Act, consistent with its intention to provide long service leave on the same general conditions as apply under the State Long Service Leave Act.

Because of administrative problems involved in the issue of certificates of effective service to all workers at present covered by the Act, the most suitable date of operation for the amendment Act is 1 July 1982. During the coming months the necessary administrative procedures will be organised to ensure a smooth and efficient transition on that date.

There are various important amendments contained in this Bill. First, it is proposed that the Act no longer bind the Crown. Difficulties have arisen in applying the provisions of the Act to Government workers, because of the differing conditions under which long service leave is granted to government employees as compared to those working in private industry. Doubts have arisen also as to which Government workers are covered by this Act. The numbers of building industry workers moving between the public and private sectors have always been and still are small. Therefore, in practical terms this amendment will not cause hardship to any building industry worker. Any person who ceases to be covered pursuant to this amendment will be covered administratively by the board up until the amendment comes into force. I indicate to the House that this particular amendment has been requested by the United Trades and Labor Council, and the Government has been pleased to accede to that request.

Another important amendment relates to the payment of pro rata long service leave. At present there is no provision for pro rata long service leave on death or retirement from the industry for years of service completed after the initial first qualifying period. This places building industry workers in an anomalous position when compared with those persons subject to the State Long Service Leave Act. An amendment will rectify this situation.

A further difficulty has been encountered because of varying interpretations being placed upon the section concerning the entitlement to payment of a worker for pro rata leave after accrual of 84 months effective service. To remedy this it has been provided in the Bill that pro rata payment for long service leave will be payable after the accrual of 84 months effective service where the worker dies, reaches retiring age, has a physical or mental disability preventing him from continuing in the building industry, or has been absent from that industry for any reason for a period of at least 12 months.

A new provision in the Act incorporates the concept of a payment to a worker who has qualified for a previous long service leave payment pursuant to this or any other State Act, but who has less than 84 months service when he leaves the building industry either permanently as a worker or through retirement due to age. This provision will bring the Act into line with the requirements of the State Long Service Leave Act.

The amending Bill clarifies the position of those workers who are defined building industry workers but are employed in non-construction joinery shops. The new provision emphasises that coverage pursuant to the Act is dependent upon the on-site construction activities of both employer and worker. Joinery shops, therefore, will only be covered where they constitute an integral part of a construction company whose main activity is on-site construction work.

A substantial benefit will accrue to building industry employers from an amendment to the method of calculating monthly contributions payable to the Long Service Leave (Building Industry) Fund. At present the employer's contribution is calculated on 2½ per cent of the worker's total monthly wages. Pursuant to the amendment the employer's monthly contribution will be based upon an amount equal to the worker's ordinary weekly award rate of pay. The Government contemplated amending the percentage of total wages paid by employers to the fund from 2½ per cent as it is at present to a lower figure. However, bearing in mind the healthy financial state of the fund and the need for some relief to be given to employers in the building industry for some Government charges, it was decided to amend the base amount upon which contributions are paid to the fund.

Similarly, a benefit will accrue to building industry workers as the payment on the taking of leave will now be calculated on the current weekly award rate of pay as at the time of taking the leave, instead of at the date of accumulation of such leave, as currently applies. In this way both the payment into the fund and the payment out of it are to be based on the same rate, i.e. the current weekly award rate of pay. Continued wise investment by the board of the funds available to it will, I am sure, ensure that there is always sufficient in the fund to meet all claims.

Opportunity has been taken to clarify and tighten the ambit of the industry covered by the Act, by deleting those areas which experience has shown are not building industry functions as originally envisaged when the Act was first drawn. This has been achieved in the definitions clause by deletion of the phrase 'industry' and re-arrangement and enlargement of the phrase 'employer'. The coverage of workers has been narrowed by the deletion of 'bridge and wharf carpenters'. This is a consequential amendment as that portion of the industry is no longer covered by the Act. In addition, the majority of these workers are employed in work of a governmental nature and such workers will no longer be covered by this Act. Further, on the advice of the Parliamentary Counsel, the opportunity has been taken to clarify and tidy up some sections of the Act, thus removing ambiguities in the intention of the original Act. This has involved redrafting and renumbering of some sections.

In furtherance of the policy of this Government to assist industry, it is proposed to utilise available moneys from the Long Service Leave (Building Industry) Fund to provide free or low-interest loans to assist in the establishment and operation of group training schemes for the building industry. In this connection it should be noted that the board presently has approximately $5 950 000 invested with the State Bank and the South Australian Housing Trust for the provision of low interest loans for new houses, as well as to assist in the provision of low-rental housing.

The provision relating to misconduct on the part of the worker, which may debar him from accumulating any effective service entitlements in respect of his service with a particular employer, has been widened. Where a worker has a *prima facie* entitlement to pro rata long service leave, but has ceased to be a worker in circumstances arising out of serious and wilful misconduct which occurred when in the employment of either his present or previous employer, the board may debar the worker from receiving such entitlement.

The powers of the appeal tribunal have been widened considerably. At present the jurisdiction of the tribunal is restricted to appeals by employers from assessments of the Commissioner of Stamps only. The tribunal is now to be vested with the power to review any decision, determination or assessment of both the board and the Commissioner of Stamps. (This includes an appeal from a decision of the board that a worker, or an employer, is not covered by the Act). As the review of decisions and determinations could include the review of an exercise of discretion as to the circumstances giving rise to an entitlement, matters of a legal nature could be involved. Therefore, the tribunal is to be constituted by an industrial magistrate instead of an accountant as at present.

The title of the board has been amended to 'The Long Service Leave (Building Industry) Board.' This is to emphasise that coverage under the Act is given to itinerant building industry workers rather than casual workers as such.

Certain amendments have been made to clarify the evidentiary provisions that they may reflect more effectively the intention of the Act. These include provisions relating to the service of documents and the creation of the offences of continual avoidance and avoidance or attempt to avoid contributions payable under the Act. Penalties already contained in the Act have been increased to $500 and penalties of varying amounts have been inserted in other sections of the Act. 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 the first day of July 1982. Clause 3 amends the definition section, section 4. The term 'employer' is redefined so that it encompasses the matters presently dealt with in the definition of 'the industry' which is deleted. However, the new definition of 'employer' excludes certain categories of works presently specified in the definition of 'the industry'. These are road works, railways, airfields and other similar works, breakwaters, docks, jetties, wharves and other similar works, works for the irrigation of land, drilling rigs and gas holders, pipelines, navigational lights, beacons or markers, works for the drainage of land, works for the storage of liquids other than water, or for the storage of gases and works for the transmission of electricity or wireless or telegraphic communications. The new definition of employer also clarifies the position in relation to off-site construction work such as takes place in joinery shops.

Under this definition, the Act will only apply to an employer who engages in off-site construction work if he also engages in on-site construction work and his on-site construction activities are his principal activities in terms of the number of employees engaged in the activities. The new definition also provides that the Crown is not to be an employer for the purposes of the Act. The clause also inserts new definitions of terms used in new provisions relating to the calculation of payments by employers, effective service of building workers and payments to building workers who have attained the appropriate periods of effective service.

Clause 4 repeals section 5 of the principal Act. Section 5 presently provides that the question of whether a person is an employer or a building worker or an activity is comprised in the industry shall be determined by an industrial magistrate. Instead of this arrangement, which has not been used in practice, it is proposed to reconstitute the appeals tribunal of an industrial magistrate and to widen the right of appeal of workers and employers so that any decision of the board may be taken on appeal. The clause also repeals section 6 of the principal Act which provides that the Crown is bound by the Act.

Clause 5 makes an amendment to section 8 correcting an error in a reference to the title of the board. Clause 6 makes an amendment to section 15 of the principal Act which is of a drafting nature only. Clause 7 inserts a new section authorising the board, with the approval of the Minister and the Treasurer, to lend moneys forming part

of the fund to an industrial organisation for the purpose of establishing or operating a group training scheme for the building industry approved by the Industrial and Commercial Training Commission. The terms and conditions of such a loan may include provision that the loan is interest-free, but must be approved by the Minister and the Treasurer.

Clause 8 replaces section 22 of the principal Act with a new provision re-defining the circumstances in which employers are required to notify the board of matters relating to the employment of building workers. The clause also provides for the repeal of section 23 which provides for the discounting of the effective service of a building worker if he is dismissed because of serious and wilful misconduct. This matter is, under the Bill, dealt with in new section 28 which provides for the calculation of effective service.

Clause 9 amends section 24 which provides for the lodging of monthly returns by employers and the payment of monthly contributions. The clause provides that the returns specify the ordinary hours worked by each building worker during the relevant month instead of the present provision for ordinary time calculated in accordance with the regulations. 'Ordinary hours' is under clause 3 now to be defined in the Act in terms of the hours fixed by industrial award or agreement as the ordinary hours for work in a week. The clause varies the amount of monthly contributions so that they are based upon the total wages paid to building workers in the relevant month but excluding any amounts paid by way of special rates or allowances. The clause also increases penalties for offences against the section from $200 to $500.

Clause 10 replaces sections 24a and 24b with new sections. New section 24b is designed to provide in a more effective way for the powers of the Commissioner of Stamps under existing sections 24a and 24b to require information from any employer about his liability to pay contributions to the Commissioner. New section 24a is conseqential to the provisions of new section 27 which provides for the board to make, during the financial year from July 1982 to the end of June 1983, a final determination of the effective service of each building worker up to the end of June 1982. New section 24a provides, in this connection, for the payment and recovery of contributions that should have been paid by employers in respect of periods of service up to the end of June 1982, but which have not been paid.

Clause 11 amends section 24c so that it makes more effective provision for the assessment by the Commissioner of the liability of any employer to make contributions under the Act. Clause 12 makes an amendment to section 24d that is of a drafting nature only.

Clause 13 repeals sections 27 to 30 of the principal Act. Present section 27 is a transitional provision that is no longer required. Present section 28 is also a transitional provision that is no longer required. Present sections 29 and 29a provide for the attribution of a period of effective service in relation to service before the commencement of the principal Act in April 1977. Under the proposed new section 27, these provisions, as in force before their repeal by this measure, will be applied by the board in determining the effective service entitlement of each worker up to the end of June 1982. Present section 30 provides for the payment of a contribution by the employer of a person credited with effective service under present section 29 or 29a and, accordingly, is also no longer required.

The clause proposes the insertion of new sections 27 and 28. New section 27 provides that the board shall, during the six months from the commencement of this measure on 1 July 1982, determine the effective service entitlement of each person as at the preceding 30 June. This will necessarily be done in accordance with the provisions of the Act as in force before the commencement of this measure. Under the provision, any person who is dissatisfied with the board's determination, or who has not received a certificate containing a determination, may, during the period up to 30 June 1983, require the board to make a determination or redetermination of his effective service entitlement. In addition, a person who is still unhappy with the board's determination may appeal to the tribunal. The determinations made by the board during the financial year, 1982-83, will then, under the provision, constitute the final word as to effective service entitlements relating service as a building worker up to 30 June 1982.

New section 28 provides for the calculation of effective service for periods of service after the commencement of this measure on 1 July 1982. The new section is designed to remove doubts and ambiguities arising from the wording of the present provisions dealing with this matter. It also provides for several possible fact situations that are not provided for under the present provisions. Subsection (1) of this new section provides for calculation of effective service upon the basis of the total ordinary hours worked by a person as a building worker together with the total ordinary hours for which the person is absent from work as a result of absences declared by regulation to be allowable absences. These hours are then, under the subsection, converted into months.

Subsection (2) provides for a fact situation that is not provided for under the Act in its present form, namely, where an employee becomes a building worker while continuing in the same employment. Subsection (3) provides for the discounting of any effective service credited under subsection (2) if the person leaves that same employment. Subsection (4) provides that the effective service entitlement of a worker is discounted if he is dismissed from his work as a building worker and the board is satisfied that he was dismissed as a result of serious and wilful misconduct. This matter is presently dealt with under existing section 23.

Subsection (5), provides for the discounting of a person's effective service entitlement if he is not employed as a building worker otherwise than on account of illness or injury for a continuous period of 18 months. This provision does not apply, however, if the effective service entitlement is 84 months or more. The provision also does not apply if the person has previously received or become entitled to receive a payment or leave in respect of 10 years service of an appropriate kind—a situation that is not catered for by the present provisions of the Act. (This matter is presently dealt with under existing section 32 (2).) Finally, subsections (7) and (8) provide for the discounting of periods of effective service once they have given rise to an entitlement to payment under this Act or leave, or payment in lieu, under the Long Service Leave Act.

Clause 14 makes an amendment to section 31 which is consequential to the insertion of a definition of 'ordinary hours'. Clause 15 repeals sections 32 to 36 of the principal Act. These sections deal, generally, with payments to workers for effective service and are being replaced in order to clarify a number of areas of uncertainty resulting from their present wording. Proposed new section 32 provides that the board is to issue after the end of each financial year a certificate setting out each building worker's effective service entitlement at the end of that financial year.

Proposed new section 33 provides for a payment to be made by the board to any worker who attains 120 months effective service. Under the provision, the payment is to be equal to 13 times the worker's ordinary pay (as defined under clause 3) at the time he takes leave of absence or his employment terminates, whichever first occurs after he attained the 120 months effective service. His employer at the time he attains that effective service is required by the provision to grant him 13 weeks leave of absence as soon as practicable after that effective service was attained.

If, however, the board is satisfied that for an appropriate reason that leave of absence was not taken within 12 months after the worker attained that effective service, the payment may be fixed according to the worker's ordinary pay at a later date fixed by the board and paid at that time. In any other case, the payment is fixed upon the basis of the worker's rate of ordinary pay at the end of that 12 month period. This differs in a significant way from the present provision which fixes the payment according to the rate of pay at the time the worker receives from the board the annual certificate disclosing effective service of or exceeding 120 months.

Proposed new section 34 provides for a *pro rata* payment for effective service of less than 120 months where the worker ceases to be employed as a building worker for certain specified reasons or dies. This new provision differs in three principal and significant respects from existing section 35. The new section provides for a *pro rata* payment in a case where the worker has less than 84 months service but has received or become entitled to receive a payment under the Act or leave under the Long Service Leave Act for 10 years service of an appropriate kind.

Ex gratia payments are presently being made in cases of this kind. The new section provides for a *pro rata* payment where a woker satisfies the board that he will be unable to work as a building worker for a continuous period of 12 months on account of illness or injury or if he has not worked as a building worker for such period for any other reason. The present provision is unsatisfactory in that it provides for such payment if the board is satisfied that the worker has ceased to be a worker in circumstances that suggest he will not again become a worker—a test that is more limited and difficult to apply. Finally, the present provision does not spell out the rate of ordinary pay according to which the payment is to be fixed, while the proposed new section specifies the rate in relation to each situation giving rise to an entitlement to a *pro rata* payment.

Proposed new section 35 provides for a worker's effective entitlement to be included in continuous service for the purposes of the Long Service Leave Act upon the worker being unemployed by the same employer in a capacity other than as a building worker. Clause 16 amends section 36a of the principal Act by providing that the appeal tribunal is to be constituted of an industrial magistrate. Clause 17 provides for a right of appeal against an assessment of the Commissioner (which is presently provided for) and, in addition, against any decision or determination of the board. The clause also sets out powers that will be necessary for the purposes of such an appeal. Clause 18 provides penalties for offences relating to the exercise of inspectors' powers.

Clause 19 provides for the repeal of sections 38, 39 and 40 and the substitution of new sections. Present section 38 is replaced by a new section more effectively dealing with the same matter, that is, a requirement that employers keep and preserve records to enable their liabilities under the Act to be properly determined. Present section 39 is no longer required in view of the insertion of a definition of 'ordinary pay'. Present section 40 has no further work to do since dismissal after the commencement of the principal Act would be no more for the purpose of avoiding the obligation to make a contribution under the Act than for the purpose of avoiding the payment of wages and other costs of employing a building worker. The clause inserts a new section 39 providing that it will be an offence to provide false or misleading information for the purposes of the Act. It inserts a new section 40 providing for the manner in which documents and notices are to be served under the Act. It also inserts a new section 40a providing for continuing offences.

Clause 20 clarifies the evidentiary provisions of section 42a. Clause 21 lists in the regulation-making section specific powers relating to registration of employers and notification to the board of specified matters.

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

STATUTES AMENDMENT (JUSTICES AND PRISONS) BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Justices Act, 1921-1981; and to amend the Prisons Act, 1936-1981. Read a first time.

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

That this Bill be now read a second time.

Upon notice of motion heard in the Full Court on Wednesday 10 February, the court, upon a writ of *habeas corpus,* ordered the release of a prisoner from Yatala Labour Prison. The prisoner was serving a term of imprisonment for eight days (from Monday 8 February 1982) in respect of a warrant of commitment which had been issued in December 1981. Until 8 February 1982, the prisoner had been serving a sentence of five months imprisonment imposed upon him in the Central District Criminal Court in November 1981, and was due for release on 8 February 1982, but for the service upon him on that date of the December warrant of commitment. This warrant of commitment related to his failure to pay, on or before 28 November 1981, $80 court fees to the Clerk of Court, Adelaide, in respect of a complaint which had been laid against him in that court.

The decision of the Keeper of the Yatala Labour Prison to serve the warrant on the date when Reid was due to be released from prison, having served his sentence of five months imprisonment, was made in compliance with an administrative instruction given by the Sheriff and Comptroller of Prisons in 1958, following and in accordance with the opinion of the then Crown Solicitor in 1954.

For 28 years there had been no challenge to the practice of the prison authorities that warrants of commitment in respect of unpaid fines or sums adjudged to be paid be served and executed at the expiration of any sentence then being served. However, the Full Court (King C.J., Sangster and Mohr J.J.) has now effectively held that the practice of all those years was without legal justification and that, unless the justice issuing a warrant of commitment so orders, the warrant is effectively to be executed forthwith upon the prisoner and the term of imprisonment in respect of it is to commence from the date of the issue of the warrant. Reasons for the decision of the court are yet to be published.

The Government believes that despite the legal objections that have now emerged to the long-standing practice, there are valid reasons why that practice should continue. It seems obvious that, unless it does, there will be little incentive for a prisoner under sentence of imprisonment to pay a fine. The present Bill is intended to validate the present practice and ratify what has happened in the past. Of course, the Bill will not affect the validity of the judgment of the Supreme Court in the case in question. 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 inserts in the Justices Act a new section 93aa. Subsection (1) of the new section provides that where a warrant of commitment is issued

against a person otherwise than for the enforcement of a sentence of imprisonment imposed as a penalty for an offence, and the warrant is served while the person is serving a term of imprisonment, the imprisonment to which the warrant relates is to be cumulative upon that term of imprisonment. Subsection (2) makes the new provision retrospective to the commencement of the principal Act. Subsection (3) provides that the amendments do not affect the validity of the Supreme Court's judgment to which I have referred. Clause 3 makes a corresponding amendment to section 24 of the Prisons Act which applies to imprisonment that is not regulated by the Justices Act provisions.

The Hon. C. J. SUMNER secured the adjournment of the debate.

TECHNOLOGY PARK ADELAIDE 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.

1. Introduction: Technology Park Adelaide is an initiative aimed at improving the competitiveness of local industry and providing an environment conducive to the establishment of high technology industry. A technology park is a specialised industrial complex that typically has the character of an industrial estate with a campus-like atmosphere. It generally has a close association with a local economy that has been, or intends to become, strongly oriented towards scientific research and high technology industries. These parks are further characterised by low density, attractive settings, above average architectural quality, and rigorous exlusion of incompatible industrial uses. Many are capable of housing a mixture of small and medium sized manufacturing units and are associated with, or close to, a major technology-oriented university. Amongst the many successful examples are Stanford Industrial Park in Palo Alto, California and Technology Park/Atlanta in Georgia visited by officers of the Department of Trade and Industry.

2. The Economic Context: The economic environment of today is one in which Australian industry is becoming increasingly integrated into a world economy in which survival depends on international competitiveness. One of the important determinants of competitiveness is technology, both the technology which is embodied in a product through its design and the technology used to manufacture a product—firms which do not innovate but persevere with outdated methods and techniques, will have less chance of survival than those that attempt to adapt to the changing economic environment. However, improving the competitiveness of existing industry is only one part of an overall strategy needed to strengthen South Australia's economic base. It is also necessary to provide an environment conducive to the growth of high technology based industries, industries which can contribute to the widening and deepening of the State's industrial base and reduce the adverse impacts brought about by structural change in traditional industry sectors.

The industries that were responsible for South Australia's prosperity in the 1950s and 1960s, especially motor vehicles and white goods, are now the industries most vulnerable to external pressures from import competition and new technology, and South Australia can no longer rely on these traditional industries to generate expanding employment opportunities. High technology industry, on the other hand, follows a different pattern from traditional industry and is generally regarded as 'foot-loose'. The raw materials are highly educated professionals with scientific and technical expertise and the product is applied knowledge in the form of sophisticated components, processes, designs and information, characterised by their high value added ratio. As a result, the industry is little constrained by transportation costs for its location decision, and is therefore an industry where South Australia's distance from the main population centres is not a significant location disincentive. For these reasons, high technology industry has the potential to strengthen South Australia's economic base and generate future employment opportunities.

The South Australian Government is responding to the challenge of structural change and the employment potential of high technology industry by implementing policies that will set the context and provide the incentive for existing industry to restructure and for high technology industry to establish. Technology Park Adelaide is an integral part of these policies. The concept of Technology Park is unique in Australia, and encompasses far more than the development of an industrial estate. In particular, strong linkages with academic institutions are an important aspect of the development, and the extensive participation of the South Australian Institute of Technology has been recognised in the structure of the management body.

3. Functions of the Technology Park administration: The development and operation of the proposed Technology Park Adelaide will require the work of an administrative body set up specifically for this purpose. The principal administrative functions which will be required are as follows:

(a) Subdivision of Allotments—Allotments will be subdivided according to the requirements of occupants.

(b) Promotion and Marketing.

(c) Sale or Lease of Land.

(d) Administration of Covenants—It is proposed that all leases and conveyances will be subject to convenants, which will enable the management body to exercise detailed control over building activities and the use and development of allotments. The principal controls which these covenants will enshrine will relate to the design and siting of buildings, landscaping and limitations upon use, to ensure the high environmental standards are observed.

However, an encumbrance on a freehold title has no legal force, and in any case is ineffective in a situation where land is sold to a third party. Therefore, the management body must have the power to enforce controls in situations where a proposal cannot be dealt with via existing legislative provisions. The corporation will have regulation-making powers consistent with the powers of management bodies associated with similar overseas facilities. These powers will relate to land use and performance standards. It is not proposed to introduce a schedule of regulations at this stage. Control over the activities of occupants will be effected through existing legislation or by way of amendments to existing legislation. Regulations will only be introduced if this procedure proves ineffective. The corporation will not have the power to make regulations that are in derogation of any other law. The provisions of the Planning and Development Act, Noise Control Act and any similar legislation will continue to apply.

The corporation will, however, have the power to impose additional controls over and above the provisions of existing legislation to achieve higher standards. In particular, the corporation will have the power to prohibit the ownership

or occupation by any person of land situated in the Park. Such a provision is an integral part of controls exercised by overseas management bodies, and experience has demonstrated that where such a power does not exist, circumstances can arise which cannot be dealt with by existing legislation and that jeopardise the operation of the park. It is not anticipated that such a regulation would be introduced unless there was a particular circumstance which could not be adequately dealt with by any other means.

(e) Maintenance of the Park—The management body will share responsibility for site maintenance with Salisbury City Council.

(f) Liaison and Co-ordination—It is vital for the successful development of the Technology Park that close links be established with the South Australian Institute of Technology and other tertiary institutions, particularly the two South Australian universities and the Adelaide College of the Arts and Education. Similarly, it is necessary that a close relationship be established with private industry and also other organisations involved in research and development. The task of liaising with such groups and co-ordinating action will be an important aspect of the work of the management body.

4. Summary: Technology Park Adelaide represents a unique opportunity for the Government to implement a project that will give South Australia a significant competitive advantage in encouraging high technology organisations from overseas and interstate to locate in Adelaide. High technology organisations, whether involved in manufacturing or research and development, have the ability to broaden and strengthen South Australia's economic base and therefore reduce our dependence on traditional manufacturing industries, which can no longer be relied upon to generate expanding employment opportunities. Technology parks are recognised overseas as important factors influencing the location decisions of high technology companies and in fostering research and development activities. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 sets out the arrangement of the Bill. Clause 4 provides definitions of terms used in the Bill. Clause 5 establishes the corporation. Subclause (3) is an evidentiary provision and subclause (4) provides that the corporation will be under the direction and control of the Minister. Clause 6 provides for membership of the corporation. In addition to the member appointed on the nomination of the Commonwealth Minister the Government intends that the corporation will include members that will represent the interests of industry, educational institutions and the Salisbury council. The term of membership will be three years (subclause (2)) and may be terminated in accordance with subclause (4) or becomes vacant as provided in subclause (5).

Clause 7 provides for the appointment of the Chairman of the corporation and the Chief Executive Officer of the corporation. Clause 8 provides for procedures at meetings of the corporation. Four members constitute a quorum (subclause (1)) and decisions are made by a majority of votes (subclause (3)). Each member has one vote, and in the event of an equality of votes the Chairman has a casting vote (subclause (4)). Clause 9 is a saving provision ensuring the validity of acts of the corporation despite a defect in the membership of the corporation. Subclause (2) provides immunity from legal liability to members of the corporation and subclause (3) transfers the liability to the Crown.

Clause 10 provides for disclosure by a member to the corporation of any interest that he has in a contract that the corporation is a party to or to which the corporation proposes to become a party. Clause 11 provides for remuneration of members of the corporation. Clause 12 sets out the functions and powers of the corporation. As can be seen from subclause (1) the corporation is designed to promote scientific and technological research and development and the use of high technology in industry. Another important aspect of the corporation's functions is to encourage the exchange of ideas and expertise between the persons and companies making use of the park and the institutions of tertiary education in South Australia.

Clause 13 provides for delegation by the corporation of its powers or functions. The Salisbury council is included amongst the recipients of delegated power to allow the council to undertake the upkeep of the open areas that will be a feature of the park. Clause 14 provides for employees of the corporation to be appointed for the purposes of the Act. Clause 15 allows the corporation to utilise the services of public servants on secondment. Clause 16 provides for investment of moneys of the corporation not immediately required for other purposes. Moneys expended by the corporation must be expended in accordance with a budget approved by the Minister and the Treasurer. Clause 17 provides the corporation with the power to borrow moneys. Clause 18 requires the corporation to keep proper accounts and requires the Auditor-General to audit the accounts.

Clause 19 requires the corporation to deliver to the Minister a report upon the administration of the Act. The Minister is required to lay the report before both Houses of Parliament. Clause 20 provides that proceedings under the Act will be disposed of summarily. Clause 21 provides for regulations that may be made under the Act. Subsection (2) sets out detailed heads of regulation-making power that will allow the park to be controlled for the benefits of all people and companies using it. Experience gained by similar parks established overseas has shown that it is essential that companies that occupy premises in the park and benefit from the facilities provided do so only with the approval of the corporation. Accordingly paragraph *(h)* of subsection (2) empowers the Governor to make regulations prohibiting the ownership or occupation of land in the park without the approval of the corporation. Subclause (3) makes it clear that regulations made under this section do not replace general laws applying to the park. Subsection (4) provides for penalties to be imposed by regulation.

The Hon. ANNE LEVY secured the adjournment of the debate.

JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 December. Page 2590.)

The Hon. K. T. GRIFFIN (Attorney-General): The Leader raised a number of questions about four clauses in this Bill. I am a bit disappointed that he is not here to hear the answers, but perhaps he will get an opportunity to read them in *Hansard*. The first question related to clause 3 of the Bill.

The Hon. C. J. Sumner: Having a go at me while I was gone?

The Hon. K. T. GRIFFIN: No. The first question related to clause 3 of the Bill. The Leader asked for some clarifi-

cation about the appointment of a temporary clerk. I draw the Leader's attention to clause 8 of the Bill where there is a specific provision that a special magistrate may appoint any suitable person to act on a temporary basis in the office of the clerk of court of summary jurisdiction if the office is vacant or if the clerk is or will not be available for any reason to carry out the duties of his office. The power granted to a magistrate for that purpose is not expected to be used on many occasions. It is there in the event of an emergency arising which requires a magistrate sitting in court to have a clerk, or for some reason to appoint a temporary clerk.

It merely expands the range of persons who may appoint a temporary clerk to meet the unavoidable absence of a clerk. The second question raised by the Leader related to clause 5, which allows a court to re-serve a summons if there is reasonable cause to believe that a summons or notice has not come to the attention of the person concerned. I am seeking to insert a subclause which provides the same safeguards that have applied to non-personal service under existing section 27. The proviso embodied in the subclause provides that a court or a justice must be of the opinion that service has not been properly effected in these circumstances; otherwise, the proceedings are likely to be impugned before the Supreme Court. It is really an added safeguard, because there are occasions when notices have been served non-personally, which includes postal service, and some doubt has been raised about whether or not a summons has reached the attention of the person concerned. This clause is an additional safeguard.

The Leader then raised a question in relation to clause 10 and proof of previous convictions. The present practice is to serve a notice alleging previous convictions on an accused person not less than three days before a hearing. That notice ordinarily contains details of convictions which the prosecution intends to rely upon in court when the matter is heard. There have been two difficulties with this procedure. First, in a recent case a prosecutor sought to prove additional convictions which were not referred to in the notice served on the defendant. The magistrate threw doubt upon the ability of the prosecution to do that. Provided that convictions are properly proved in court, it seems to me that there should be no impediment on the prosecution proving those convictions, even though they may not have been included on the notice.

The other problem is that personal service is often difficult. However, service by post still alerts an accused person to the fact that the prosecution intends to prove the convictions relied upon in the notice. The same safeguards apply in relation to this procedure as in relation to either non-personal or postal service; that is, if there is any doubt about whether a notice has reached the attention of an accused person, either the magistrate can require it to be reserved or the matter can be further adjourned.

The Hon. C. J. Sumner: What happens if a gaol sentence is involved?

The Hon. K. T. GRIFFIN: Ordinarily, the prosecution would prove the convictions by calling for the record and having someone depose to the fact that the person named in the record is the same person named in the summons. There is a formal procedure for proving convictions. The purpose of giving a notice to an accused person was to at least alert him to the fact that previous convictions would be relied upon as part of the prosecution's submissions to the court. I see no prejudice to the accused person in this procedure. After all, if on one of those very rare occasions a conviction should be proved but there appears to be some doubt about whether the accused person and the person against whom a conviction has been proved is the same person, that would certainly be a ground for appeal. There are safeguards in the system. I am confident that no injustice will be created as a result of the revised practice.

The Leader also referred to clause 9, which allows an accused person not to attend court if he intends to plead not guilty. If a defendant gives written notice to the clerk that he intends to plead not guilty, the defendant need not attend at the call-over of his case when the trial date is set. When a hearing date is fixed the clerk will notify the accused either personally or by post of the time and place at which the court will proceed with the hearing. There is an additional safeguard, which I have referred to earlier, that if on the hearing of that not guilty plea the defendant does not appear and it appears that he may not have been aware of the date of that hearing (because the notice may not have come to his attention) the magistrate can direct that the notice or the summons be re-served. This is intended to relieve an accused person from a number of attendances at court simply to obtain a hearing date for a plea of not guilty. It is done to assist him. I believe that it will be welcomed by many persons who have to appear in court and who are pleading not guilty.

Finally, the Leader referred to clause 14, which deals with appeals. It provides appeals for minor indictable offences when they have been heard summarily. The reason for that is that a court of summary jurisdiction tries by law and by fact. In those circumstances it is possible for a magistrate to be wrong in fact or wrong in law and if he dismisses a minor indictable charge, even if the decision is wrong in law, there is no redress for the Crown. I believe that this provision will most likely be used when an accused person has had a matter dismissed (perhaps no conviction has been recorded but a penalty has been imposed) or when the whole matter has been dismissed and no conviction has been recorded and no penalty has been imposed, and the decision is patently wrong.

An accused person should not escape the proper penalty by pleading in the Magistrates Court, having the matter tried summarily and relying on the one person, the magistate, to be both judge of law and fact, and the magistrate then making a patent error. In those circumstances it is wrong for an accused person to be let off without any redress. After all, he is not prejudiced by the appeal because, if it is patently wrong, it would either be referred back to the magistrate with directions from a superior court, or he would then be tried, for example, in the District Criminal Court before a judge and jury. I believe that these answers deal with all the matters that the Leader has raised. I would hope that they put his mind at rest as to those questions. I thank honourable members for their support of this Bill.

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

EXPLOSIVES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2724.)

The Hon. C. W. CREEDON: This short Bill appears to be necessary in order to tighten up the law as it presently stands, governing the use of fireworks and explosive devices used for the purposes of entertainment. Celebrating with fireworks on special occasions used to be a real fun thing. I remember those times as a youngster, and the enjoyment my own children had from such activities. It is unfortunate that more and more restrictions have to be applied in order to contain the actions of the minority. If all people were considerate and thoughtful of their fellows there would be

no need for any restricting legislation that clutters our Statute Book.

The Minister claimed in his second reading explanation that the Government had no power to control the use of fireworks, but that a person purchasing fireworks must hold a permit, and with the permit is issued a set of guidelines that are not enforceable. The Government, with this amendment, aims to make the guidelines enforceable. We are all aware that fireworks are available only on a very restricted basis. Legislation was introduced a few years ago to restrict the sale of fireworks to the organisers of public displays because of the damage to people and property and because of careless use and wilful misuse. In the past people and household pets were harassed by the indiscriminate use of all sorts of explosive devices for many days, and sometimes weeks, prior to the day of the celebration.

One could always read of cases of injury, especially to children, through careless and accidental use of fireworks, and it does appear there are still some problems, even though this method of entertainment is nowadays used only in organised public displays. In the Minister's recent speech he mentioned a number of accidents. This Bill is likely to help further lessen the accidental injuries to persons and property and is worth pursuing. We are happy to offer our support to this Bill.

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

IMPRINT ACT (REPEAL) BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2724.)

The Hon. FRANK BLEVINS: The Opposition opposes this Bill, which seeks to repeal the Imprint Act. The Imprint Act is an old Act and has been around since 1863, and there are very good reasons for it. The Act has always required that anybody who prints any material at all must ensure that his name is imprinted on the material.

As I said, the reasons are good. A person who prints anything seditious, libellous or pornographic can be traced through the imprint on that item. That, at least, is the theory. There are some practical problems with that. It is a good theory but practical problems can result, and some printers are just not playing the game and complying with the Act.

One could also argue that someone who was deliberately going to print seditious, libellous, or pornographic material would not put the name of his organisation on that material. The Opposition maintains that the original intention of the Act is as valid today as it was when the Act was originally passed by Parliament. The only argument that the Government has put to Parliament, in an attempt to justify its repeal of the Imprint Act, is that it is difficult to police.

If the Government were to repeal all Acts that were difficult to police, there would not be many left. The laws against stealing seem to have a high failure rate and are difficult and expensive to police. We do not say that, merely because an Act gives the Government some problems in an area, we should abolish it. That argument is used on many occasions (not only by this Government) to the effect that, because a law is difficult to police, it should be abolished or that, because people are not abiding by a law, it should be abolished, but I do not support that argument. If the action to which the Act directs itself should be illegal, then the Act should stand, irrespective of whether or not it is difficult to police.

In his second reading explanation the Minister implied that the industry sought to repeal the Act. The shadow Chief Secretary in another place has been in contact with the industry, and that is not the case. The Minister's statement when introducing the Bill in another place and the statement made in this Council (honourable members recognise that the Minister here is not responsible for the second reading explanation provided in this Chamber) implied clearly that the industry had sought this action. This was not the case. The industry sought modification to the Act or the tightening of the Act and some enforcement of it because law abiding printers were following the Act and other printers were not, and so there was demand to tighten up the Act.

The Chief Secretary apparently referred this matter to the Attorney-General, because all matters handled by the Chief Secretary have to be referred to another Minister, and the Attorney decided that the Act would be repealed rather than tightened up and enforced. The Opposition believes that that is not good enough. We agree that some reform would be welcome, but the Government already has the power to exempt any person or organisation from the Act's provisions.

If some undue hardship is being caused unnecessarily to a company complying with the Act, the Government has the right to exempt it. In fact, no Government has made any such exemption. This Government takes the attitude that it is all too hard, that it will throw out the baby with the bathwater. It is unacceptable for a Government to behave in that manner.

I refer to an anomaly that could be given as an example. I understand that the label on a scent bottle must include the printer's name. I do not know whether that is true, because I do not use scent myself and have not bought any for at least 22 years. If that is the case, it is obviously ridiculous. Clearly, there is no need to have the printer's name on a scent bottle label. It is within the ambit of the Act for the Minister to exempt such an industry from that provision. There is no need at all for such a Draconian measure. Further, I understand that every other Australian State has an Imprint Act. No other State has seen fit to do away with it.

The Hon. R. C. DeGaris: Is that right in regard to New South Wales?

The Hon. FRANK BLEVINS: My information is that that is so. It may be wrong, but I understand that every State has an Imprint Act. Why should this State proceed in isolation without good and sufficient reason? In particular, the police have attempted to trace publishers of certain materials from time to time. The industry has told this to the Labor Party. Clearly, there is unease about certain material that is being printed. The police still attempt to trace the authors and publishers of material by using the requirements of the Act.

The fact that it is not being policed properly by the Government and has some deficiencies suggests to me that there is not a conclusive case for doing away with the Act, when the police attempt to use this Act to trace publishers of questionable material. Surely the Government should be insisting on the Act's being complied with and policing it in the proper manner by requiring the police to trace the publishers of material about which the police have queries.

I would have thought that any responsible Government would have acted in that way rather than repealing the Act. I can suggest one reform already, that is, increasing the maximum penalty, which is $200 and which is a relatively trivial amount for publishing or printing companies to pay if they are ever apprehended. Surely a more significant penalty would force people who are not complying with the Act to think longer before they took a chance.

This would also protect reputable publishers and printing houses which do comply with the Act. All they have requested is that the Act be brought a little more up to

date. In summary, the Opposition opposes this Bill. There are good and sufficient reasons for our opposition. We agree with the industry that some reform should take place, but the Government has not so far given Parliament a good or sufficient reason for repealing the Act.

The Hon. C. M. HILL (Minister of Local Government): The Government, since it came to office in September 1979, has been looking at the various Statutes to see whether some of them can be repealed, because in our promises we indicated that we intended to achieve what is commonly known as small government and we indicated that, if we found on our Statute Book legislation that was unnecessary, we would repeal it.

In this general review of the legislation in South Australia, this particular Act was brought forward as one that was unnecessary, so the next step was to have a close look at it to see whether it could in any way be justified. We looked at it to see whether it might be improved by amendment but, in the Government's final judgment, the decision was made that it could be repealed. That is why this repeal Bill came before Parliament.

I explained when I introduced the measure yesterday that the provisions in the original Act have little practical value. That is because, if people wished to print defamatory, seditious or pornographic material, they would do that and would not place their imprint on that material.

The Hon. Frank Blevins: Stealing is the same. That's not a valid argument.

The Hon. C. M. HILL: I think it is a valid argument. The Hon. Mr Blevins placed some emphasis on the point that perhaps penalties could be increased to a point where the deterrent effect would apply, and I think he said that the Act could be policed more. That would be an expensive action but, nevertheless, if such a course were adopted, if penalties were increased, and if the endeavour were made to improve the Act, the Government would still be of the view that great difficulties would arise in tracing the offending printer and such changes would not provide a deterrent that the Hon. Mr Blevins thought they would.

The Hon. R. C. DeGaris interjecting:

The Hon. C. M. HILL: Yes, so that it could not be sold unless the imprint was on it. That would be another course of action that could be considered, I suppose. It would have to be an offence for the person selling the material. The main reason for repealing the legislation is that we do not think it is necessary. We think that we can do away with it, and we cannot accept the view put forward by the Hon. Mr Blevins that we ought to keep it on the Statute Book and improve it. I do not know whether he mentioned the point about whether the number of exemptions might be increased. That is another argument that can be submitted.

The Hon. Frank Blevins: The more one thinks about the matter, the more arguments there are for keeping it.

The Hon. C. M. HILL: One can build up a case point by point if one likes. We can have a lot of legislation on the Statute Book if we are in favour of bureaucracy. I suppose one could bring in more and more legislation if one did not object to the growth in the number of Statutes and the growth of the bureaucracy generally, but the present Government wants to reduce rather than increase the number of laws governing the people of South Australia. This is an old measure, going back to about the mid-nineteenth century, and we feel that, because of practise and experience, it can be removed from the Statutes of this State. Accordingly, I seek the support of the Council for it.

The Council divided on the second reading:

Ayes (10)—The Hons. M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

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

Pair—Aye—The Hon. J. C. Burdett. No—The Hon. Barbara Wiese.

Majority of 1 for the Ayes.

Second reading thus carried.

Bill reported without amendment; Committee's report adopted.

HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2731.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill. It basically does two things: it increases from 7½ per cent to 9.8 per cent the stamp duty from the Highways Fund which is applied to the police budget for safety purposes. The Opposition believes that that increase is well warranted and that no amount of expenditure is too great in an attempt to prevent the terrible tragedies that do occur on our roads. We support that completely.

The other matter to which the Bill addresses itself is the removal from the State Transport Authority of the necessity to contribute to the Highways Fund. We do not object to that. We see it as a rather meaningless provision. I am sure that Mr Johinke would not see it as meaningless—I would think he would be rather irate. It means that the Highways Fund has less finance and the S.T.A. has more. If the Government wishes to reduce the burden on the S.T.A., thus lessening the deficit and thereby reducing the amount available in the Highways Fund and have to increase that from various Government sources, that is up to the Government. I personally cannot see the point. It is only taking money from one pocket and putting it into another in the same suit.

If the Government wishes to spend its time legislating and shuffling money around in this manner it is entitled to do that. However, it is a worthless way to spend one's time. The Minister a moment ago spoke about small government and deregulation. However, he is wasting the time of the House by legislating to shift a few thousand dollars from one department to another. It seems crazy. If the Government wants to do it, that is its business. It is another example of this Government's not really having a legislative programme at all. Most of the matters that come before the Council are totally trivial and are of no importance, but at the end of the year the Government will be able to say, 'We have processed X number of pieces of legislation. We are a Government of action—we are really getting stuck into it.' It is only trying to fill in time and stretch out the session. That is ridiculous, but it has the right to do it.

So this legislative padding is around, but I can guarantee that when 1 April comes we will suddenly be confronted with stacks of vital legislation that has to go through within about six hours. We will be here until the early hours of the morning, as we were with the Stony Point legislation. We had five minutes to deal with it, after rubbishy legislation had been brought into the Council (incidentally, I exclude the increased percentage payment to the police from that category). However, by and large, Bills such as this are absolute rubbish. Not one problem facing the people of this State will be solved by the passing of these Bills. I will not compound the stupidity of this Government by wasting any

more time of the Council. The Opposition certainly does not want to oppose these trivial matters.

Bill read a second time and taken through Committee without amendment; Committee's report adopted.

LAND SETTLEMENT ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2731.)

The Hon. B. A. CHATTERTON: The purpsoe of this short Bill is to repeal the Land Settlement Act, by which the Parliamentary Land Settlement Committee has been established. The Minister in this case cannot claim that this is to carry out small government and reduce the number of pieces of legislation because, of course, the Government is also proposing in another piece of legislation to establish a further Parliamentary committee. The Opposition certainly supports the need to review the functions of this committee because the period of intensive land settlement which it was instituted to oversee has certainly declined. The committee was most active after the Second World War, when large soldier settlement schemes were undertaken in this State. It is a pity that many of these settlement schemes have not been a great success. I am referring not to the disastrous situation on Kangaroo Island but to the problems of soldier settlement schemes where there was a fundamental lack of understanding of the changing economic conditions that faced agriculture after the Second World War.

I believe that many of the people who set up those schemes were looking back to a period when one could go out with an axe and hack a farm out of virgin scrub. That period disappeared after the Second World War when the mixture of land, labour and capital needed for farming required a much higher percentage of capital, and it was very difficult for people who had almost no equity to establish a viable farming operation when they had a situation of accumulated interest on their borrowings. Some of the soldier settlers have been very successful, but overall it seems to me that a fundamental mistake was made in setting up that scheme.

It is interesting to compare the settlement schemes that are undertaken overseas. I inspected one recently in Libya, where the Government has understood the problem of equity for farmers and makes a large percentage of the cost of establishing the farm a direct grant to the farmers. In fact, they have to repay only about 30 per cent to 40 per cent of the cost of establishing the farm.

The other function of the Land Settlement Committee, which is still operating, is the Rural Advances Guarantee Act. There the committee has the job of overseeing applications under the Act. This, of course, is another form of land settlement, because the Act provides assistance through Government guarantees to people who want to settle on the land. It is something of an anomaly now to have the Rural Advances Guarantee Act, because we are also operating with Commonwealth money on the Rural Adjustment Scheme, which has almost the opposite objectives to those of the Rural Advances Guarantee Act. We have the rather anomalous situation of the Department of Lands carrying out a programme of closer settlement, albeit a rather small programme because there are few applications under the Rural Advances Guarantee Act, but certainly that is the direction it is taking.

The Hon. M. B. Dawkins: It is the case now, but it was not always the case.

The Hon. B. A. CHATTERTON: At the moment there are a small number, but the direction in which it is heading is one of closer settlement. The Department of Agriculture has the specific objective of achieving economies of scale. In fact, one of the major parts of the Rural Adjustment Scheme is referred to as 'farm build-up', so it is rather anomalous to have two branches of Government acting in different directions. It seems to me that those considerations, the winding down of the soldier settlement programme and the rather anomalous position of the Rural Advances Guarantee Act, justify a thorough review of the activities of the Land Settlement Committee. Just because the period of land settlement has almost finished in this State, the Opposition does not believe that the committee should be wound up. We believe that there is still a huge problem in terms of land management in this State, and that it would be appropriate for a Parliamentary committee to provide a bi-partisan forum to discuss policies on land management.

There are many examples of land management problems that face this State, but here I want to look at only one example—the arid zone of South Australia. Unfortunately, the situation seems to be that we only worry about the arid zone and take action to protect it only when there are dust clouds over Adelaide. This seems to have been the situation in the 1930s, when action was taken concerning both the arid zone and marginal farming areas. Soil erosion in South Australia was certainly a huge problem, and a lot of far-sighted legislation was enacted at that time. It is surprising to me that the Liberal Party, which claims to represent rural people, acts in this way and shows very little concern for the problems of the arid zone. Only when some sort of notable crisis occurs, such as dust clouds over Adelaide, is any action taken.

The arid zone is a fragile environment, one where mismanagement can have absolutely devastating results. I know, for example, that the Minister of Agriculture has visited a number of countries in North Africa and the Middle East. In particular, he has been to Iraq, Algeria and Tunisia. I would have thought that visits to those countries would show him just what devastation can result in the arid zone if proper management is not undertaken. In all those countries, if one goes into the regions of less than 200 millimetres of rain, one sees an area which looks like a desert. By South Australian standards it would not be a desert, but there is not a tree to be seen, or hardly a bush or a blade of grass. It is most disturbing to see that environment.

That is what can happen in South Australia unless we protect the arid areas and unless we ensure that they are properly managed. It seems that the Government's reaction at present is to water down the controls which already exist over that area and which have perhaps been inadequate. They have certainly been inadequately enforced, but it seems an odd reaction to take to try to water them down even further. I readily admit that both Parties, when they have been in power, have probably been responsible for lax enforcement of the rules and regulations that control the management of the arid zone, but that does not seem to me to be a good reason for relaxing them even further.

It seems to me that a committee such as this, renamed and reorganised to consider questions of the land management in this State, would provide a good Parliamentary forum in which the problems of land management and the environment could be tackled in a bi-partisan way. The Minister responsible for this legislation in the House of Assembly was, I think, surprised by the moves made by the Opposition and was not in a position to provide a considered reply on behalf of the Government. I hope that the Minister responsible here has been able to consider the arguments that have been put forward both in this Chamber and in the House of Assembly and is able to support the suggestion that the committee, instead of being abolished, should be reformed and changed into a committee looking at land management and the environment in this State. At

this stage, I will wait until I have heard the Minister's reply before giving my support to this Bill.

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

EVIDENCE ACT AMENDMENT BILL (No. 2)

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.

The purpose of this Bill is to abolish the right of an accused person to make an unsworn statement of fact in his defence. The right of an accused person to make such a statement is a vestigial consequence of an old rule, long since abolished, under which an accused person was prevented from giving evidence in his own defence on the ground that, if he were permitted to do so, the temptation to commit perjury would prove irresistible. The right to make an unsworn statement represented a relaxation of the previous uncompromising rule, but when the rule was itself abolished the right to make an unsworn statement, rather anomalously, survived.

The unsworn statement has come under increasing criticism in recent years. Many observers feel that it is particularly unpleasant in cases involving allegations of sexual offences that, while the prosecutrix is invariably subjected to a searching and embarrassing cross-examination, a defendant is permitted to make an unsworn statement containing the wildest allegations and the most obnoxious imputations on the character of the prosecutrix without exposing himself to any risk.

The Mitchell Committee recommended that the right of an accused person to make an unsworn statement be abolished. The Government accepts this recommendation. The subsidiary recommendation that the character or previous convictions of the defendant should not be brought in issue by sworn evidence involving imputations on the character of the witnesses for the prosecution has also been accepted but subject to qualifications. The Government believes that the absolute protection proposed by the Mitchell Committee may in certain cases go too far. Unscrupulous defendants might be encouraged to fabricate evidence about the character of the prosecution witnesses, secure in the knowledge that their own bad character could not be exposed to examination. The Government therefore proposes to adopt the suggestions of the Mitchell Committee but to add a further provision to the effect that where the nature or conduct of the defence involves imputations on the character of the witnesses for the prosecution and the imputations go beyond what is germane to the proper presentation of the defence, the character of the defendant will be exposed to inquiry.

The proposals contained in the present Bill are in identical terms to those contained in a Bill laid aside in the previous session as a result of actions taken in the Legislative Council. Since the laying aside of that Bill a Select Committee of the Council has inquired into the subject of the unsworn statement and has recommended retention of the right of an accused person to make such a statement. The Government has carefully considered this report but finds the arguments advanced by the committee barren and unconvincing. Indeed, the report highlights the desirability of the proposed reform because it clearly demonstrates how weak is the case that can be made against it. I hope that there will now be no further delay in its implementation.

Clause 1 is formal. Clause 2 amends section 18 of the principal Act. The amendments abolish the right to make an unsworn statement. They protect the character of an accused person from being exposed by cross-examination where his evidence, although casting imputations on the character of witnesses for the prosecution, relates to circumstances surrounding the matters subject to the charge, the investigation of the charge, or proceedings consequent upon the laying of the charge. The clause contains transitional provisions relating to existing proceedings.

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

ADJOURNMENT

At 4.51 p.m. the Council adjourned until Tuesday 16 February at 2.15 p.m.