LEGISLATIVE COUNCIL

Tuesday 23 March 1982

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

MINISTERIAL STATEMENT: BEDE MORRIS REPORT

The Hon. J. C. BURDETT (Minister of Community Welfare): I seek leave to make a statement.

Leave granted.

The Hon. J. C. BURDETT: On 5 March 1981, I tabled Professor Bede Morris's Report on his Inquiry into the Use of Laboratory and Experimental Animals. As members will recall, Professor Morris made a number of recommendations aimed at safeguarding the welfare of animals. These included properly structured animal ethics committees; provision of adequate accommodation and facilities; adoption of appropriate procedures; and the development of a satisfactory legislative framework. At the same time as I tabled the report, I indicated that my colleague, the Minister of Health, regarded implementation of the recommendations as being of such importance that she intended to invite Professor Morris to return at the end of the year to review progress. Professor Morris conducted his final review in March and has submitted his report, which I will table.

It is clear from this report that the majority of the Morris Report has been put into effect since the inquiry. As Professor Morris states:

> . . . the example given by the South Australian Government has contributed to the formulation of new standards for assessing the conduct of animal experimentation.

He goes further to say:

> . . . I believe that there is a changed attitude towards the use of experimental animals in Adelaide and elsewhere in Australia for which the South Australian Government and the parliamentary process can take credit.

Clearly, Professor Morris recognises the significant advances introduced as a result of his inquiry and has commended the action taken. Even so there still remains some important work to be done. The post of the Clinical Veterinarian is yet to be filled but applications have been received for the advertised position. The Institute of Medical and Veterinary Science has recognised the critical nature of this position and, together with the Department of Agriculture, is seeking a person of high professional standing to fill the position. The appointee will have direct responsibility for the animal operation and holding areas, with the executive authority endorsed by Professor Morris in his report.

The Ethics Committee at the institute is now completely satisfactory and Professor Morris is 'now convinced that its membership and the philosophy and intent of the committee is such that the best interests of both research and the welfare of the animals being used for experiments will be safeguarded'. The Minister of Health has been assured by Professor Morris that, under the current arrangements, the use of animals at the institute is in accord with proper ethical practices and that the committee has individuals with the necessary strengths of character and purpose to make it work. It is notable that Professor Morris has not suggested the enshrinement of such a committee in legislation and clearly recognises that the instilment of an ethic on animal care and welfare must come from attitudes inside the institution itself.

Animal accommodation at the institute has been reviewed and works are under way to further improve the animal holding areas as outlined by Professor Morris. The majority of these capital works will be completed in the middle of this year. Meanwhile, the animals have been rehoused and are receiving excellent care and attention.

Whilst the principles espoused by Professor Morris regarding the need for adequately trained and committed people are clearly recognised, members will appreciate that his statements regarding salary classification of animal attendants necessarily involve consideration of the delicate relativities that exist between industrial awards and groupings. The issue of the salary classifications of animal attendants is still under review. A further case has been submitted to the Public Service Board and the salary levels, necessary qualifications and other criteria will be established in any revised structure.

In his concluding remarks on the I.M.V.S., Professor Morris has recognised the clear intent of the institute to get its house in order and further improve the already high standing in the veterinary division.

In his first report, the Adelaide Children's Hospital sustained the major criticism of Professor Morris, both in respect to its lack of an Animal Ethics Committee and the squalid facility that housed the small animals. As Professor Morris reports, the Ethics Committee has now been established but there still remains much work to be done to ensure that the staff of both the hospital and the University of Adelaide, working in the hospital, develop the correct ethical approach toward animal care. Under the direction of the board of management, the newly formed committee is addressing its constitution and procedures, taking into account the development in other health units and the Morris recommendations.

The capital programme at the Adelaide Children's Hospital is totally committed and a review of the redevelopment of the hospital is presently underway. The consultants conducting the review have been requested to consider the Morris recommendations about animal facilities at the hospital. One option is that large animal experiments and holding areas should be confined to the I.M.V.S. facilities and that the Adelaide Children's Hospital retains facilities for small animal holding only. The Health Commission is likely to support such a policy. Meanwhile, small animals at the hospital are accommodated in new accommodation.

The remaining health units, namely Flinders Medical Centre and the Queen Elizabeth Hospital, have implemented the appropriate recommendations and ensured that adequate veterinary input is provided in their institutions. I understand that the Legislative Review Committee into the Cruelty to Animals Act has taken into consideration the recommendation of Professor Morris regarding the foundation of an Advisory Council.

The Minister of Health has forwarded a copy of the final report of Professor Morris to each of the Vice Chancellors of the Adelaide University and Flinders University with a covering letter making it clear that university staff working in Government hospitals and the I.M.V.S. are bound by the rules and procedures of the Animal Ethics Committee of these institutions and are required to conform with the ethical standards set by these committees.

In conclusion, therefore, it is clear that Professor Morris's recommendations have been implemented by the respective health units and much has been achieved. Some work still needs to be done. Nevertheless, the Council can be assured that there are now introduced procedures for the adequate care and attention to animals in institutions under my control and that there will be ongoing reviews through the respective Animal Ethics Committees. I seek leave to table the report.

Leave granted.

PUBLIC WORKS COMMITTEE REPORTS

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

Port Pirie Harbor (Improvements to navigation Channel and Beacons).

A.D.P. Centre (Glenside).

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Harbors Act, 1936-1981—Regulations—
- Fees.
- North Arm Fishing Haven.
- Port MacDonnell Boat Haven.
- Robe Boat Haven.

Metropolitan Taxi-Cab Act, 1956-1978—Regulations—
- Fees.
- Driver Bailment Agreements.

Racing Act, 1976-1980—Greyhound Racing Rules—Reserves.

Road Traffic Act, 1961-1981—Regulations—Traffic Prohibition (Loxton).

Savings Bank of South Australia Act, 1929-1981—Regulations—Trustee Fees.

Trustee Act, 1936-1980—Regulations—
- Trust Funds.
- Change of Name.

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

Pursuant to Statute—

Architects Act, 1939-1981—By-laws—Qualifications.

Friendly Societies Act, 1919-1975—Manchester Unity I.O.O.F. in S.A. and National Health Services Association of S.A.—Amendments to General Laws.

South Australian Teacher Housing Authority—Report, 1980-81.

The Building Advisory Committee—Report, 1980-81.

City of West Torrens—By-law No. 16—Nuisances (Smoke).

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

Pursuant to Statute—

Eyre Peninsula Regional Cultural Centre Trust—Report, 1980-81.

Northern Regional Cultural Centre Trust—Report, 1980-81.

Riverland Regional Cultural Centre Trust—Report, 1980-81.

South-East Regional Cultural Centre Trust—Report, 1980-81.

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

Pursuant to Statute—

Planning and Development Act, 1966-1981—Regulations—
- Metropolitan Development Plan—City of Tea Tree Gully Planning Regulations—Zoning.
- Mid-North Planning Area Development Plan—City of Port Pirie Planning Regulations—Zoning (Amendment).
- South-East Planning Area Development Plan.
- City of Mount Gambier Planning Regulations—Zoning (Amendment).

QUESTIONS

CORPORATE AFFAIRS INQUIRIES

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Corporate Affairs a question on Corporate Affairs Commission inquiries.

Leave granted.

The Hon. C. J. SUMNER: I have received disturbing reports about the alleged ineffectiveness of the operations of the South Australian Corporate Affairs Commission. It has been suggested that morale is low, that experienced prosecution and investigation staff have left the commission, and that inquiries are not proceeding as quickly as they should. The three senior legal officers of the commission have left since the change of Government in 1979. The Commissioner, Mr Sulan, and the two other most senior legal staff members, Mr Nolan and Mr Watts, have all left. This has adversely affected prosecution work. There is also considerable delay in completing inquiries.

As long ago as 5 August last year I sought information about investigations into certain companies. In October (now five months ago) I requested more detailed information to be made available. The Attorney-General refused to indicate what companies were being investigated except for the special investigations into Kallins, Swan Shepherd and the Elders-G.M. share transactions.

Of the 163 inquiries that were in train in October 1981, at least one was from a complaint lodged in 1978 (that is four years ago). The Kallins inquiry has been going on since December 1979 (that is, for over two years). The Swan Shepherd inquiry was announced in April 1980 (that is approximately two years ago). I have received representations about the failure to conclude the inquiry into the Johnson group of companies. Problems with McLeay Bros and Clinton Credits were raised by me on 25 August 1981 (that is, almost seven months ago) but no further information has been forthcoming. In many cases small investors have lost considerable sums of money as a result of the collapse of these companies yet Corporate Affairs Commission inquiries drag on for years.

Will the Attorney-General ensure that adequate experienced staff are made available to the Corporate Affairs Commission to ensure that inquiries are completed more quickly? Will the Minister provide a report on progress in each of the special investigations ordered, namely, into the Kallins group, the Swan Shepherd group and Elders-G.M.? What is the position in relation to the Corporate Affairs Commission's inquiries into Vindana, the Johnson group of companies, Ikos Constructions, McLeay Bros and Wirrina? Will special investigations be ordered into the collapse of these companies?

The Hon. K. T. GRIFFIN: In his statement the Leader sought to suggest in some way that the movement of three senior officers of the Corporate Affairs Commission in the last 2½ years from the Government sector to the private sector was in some way an expression of their dissatisfaction with the Corporate Affairs Commission. I categorically deny that and want to put it on the record once and for all that those officers left the commission to go to positions in the private sector where the rewards were much more attractive than in the Corporate Affairs Commission. The then Commissioner, Mr John Sulan, and a legal officer, Mr Gary Watts, left to go to private practice.

Those officers were taken largely because of their competence in the field of the national scheme legislation in which they have been key personnel in the Corporate Affairs Commission in this State. Mr Nolan has gone to private practice again because of his experience in the Corporate Affairs Commission, not only in respect of the national companies scheme but, more importantly, in the investigation and legal side of the work of the Corporate Affairs Commission.

The Hon. C. J. Sumner: Have they been replaced?

The Hon. K. T. GRIFFIN: They have been replaced. The new Commissioner, Mr Ken McPherson, was appointed quite some time ago. He came to us from the Corporate Affairs Commission in Queensland. Currently, applications have been called, and applicants interviewed, for the position of Deputy Commissioner, and a legal officer has been

appointed from outside the Corporate Affairs Commission to take the place of Mr Watts. I want to remind the honourable member that last year at the Budget Estimates Committees this question of investigation staff and other staff of the commission was raised. The Government had taken a decision, and was implementing that decision, to increase significantly the number of investigators who would be available to do investigation work within the Corporate Affairs Commission, so there has been an upgrading of the investigation staffing as well as the general staffing of the Corporate Affairs Commission to cope with the work they are called upon to do from time to time. The Government and I have already ensured that there is adequate competent staff available within the Corporate Affairs Commission, not only to deal with investigation work but with the other work of the Corporate Affairs Commission.

The Leader asked questions about various investigations. I can give some of that information now. The other information I will seek from the Corporate Affairs Commission and make available at the earliest opportunity. Let me deal first with Vindana. Vindana has a receiver and manager appointed. Charges have been laid by the Corporate Affairs Commission against Mr D. K. Morgan, a director of the company, for a breach of section 124 of the Companies Act but, because that matter has not been concluded through the courts, I am not prepared to comment on any aspects of the allegations which are being made against him, or the evidence upon which the Corporate Affairs Commission will rely in that prosecution.

The Swan Shepherd group of companies involves a particularly difficult investigation because it involves not just the holding company but a number of subsidiary and related companies. The special investigators have been working in this State and interstate with a view to putting together all of the facts before making even an interim report to me upon which some decision can be made as to whether or not there have been any offences committed. In fact, there has been one criminal prosecution laid in that case which has been, I understand, adjourned until June.

It is not at this stage possible to indicate whether or not other charges might be laid as a result of that investigation. The Leader raised questions about the Johnson group of companies, in particular Johnson Construction Pty Ltd (in Liquidation) and Johnson Properties Pty Ltd (in Liquidation). They were placed in liquidation in June 1981. The liquidator of those companies is Mr Ron Craddock, of the firm of Craddock and Craddock, who has been diligently working to obtain a full statement of the assets and liabilities and the excess of liabilities in those two companies. The liquidator has informed the Corporate Affairs Commission that, with Johnson Properties Pty Ltd (in Liquidation), all the preferred creditors have been paid, and unsecured creditors have received a first dividend of 10 cents in the dollar. There is an asset in respect of the company's involvement in Port Mall, for which a sale is being attempted, after which a further dividend is likely to be payable.

With respect to Johnson Construction Pty Ltd (In Liquidation) I am informed that all preferential creditors have been paid in full but that no dividend has been paid to unsecured creditors. The liquidator has advised that the finalisation of the affairs of this company is being delayed because many of the 200 individual creditors have not lodged proofs of debt but have claimed workmen's liens on various assets of the property belonging to the company.

The liquidator has obtained legal advice on the matter. He has approached creditors and has sought to have the liens withdrawn so that he can proceed with the administration of the company's affairs, the getting in of assets and the winding up of those affairs. The liquidator has advised that he has had the full co-operation of Mr Bruce Johnson, the Managing Director of the company in what has proved to him to be a complex matter. I am told that, as a result of the commitments of the liquidator in his administration, the Corporate Affairs Commission has not yet had made available to it the full accounts and records of the company. As soon as the books can be released by the liquidator after he has finished his work on them, a determination will be made by the Corporate Affairs Commission as to whether or not any offences have been committed against legislation administered by the Corporate Affairs Commission.

Regarding Ikos Constructions Ltd (In Liquidation) and associated companies, this is a particularly difficult matter because a fire destroyed all the books and records of the company and group of companies. However, the Corporate Affairs Commission investigators are nevertheless trying to piece together, from what little information is presently available, facts that may relate to that group of companies.

Regarding McLeay Bros, the Corporate Affairs Commission investigators have had access to a considerable amount of material. Various parties are represented by solicitors, and I am informed by the commission that its investigators are continuing discussions not only with the various legal advisers of the parties involved in that group of companies but also with accountants, shareholders and directors. Regarding the Kallin group of companies—

The Hon. N. K. Foster: Chris, are you sure that this wasn't a Dorothy Dixer?

The Hon. D. H. Laidlaw: Your Leader wants information.

The Hon. K. T. GRIFFIN: Yes, the Leader wants information.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. J. Sumner: This has taken four years, and they're still mucking around with it.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: Regarding the Kallin group of companies, the final witnesses in the matter are now being interviewed by the investigators. I cannot yet give any indication of the precise date by which a report is expected, although the Corporate Affairs Commission officers believe that, if they receive satisfactory answers in relation to the last series of interviews, it is possible that a detailed report will be completed and forwarded to me by the middle of this year.

Another matter which the Leader raised previously but which he did not mention today concerned Mallards (or, as the Corporate Affairs Commission people call it, Malaj) Brothers Pty Ltd, which has been the subject of an investigation. The auditor who was asked for information has, regrettably, died recently, which complicates matters. The last inquiry referred to by the honourable member was the Elders investigation.

The Hon. C. J. Sumner: What about McLeay?

The Hon. K. T. GRIFFIN: I have dealt with McLeay. The Elders inquiry is continuing. It has involved the investigator in a substantial number of interviews and telephone interviews with various witnesses here and interstate. I am informed that it is unlikely that I will have even an interim report for at least two to three months. The Corporate Affairs Commissioner, and more particularly the special investigator, is aware of the need to ensure that this matter is dealt with as expeditiously as possible. In conclusion, I certainly do not want to see any of these inquiries drawn out, but they are necessarily complex. I am satisfied that the Corporate Affairs Commissioner is using his best endeavours to ensure that I receive all the information and reports as early as is practically possible.

KSAR CHELLALA PROJECT

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

Leave granted.

The Hon. B. A. CHATTERTON: The project at Ksar Chellala in Algeria has been operated by the South Australian Government using funds provided by the World Bank. Recently I received some disturbing reports that the South Australian Government might be intending to pull out of this particular project in the Algerian steppes. The Chief Overseas Projects Officer told a conference of consultants held at Murray Bridge recently that he thought the South Australian team would leave Algeria by June this year. I also understand that a number of members attached to the project staff have been contacted and warned that their contracts may be shortened. The third piece of evidence I find disturbing is a report from the Overseas Projects Officer stating that he would be going to Washington to ask the World Bank to apply leverage on the Algerians to speed up the payment of funds so that he would be in a position to pull out.

I would not blame the Algerians for actually kicking the South Australian team out of Algeria because of the mismanagement of a number of aspects relating to the project. However, it surprises me that the South Australian Government should be seeking to withdraw. Does the Government intend to pull out of the project at Ksar Chellala in Algeria and, if so, why is it doing so and when will the project be closed down? Has the Government consulted in any way with the South Australian companies involved in exports to that region before coming to this decision? If it has not consulted with those companies, will it do so?

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

HOSPITAL ACCOUNTS

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Health, a question about hospital accounts.

Leave granted.

The Hon. J. R. CORNWALL: Yesterday the Minister of Health claimed in the *Advertiser* that there were no longer any problems with accounting systems at Adelaide's major teaching hospitals. That statement was patently false and the mistress of mendacity knew it was false when she made it. I have been given abundant evidence over several months which shows that the accounting systems in the public hospitals are in chaos, and I will refer to an example. I have before me an account for pathology services from the Flinders Medical Centre, dated 23 February 1982, which was posted on 1 March 1982 (according to the post mark). It seems things are improving, because it takes only six days for accounts to be posted once they are processed. More importantly, the service referred to in the account (and it is a primary account, not an account rendered, which was sent on 23 February 1982) was actually performed on 13 July 1981.

This is obviously a common procedure at the Flinders Medical Centre. To support that statement I will read an undated photo-copied pro forma letter signed by the Finance Director. Obviously, thousands of these letters are being sent out. As I said, it is undated and, of course, it does not contain the patient's name. The letter simply reads as follows:

Dear Patient,

The attached pathology account is for services that were provided to you quite some time ago.

The delay in forwarding this account was caused by your patient status not being identified at the time the test(s) were performed and as a consequence an account was not raised. A review of classifications has been undertaken and subsequently an account raised for the pathology services provided.

It has been agreed with the providers of your pathology tests that due to the delays in rendering this account 'medical benefits' only will be accepted as full payment.

Please accept my apologies for any inconvenience caused and I would ask you to submit the account to your health fund as soon as possible.

Should you have any queries regarding the attached account, please contact my Revenue Department.

As I said, it is signed by the Finance Director. One might say fittingly that there was obviously a pregnant pause between the time the service was given, which was early in July, and the time that the account arrived, which was some time in March—almost nine months.

The account is for $4.80. That is the full account. The medical benefits will be somewhat less. As I understand it, the cost of processing the account and recovering the money amounts to something in excess of $10. The Clinical Biochemistry Section of the Pathology Department at Flinders Medical Centre currently has 10 000 patient records for which the patient status is unclassified. Therefore, it is no wonder that thousands of these pro forma letters are being produced. I have been told by a member of the Clinical Biochemistry Section that these 10 000 patient records or cards have to be separated, classified and processed manually before the accounts can be sent.

The Hon. R. C. DeGaris: Once a year?

The Hon. J. R. CORNWALL: Yes, annually plus an 'm'. To show the magnitude of the problem, this is only one laboratory unit of the Pathology Department, which in turn is only one relatively small part of patient services. We are only talking about one relatively small part of one teaching hospital. That relatively small part of the system alone has 10 000 cards which have to be separated manually going back over a period of almost nine months so that they can be classified and the 'accounts raised', to use the hospital's term. It is no wonder that the heads of all laboratory departments at Flinders recently signed a letter sent to the hospital's administrator protesting about the present patient information system.

The chaos has been caused by the complete failure of the Health Commission to computerise patient admissions, transfers, separations and accounting systems. Instead of continually trying to mislead the South Australian public, will the Minister of Health make a full and frank statement about the difficulties and about what constructive action she intends taking to overcome those difficulties?

The Hon. J. C. BURDETT: I will refer the question to the Minister of Health, and bring back a reply.

NOORA EVAPORATION BASIN

The Hon. M. B. DAWKINS: Has the Minister of Local Government, representing the Minister of Water Resources, a reply to my question of 10 February about the Noora Evaporation Basin?

The Hon. C. M. HILL: The Government is adhering to its policy to exclude industrial wastewaters from comprehensive drainage schemes pumped to the Noora Evaporation Basin. Some delays are being experienced in implementing alternative industrial wastewater schemes at Berri. Whilst work is continuing on these schemes it is not anticipated

that these facilities will be ready when pumping of drainage waters from the Berri Basin to the Noora Evaporation Basin commences. It will therefore be necessary to continue to discharge industrial wastewaters from Berri industries into the Berri Basin and subsequently Noora Evaporation Basin until the alternative facilities are completed.

ADELAIDE CITY MISSION

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking the Attorney-General a question regarding the Adelaide City Mission and Hope Haven.

Leave granted.

The Hon. N. K. FOSTER: Some weeks ago, I asked questions of the Attorney-General regarding this institution, if I may use that term. I have in my possession a number of legal documents which ought to be examined properly. The people initially involved in this mission 10 or 12 years ago were citizens of this city and were of the highest character. Unfortunately, since then, the person whom I mentioned in my recent questions as not being a *bona fide* minister of religion, and who quite frequently leaves the country and, consequently, leaves Hope Haven in dire need, has, as I read the documentation, misappropriated (and perhaps that is too strong a word) property that originally belonged to the Adelaide City Mission.

Will the Attorney, in trust, accept these documents on behalf of the people who gave them to me and have them photostated so that I can return the originals, so that a close investigation can be made? I will not use any names, as some of the people involved are deceased and their widows and families still remain. This matter has been the subject of court action. Certain solicitors are named within the documents, and I will not refer to them by name in this Chamber. I urgently request that the Attorney-General put the consciences at rest of people who were well-intentioned in respect of this organisation. The persons who ought to be apprehended are the persons who, to say the least, made the most of their office.

The Hon. K. T. GRIFFIN: Certainly, I will have the matter investigated. If the honourable member will make either the original or, preferably, a photostat copy available to me, I will ensure that it gets to my appropriate officers and that the matter is thoroughly investigated.

LICENSING COURT

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about the Licensing Court.

Leave granted.

The Hon. C. J. SUMNER: From recent changes to the personnel of the Licensing Court, it would appear that that court and the administration of the Licensing Act has been substantially downgraded. The Government members will recall that Judge Grubb, the former judge of the Licensing Court, retired from that court some week or 10 days ago, as he had reached the age of 65 years. He has now taken up a position in the District Court where he can remain until he is 70 years old.

This issue was debated in the Chamber and the Government, for a series of spurious reasons, was not prepared to keep Judge Grubb in the position of Licensing Court judge. Since his retirement another judge has not been appointed to that court, and it seems as though a judge will not be appointed, but in lieu of Judge Grubb a part-time magistrate is now to fulfil the position of President of that court. Thus, a special magistrate will be engaged in the Licensing Court on a part-time basis. There will be one other magistrate, the Licensing Court magistrate, who will remain with the administration. Mr Claessen is the Licensing Court magistrate; he was in that position before the retirement of Judge Grubb, and he will continue in that position. Judge Grubb's position has been taken over by a magistrate who operates part-time, a Mr Erdely.

It is clear that the Government has downgraded the Licensing Court by these personnel changes, and one can only speculate that this may have occurred because of the outspoken criticism Judge Grubb made of the Government in its administration of the Licensing Act. Can the Minister of Consumer Affairs say whether it is intended to appoint a judge to the Licensing Court.

The Hon. J. C. BURDETT: The Leader stated that the reasons that I gave for opposing his amendment to the Licensing Act Amendment Bill, which related to fees and low-alcohol liquor, were spurious. They were not spurious. I do not propose to repeat everything I said, but the reasons were all sound. The main reason was that that Bill was designed to deal with licensing fees, particularly in relation to low-alcohol liquor and, because the Licensing Court judgship was not the only one in respect of which there was a retiring age of 65, it was not appropriate to address the matter in that Bill. Industrial Court judges also retire at 65 years of age.

I suggested—and this was no spurious reason—that the matter which the Leader was then seeking to raise really related to the retiring age of judges, and I gave an undertaking that the Attorney-General would investigate that matter. I had the Attorney's permission to say so, and he is undertaking that investigtion.

There is no question of downgrading the Licensing Court. There is a considerable amount of work in that court, but the amount of work in the past has been greater than it has needed to be because permits for various sporting and other organisations have been solemnly dealt with by the judge or magistrate. If, for instance, Black Hill Football Club wanted a permit for a Saturday night, that was dealt with by the judge or magistrate. There is the ability, under the Licensing Act, for the clerk to deal with those matters, but, despite a request by the department, that did not occur. If, in fact, those permits (and there are many of them every week) are dealt with by the clerk, there is likely to be considerably less burden to the court.

The Hon. C. J. Sumner: Did you direct the court?

The Hon. J. C. BURDETT: I make clear that I did not direct the previous court, and I do not intend to give directions to the court. What I said was that if, in future, the commonsense attitude does prevail and those permits are dealt with by the clerk, the amount of work for the judge or magistrates will be less.

In specific answer to the question, I can say that it is the Government's intention initially to appoint an acting judge as soon as possible to the Licensing Court. In terms of the Act, the acting judge will need to be a person qualified to be a judge of the District Court. He will be drawn from the profession and, during the time when he is not acting as an acting judge, he will be free to practise his own profession, so his duties as acting judge will be part-time duties. That procedure will be undertaken by the Government initially in order to examine the situation further and see what the needs are. When there has been the possibility of review to see what the needs are, further decisions will be made.

The Hon. G. L. BRUCE: I desire to ask a supplementary question. If what the Minister says is true and that there is no attempt to downgrade the court, how does the Minister explain the statement by Judge Grubb, who has just left the court, in one of his decisions, as follows:

In the interests of that perennial concern of the Superintendent, namely economy, I intimated to counsel that I would not have reporters to record a shorthand note or to make a transcript of the evidence; that I would make a record of the evidence in my notebook, in accord with the earlier universal practice in all courts in this State. In addition, I was not accompanied by a tipstaff, or any other member of the court of branch staff. Having tried this once I say, quite firmly, no member of this court should ever attempt to repeat the experience again. I have no problem in making a note of the evidence. But that is an attribute personal to me. I am satisfied it is not proper to ask any judicial officer to constitute a court without, at least, a clerk or secretary to support him. But, at least for the sake of the Superintendent and his need for economies, I tried.

How does the Minister explain the economies imposed on the court?

The Hon. J. C. BURDETT: I can explain that easily, because no such request was made. The Superintendent did not request the judge to act without a recorder or a tipstaff on that occasion. No such specific request was made. The judge acknowledges, if one reads the judgment, that that decision was his own. It was not a request of the Superintendent. Certainly, the Superintendent is necessarily concerned with economies (and he has said so) in a general way. He did not make any such specific suggestion to the judge. Apparently, because a general need for economies had been expressed by the Superintendent, that was the judge's interpretation of it. The Superintendent did not try to impose those conditions.

ON-THE-SPOT FINES

The Hon. FRANK BLEVINS: Has the Attorney-General a reply to my question of 16 February about on-the-spot fines?

The Hon. K. T. GRIFFIN: This answer relates not only to the question asked by the Hon. Mr Blevins but also to that asked by the Hon. Mr Foster on the same day and, for the sake of economy, the answer to the two questions has been combined.

The traffic infringement notice system provides members of the public, who are alleged to have committed minor traffic offences, with the option of paying an expiation fee and avoiding the implications of attending court. At the same time, the system preserves the right of any individual to have the matter heard by a court, by either contesting the allegations or submitting a plea of guilty and having the penalty determined by the court. Therefore, any alleged traffic offender who is served with a traffic infringement notice, has all the safeguards of the established legal processes available to him or her.

In the design of the traffic infringement notice system, care has been taken to build in extra safeguards to ensure that members of the public are not subjected to unfair treatment. These safeguards are summarised as follows:

1. All members of the Police Force have been specifically instructed, in an order circulated by the Commissioner of Police in December 1981, that they should use judgment in deciding whether to caution offenders or issue traffic infringement notices, taking into account such factors as time of day, location, traffic density, degree of inconvenience or danger incurred and the likelihood that a caution will satisfactorily remedy the situation. This order reiterated the instructions which were current at the time of the introduction of the traffic infringement notice system. The order has been further reiterated on 3 March 1982, with the circulation of a series of guidelines to assist members of the Police Force in the exercise of discretion in these instances.

2. Upon issuing a traffic infringement notice, a police officer is required to hand a duplicate copy of the notice, containing notes of the alleged infringement, to his supervisor who, in turn, checks the notice to ensure compliance with legal requirements and standing instructions. Should the supervisor find that the notice has been incorrectly given, he is required to advise the Police Prosecution Services Branch to enable the withdrawal of the notice in accordance with subsection (8) of section 64 of the Police Offences Act.

3. All traffic infringement notices are forwarded to the Prosecution Services Branch for processing. Upon receipt at that branch, they are further checked so that corrective action can be taken on any incorrectly issued notices not previously identified by supervisors.

During the month of January 1982, 138 traffic infringement notices were withdrawn under the provisions of subsection (8) of section 64 of the Police Offences Act, and where applicable, expiation fees refunded under subsection (13) of the same section. In each case, the recipient of the notice was advised in writing of the action taken.

I am satisfied that the safeguards exercised by police supervisors and the Police Prosecution Services Branch are working effectively. It is re-emphasised that the safeguards provided by the established legal processes, are still available to any individual who is not satisfied after the standard procedures of the traffic infringement notice system, and are implemented by simply electing not to pay the expiation fee shown on the notice.

On the question of the issue of defect notices to vehicles which do not comply with the various provisions of the Road Traffic Act, it is Police Department policy that a member of the Police Force should issue a defect notice in such circumstances, but should only report the driver for an offence involving the defect if a significant degree of culpability is present. Instructions reaffirming this policy were issued by the Police Traffic Director at the time of the implementation of the traffic infringement notice system, and compliance with those instructions is being enforced. Again, guidelines were circularised by the Acting Commissioner of Police on 3 March 1982 to assist police officers to conform. There is therefore no reason why the correction of faulty vehicles is impeded by the introduction of the traffic infringement notice system.

STATE DEVELOPMENT COUNCIL

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question about the State Development Council.

Leave granted.

The Hon. ANNE LEVY: I have received a copy of a letter from the Secretary of the Status of Women Committee of the United Nations Association of Australia that has also been sent to the Director of the State Development Council and various other people. It concerns the establishment of the State Development Council of South Australia which was set up some time ago and which produced a report called 'Strategy for the Future'. It has subsequently produced the document 'Some First Reactions', with a front cover which looks remarkably like wrapping paper from David Jones, although I presume the design is derived from a map of this State.

The State Development Council of South Australia has a membership of 16, all of whom are male. Its executive officer is also male, and its two observers are male, too. Of the 19 people presumably concerned with development in South Australia, the Government has chosen 19 men. I have spoken previously about this matter to a member of the State Development Council, and he agreed with me

that the council's composition was fairly narrow. In its letter, the United Nations Association of Australia (South Australian Division) stated:

It was agreed that your development council covers a group of men with diverse interests, but we feel it is quite illogical that you did not see fit to appoint any women to the Council. Futher, could we ask how many copies of your 'A Strategy for the Future' were sent to women for comment?

It was also amazing to find the only women pictured in your paper were, we presume, for ornamentation. Could not one female technician or industrial worker have been found?

Perhaps you find our comments trivial, but the women of this State are just as concerned with its advancement, for we comprise at least 50 per cent of the population. We are prepared to share the responsibility for planning projects to encourage development of this State's potential, particularly in skill areas.

Will the Premier consider putting some women on the Council for State Development, as a matter of urgency? Will he ensure that copies of the document 'A Strategy for the Future' are sent to many women's organisations and other women in the community for their comment on it, in the same way as it has apparently been sent to a number of men? Will he treat this as a matter of urgency to ensure that State development is not regarded as a male province only?

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

DEPARTMENT OF INDUSTRIAL AFFAIRS AND EMPLOYMENT

The Hon. G. L. BRUCE: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question about staffing levels in the Department of Industrial Affairs and Employment.

Leave granted.

The Hon. G. L. BRUCE: Across our desk this year came the annual report from the Department of Industrial Affairs and Employment in South Australia. I found it a most disturbing document. To give some background to my question, I refer to the contents of the report. The Director's report states:

I regret the lateness of this report as I realise that any annual report loses much of its value (except for historical reasons) if it is published long after the period it covers. However, the continued reduction in staffing of the department has necessitated reviews being made of priorities. With the staff now available the production of an historical document of the nature of an annual report cannot have priority over the implementation of new policies or dealing with the many important day-to-day issues that arise.

Had the further reduction in staffing levels been accompanied by the termination of functions or activities, some, but not all, of the problems we now face would have been avoided. It was necessary, late in 1979, to redeploy some staff because of changes in policy following the election of the new Government. The termination of the State Unemployment Relief Scheme meant that the clerical staff could be transferred to other duties. This was much more easily implemented than was the transfer of most of the staff who had been recruited specifically for the old Unit for Industrial Democracy to unfamiliar duties in different areas. However a reduction in the inspectorial staff, both in the Industrial Safety Division and on industrial inspections meant that fewer inspections were made, while reductions in administrative and clerical support staff meant that some tasks had to be eliminated or postponed. There is a limit to which arbitrary reductions in staff can be made without affecting efficiency and service unless the reduction results from the termination or reduction in an existing activity.

The Hon. C. J. Sumner: Who said that?

The Hon. G. L. BRUCE: The Director. It is the report dated 31 December 1980.

The Hon. C. J. Sumner: That would be Bowes.

The Hon. G. L. BRUCE: Yes, Bowes. The report continues, under the heading 'Industrial investigation':

The department endeavours to ensure that workers covered by State Industrial Awards and Industrial Agreements are paid in accordance with the terms and conditions thereof and granted leave as required by the Long Service Leave Act.

During 1980, 1 313 complaints alleging award breaches were received: a reduction of 2 per cent from 1979. This accords with the pattern over the past few years and is considered to be related to the economic and industrial climate: one factor being the apparent reluctance of employees to lodge a complaint for fear of losing their jobs. The number of inspections made by Investigation Officers also fell by 8 per cent, from 15 429 to 14 232, mainly because of a reduction in staff.

We then go to the back and find details of arrears of wages collected as follows: 1980, $228 025; 1979, $347 835. According to my calculation, that is the reduction of $119 810.

In the light of that explanation, can the Minister say, first, how many field officers are currently engaged on wage and time book inspections, and how this number lines up with that in past years? Secondly, how much money was collected from *(a)* complaints, and *(b)* routine checking? Thirdly, does the Minister consider that, in the light of the Director's report and the fact that some $119 810 less was collected in wage arrears than was collected in 1979 more field officers should be employed in wage checking?

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

TRAFFIC INFRINGEMENT NOTICES

The Hon. FRANK BLEVINS (on notice) asked the Minister of Local Government:

1. How many Traffic Infringement Notices were issued in Whyalla by the police during January 1982 for—

(a) motor cyclists;

(b) all other vehicles?

2. How many summonses were issued in Whyalla for breaches of the Road Traffic Act reported by the police in January 1981 for—

(a) motor cyclists;

(b) all other vehicles?

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

1. No records are maintained which detail the number of traffic infringement notices issued in 'towns'—in this instance 'Whyalla'. However, in January 1982 for the Whyalla division there were 275 notices issued. This refers to all motor vehicles. Information is not recorded which reveals the number of motor cyclists involved in that figure.

2. Whyalla police issued 155 summonses for Road Traffic Act offences during January 1981. No records are maintained relating to a breakdown of whether offences occurred on motor cycles or other vehicles.

DENTAL SERVICES

The Hon. J. R. CORNWALL (on notice) asked the Minister of Community Welfare:

1. How many of the 47 recommendations of the Committee of Inquiry into Dental Services in South Australia released in August 1980 have been implemented?

2. Did the committee make any reference to the separation of the Dental Department from the Royal Adelaide Hospital?

3. If so, what was the view of the committee on separation.

4. On what advice has the Minister decided to separate the Dental Department from the Royal Adelaide Hospital?

5. Has the Minister proceeded despite opposition from the Board of Management of the R.A.H., the Australian Dental Association, the Royal Australian College of Dental

Surgeons, the R.A.H. Staff Dentists' Association, and at least one clinical Department of the Dental Faculty?

6. What are the advantages to patient care, if any, in separating the Dental Department from the R.A.H.?

7. What are the advantages to patient care in amalgamating the Dental Department and the Dental Health Services Branch of the Health Commission?

8. What advice has been sought from clinical dentists in relation to the implications for patient care by the separation?

9. What are the estimated additional costs involved in separation and amalgamation?

10. What is the capacity of the Dental Department building to accommodate more people?

11. What will be the effect on clinical space in the building?

12. What building alterations will be required and what will be the cost of these alterations?

13. Will the privileges of the Dental School of the University of Adelaide be maintained under the new service?

14. Will the teaching functions of the Dental Department be maintained under the new service?

15. Is the Minister aware that the majority of members of the Australian Dental Association (S.A. Branch Inc.) have vigorously opposed the separation of the Dental Department from the Royal Adelaide Hospital?

16. What assurances, if any, can the Minister give that private dental practitioners will not be further adversely affected by amalgamation?

17. What assurances can the Minister give that partially qualified auxiliaries will not assume the role and responsibilities of dentists?

18. Will there be a Department of Periodontology in the proposed new dental unit?

19. If so, who will be the head of that department?

20. Will the position be advertised?

21. Has the Minister considered the use of private practitioners on a fee-for-service basis, sessional basis, capitation or contract basis as a cost effective means of providing public dental services?

22. Will the proposed new amalgamated body have any power over undergraduate training or the annual number of dental graduates?

23. Will the School of Dental Therapy reopen in 1983 or 1984?

24. How many dental therapists will be trained and graduate over the next five years?

25. Why was there no A.D.A. representative on the consultative group set up to consider separation and amalgamation?

26. Can the Minister confirm that the Board at the Royal Adelaide Hospital is already planning a new dental department should the amalgamation go ahead?

The Hon. J. C. BURDETT: The answers to the 26 questions are necessarily fairly long, and I seek leave to have them incorporated in *Hansard* without my reading them.

Leave granted.

1. A list detailing the status of all recommendations made by the Committee of Inquiry into Dental Services in South Australia was provided by the Minister of Health in reply to questions arising during the Estimates Committee hearings. See *Hansard*, House of Assembly Estimates Committees A and B, Replies to Questions, pages 521 and 522.

2. Yes.

3. See pages 84-85 of the committee's report.

4. The S.A. Health Commission established a consultative group under the chairmanship of Dr B. J. Shea to consider the proposal that the Dental Department of the Royal Adelaide Hospital and the Dental Health Services Branch of the commission be amalgamated under a single committee of management. The group, consisting of nominees of the Royal Adelaide Hospital, the Dental Health Services Branch, the University of Adelaide, the S.A. Health Commission and the Australian Dental Association, S.A. Branch Inc., reached full agreement on the proposal.

5. The Royal Australasian College of Dental Surgeons has not expressed opposition to separation, and the Board of Management of the R.A.H. has agreed that a unified State dental service could well be of general benefit. The Australian Dental Association resolved, at a special meeting on 11 March 1982, to request the Government to defer the proposal.

6. No changes in the standard of patient care would be expected by separating the Dental Department from the R.A.H.

7. By combining the resources of the Dental Department, R.A.H. and the Dental Health Services Branch, and by drawing on the experience of the university's Faculty of Dentistry and the Australian Dental Association, the Government considers that the Board of Management of the South Australian Dental Service will have the expertise required to improve dental services throughout the State.

8. Extensive consultations have been, and will continue to be held with clinical dentists throughout the separation and amalgamation processes.

9. There will be additional capital costs associated with the installation of a new telephone system. Alterations to office accommodation in the Dental Department are also required, but no estimates of costs are yet available. These costs will be offset by savings in the existing accommodation for the Dental Health Services Branch and by improved operating efficiency through rationalisation of resources.

10. It is planned to accommodate the executive of the S.A. Dental Service in the Dental Department building.

11. The allocation of clinical space will be a matter for the Board of Management of the S.A. Dental Service.

12. See 9. above.

13. The privileges of the University Dental School will continue to be respected.

14. It is envisaged that the Dental Department will continue to have a teaching function.

15. The Minister is aware that a resolution to oppose the separation of the Dental Department was passed at a special meeting of the Australian Dental Association on 15 September 1981.

16. The amalgamation of the Dental Department and the Dental Health Services Branch is an administrative procedure designed to improve the efficiency of public dental services. The Government is committed to the maintenance of private dental practice and has recently introduced a fee-for-service scheme for the provision of dentures for pensioners.

17. The Government has no intention of expanding the role of dental auxiliaries.

18. The establishment of a Department of Periodontology in the new dental authority has not been considered.

19. Not applicable.

20. Not applicable.

21. Yes.

22. The training of dental undergraduates is the responsibility of the University of Adelaide; the South Australian Dental Service will continue to provide the appropriate facilities for training dental undergraduates.

23. The requirement for students in dental therapy is reviewed annually in October; a decision with regard to 1983 will be made at the end of this year.

24. Not applicable, see 23 above.

25. The A.D.A. was represented by Dr P. R. Applebee who attended meetings regularly.

26. The Minister is aware that the hospital's Board of Management has expressed a wish to establish a unit for general dental care of inpatients.

ASSENT TO BILLS

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

Adelaide Festival Centre Trust Act Amendment,
Audit Act Amentment,
Building Act Amendment,
Collections for Charitable Purposes Act Amentment,
Hairdressers Registration Act Amendment (No. 2),
Land Settlement Act Repeal,
Local Government Act Amendment (No. 3),
Long Service Leave (Building Industry) Act Amendment,
Parliamentary Superannuation Act Amendment (No. 2),
Petroleum (Submerged Lands),
Riverland Co-operatives (Exemption from Stamp Duty),
Real Property Act Amendment,
Rural Advances Guarantee Act Amendment,
Stamp Duties Act Amendment, (1982),
Technology Park Adelaide.

TRADE MEASUREMENTS ACT AMENDMENT BILL

The Hon. J. C. BURDETT (Minister of Consumer Affairs) obtained leave and introduced a Bill for an Act to amend the Trade Measurements Act, 1971-1976. Read a first time.

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

That this Bill be now read a second time.

This short Bill provides for the abolition of the Trade Measurements Advisory Council. This body was established under section 13 of the Trade Measurements Act, 1971-1976, with the function of advising and counselling the Minister on any matter related to trade measurements policy in the State. With the enactment of the Trade Standards Act, 1979, the advisory council has ceased to have any function in relation to packaging matters. The council has met only twice in each of the last two years and an examination of the business of its meetings suggests that there is little practical purpose to be served by retaining a formal advisory body in the area of trade measurement standards. The Government believes that for the future it will be more appropriate to consult with industry groups and local government on an informal basis as and when the need arises.

Clause 1 is formal. Clause 2 deletes from section 3 a reference to the heading of the division of the principal Act under which the advisory council is established. Clause 3 deletes from the definition section definitions related to the advisory council. Clause 4 repeals Division I of Part III which provides for the establishment of the advisory council.

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

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 March. Page 3243.)

The Hon. C. J. SUMNER (Leader of the Opposition): This is not a Bill of great complexity and has the support of the Opposition. It really does two things: first, it provides that the Commissioner of Consumer Affairs and the Minister in charge of the Prices Act may delegate certain functions to other persons. The second reading explanation merely states that this is a common provision that exists in other Acts, and asserts that it will lead to more efficient administration of the Act. However, the explanation does not really provide the Council with any detailed examples of where problems have arisen under the existing provisions. I would like the Minister to provide the Council with more detailed information.

It is characteristic, in second reading explanations from this Government, for as little information as possible to be provided. On the face of it, this would seem to be a sensible proposal, but it is hardly justified by the information provided in the second reading explanation. I ask the Minister whether he can give us more detail about that. The delegation power in clause 2, relating to the Commissioner, and clause 3, relating to the Minister, seems to be satisfactory, as the clauses provide that the Commissioner or Minister, even though he is given a delegation, can still act personally in the matter, and that it can be revoked at will, that is, at any time that the Minister wishes. It does not in any way detract from the responsibility that the Minister or Commissioner has under the Act. Accordingly, on the face of it, there would appear to be no objection to it. However, I would like the Minister to provide the Council with some specific details of where the lack of such authority to delegate has caused problems.

The second purpose of the Bill is to bring in line the sections of the Act relating to the fixing of minimum prices and those relating to the fixing of maximum prices in relation to services with the provision that was passed last year relating to the fixing of maximum prices of declared goods. Really, we are merely correcting what should have been done last year: there must have been an oversight by the draftsman or the Government that we are now seeking to correct.

The amendment that was carried last year and supported by the Opposition expanded the power that the Commissioner of Prices has under the Act in relation to setting maximum prices. It gave greater flexibility to the Commissioner of Prices in relation to prices that could be fixed, as it stated that differential prices could be fixed and that prices that were fixed could apply to particular transactions or to specified classes of transactions, and could apply throughout the State or in specified parts thereof.

There was some doubt before the passage of the Bill last year whether the previous sections of the Act gave the Commissioner of Prices all those powers. That was clarified by the Act that was passed last year, but only in relation to a declaration of maximum prices for goods. This Bill corrects that by making it applicable to the fixation of minimum prices as well as to that of maximum prices in relation to declared services. So, my only query relates to further elucidation by the Minister regarding the necessity for power of delegation.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): I thank the Leader for his contribution to the debate. The best way in which I can satisfy his query regarding the need for the power of delegation is to give examples. The Leader asked for elucidation regarding the need for this power and of problems that had been created for the Commissioner and the Minister. The problem for the Commissioner (about which the Minister is concerned) is that the Minister already has the power to delegate but the

Commissioner does not. It is the purpose of the Bill to effect that change.

I will give the Leader some examples. During any extended absence of the Commissioner, all his functions would be delegated to a deputy. This is simpler than having the deputy appointed and gazetted as Acting Commissioner. That is one of the reasons. At present, if the Commissioner is absent on any extended business, we must appoint an Acting Commissioner and gazette that appointment, and in some circumstances this seems unnecessary.

I deal, first, with applications under section 38 of the Consumer Transactions Act for relief against the consequences of a breach of a consumer credit contract (that is the so-called moratorium provision, which requires the Commissioner to attempt to negotiate a variation of payment terms where a debtor is in temporary financial difficulty due to unforeseen circumstances). It would be very helpful if this power could be delegated, as this aspect can be carried out satisfactorily by an officer who does all the work on the matter, anyway. That is an example where it would be helpful if the Minister could delegate his power.

Another example relates to consenting to a consumer's waiving his warranty entitlement under the Second-hand Motor Vehicles Act, pursuant to section 37 of that Act. If a consumer wishes to waive the warranty entitlements, he can apply to the Commissioner, who can consent to that. This would enable applications to be made to regional offices. If a motor car sale is to be concluded as a matter of urgency at, say, Mount Gambier, Berri, or Port Augusta, where there are regional offices, the application must at present be sent to the Commissioner, who must sign the consent. Obviously, in such a case the Commissioner would act on the advice of the persons in those centres, anyway. It is therefore far more convenient to avoid that delay to enable the Commissioner to delegate that power to those officers.

They are just two examples. There are various things that the Commissioner may do, many of which can be carried out satisfactorily by an officer. In fact, the Commissioner, in doing those things, simply acts on the advice of his officers, anyway. It is far more appropriate that he should be able to delegate that power to an officer, thereby enabling the officer to do the thing in question himself.

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

STATUTES AMENDMENT (CONSUMER CREDIT AND TRANSACTIONS) BILL

Adjourned debate on second reading.

(Continued from 3 March. Page 3244.)

The Hon. C. J. SUMNER (Leader of the Opposition): This, too, is a comparatively minor Bill. I do not wish to debate the second reading, except to raise some queries that the Minister may care to answer either now or in Committee. My first query relates to clause 6 where the power to exempt certain transactions from the Act is also extended to persons. Clause 18, which expands that power of exemption in relation to the Consumer Transactions Act, is not fully explained in the second reading explanation. The Minister gave no detailed analysis as to why this provision is necessary, what problems have come up or the initiative behind such exemptions. Why is it necessary to extend the exemption power? Clause 8, which deals with the Consumer Credit Act, provides that where there is a variation in the nature of a consumer's rights and obligations under a consumer credit contract then the provider of credit should provide the consumer with details of such a variation. The present law states that not only should the details of the variation be outlined to the consumer but also that the existing obligations should also be outlined.

The present clause provides that the credit provider is only obliged to provide a consumer with the details of any variation. On the face of it, it could be said that that is a sensible proposition, because the consumer should already be aware of his rights and obligations under the contract, because he has been previously advised of them. However, when a variation is made I do not think it is too onerous on the credit provider to restate a consumer's rights and obligations along with the variations that have occurred in those obligations and rights. If only the variation is explained to the consumer, that may not place the whole question of a consumer's rights and obligations into context so that he can easily understand them. In other words, if a consumer only receives notification of variation he may still be confused about what has happened. Personally, I see no reason why the existing provision should not prevail. If there is a variation in a credit contract the credit provider should provide a statement informing the consumer not only of the variation but of the existing rights and obligations under the contract and how they have been varied. I am not convinced that this clause is necessary.

I do not know whether I am being unduly dense or denser than usual in relation to clause 10, but to me it makes no sense at all. I ask the Minister for a further explanation as to why clause 11 is necessary. It deals with the question of inserting into the *Gazette* certain information relating to an advertisement that a person is prepared to provide or procure the provision of credit and the stipulations that must be conformed with when such an advertisement is issued. The present provision is that the stipulations in relation to such advertisements should be published in the *Gazette*. The present intention of the Bill is to remove the requirement to publish stipulations in the *Gazette*. Again, I am not sure of the Minister's intention. The Minister referred to this provision in his second reading explanation as merely providing 'for the amendment and revocation of stipulations promulgated by the Commissioner in relation to advertisements relating to credit'. The only effect clause 11 will have is that such stipulations will no longer be required to be published in the *Gazette*. The Minister will not be obligated to publish them in the *Gazette*. However, the Minister will have power to publish them in the *Gazette* if he wishes. I am not sure why this clause is necessary and I am not sure of the rationale behind this change.

Dealing with the amendments to the Consumer Transactions Act, I refer to clause 17. This is a very important clause dealing with section 36 of the principal Act and it is fundamental to the whole application of the Act. It deals with the circumstances in which a purchaser of goods obtains title to those goods and provides a *bona fide* purchaser with unencumbered title over the claim of a mortgagee or lessor of goods under a consumer lease or consumer mortgage. It is an important section in the Consumer Transactions Act and I do not believe that it should be weakened. However, there have been some problems with the operation of this section, particularly where consumers have purchased goods from traders and the trader has not obtained good title to the goods because the goods have been subject to a lease or mortgage. I believe that problem must be dealt with in other ways—perhaps by some form of compulsory title insurance or registration of interests of finance providers in any goods.

What does the Government intend to do about the problems that have been raised as a result of this section, particularly the problems raised by traders and used car dealers? Does the Government have any proposal for registration of interests, such as has been introduced in Victoria? Does the Government have any other proposals to try to

overcome the difficulties this section has brought about in that particular area? Further, why has it been found necessary to redraft the provision? Where did the initiative come from for this redraft? What problems were outlined to the Minister for him to feel that the section needed to be redrafted? As far as I can ascertain it has not been redrafted in any significant sense, but can the Minister explain why the redraft was necessary to the extent that the provision has been redrafted?

The other important aspect of this Bill, which the Opposition fully supports, is the increase in monetary limits which have now become somewhat outdated since the legislation was first introduced in 1972, so that, with the increase in limits, a person will be considered to be subject to the Act in the case of procuring consumer credit for the purchase of a house, if the amount of credit provided is up to $30 000, and in other circumstances $15 000. The definition in the Consumer Transactions Act is to include a person involved in the purchase of goods up to $15 000, currently the maximum being $10 000. Those increases in the monetary limits in both of those Acts, the Consumer Transactions Act and the Consumer Credits Act, are welcomed and supported by the Opposition, but I would like the queries I have outlined to be answered by the Minister.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): I thank the honourable member for his contribution. In regard to section 36, this is indeed, as the Leader said, an important part of the Act. The reason it was necessary that the section be amended (and it was only a tidying up amendment) was to make it abundantly clear that the protection referred to in it is, in fact, given. The amendment is designed to make it clear that, although the dealer does not obtain good title, a person who purchases goods in good faith and for valuable consideration and without notice from the dealer does get good title. Doubts have been expressed as to whether the dealer is, in these circumstances, 'a person who is, with the consent of the lessee or mortgagor, in possession of the goods in circumstances in which he appears to be the owner of the goods'. This quotation is taken from the Act. The Crown Solicitor has advised that these doubts are probably not valid, but he concedes that the contrary position is arguable. Therefore, the purpose of the present amendment to section 36 is to clear up these doubts. The Leader also asked for details and examples as to why various other amendments are necessary. I propose to give those details during the Committee stages.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J. C. BURDETT: In order that I may be able to obtain replies to the series of questions raised by the Leader, I ask that progress be reported.

Progress reported; Committee to sit again.

ST JUDE'S CEMETERY (VESTING) BILL

The Hon. K. T. GRIFFIN (Attorney-General) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received. Ordered that report be printed.

In Committee.

Clause 1 passed.

Clause 2—'Interpretation.'

The Hon. K. T. GRIFFIN: It is important to members of the Council who have not yet seen the report of the Select Committee that I indicate the contents of it so that members of the Council will be better able to give consideration to the Bill during the Committee stages. The Committee gave notice of the Bill to a variety of people, which included the Synod of the Anglican Church, St Jude's congregation, the Corporation of the City of Brighton, neighbouring property owners and decendants of Mr Voules Brown, deceased. The committee took evidence from Mr M. L. W. Bowering, who is the People's Warden of the Congregation of St Jude and, coincidentally, a Trustee of the St Jude's Cemetery, and from a Mr J. Crawford, who is presently an Alderman of the Corporation of the City of Brighton and was Mayor of that corporation when the first approaches were made to the Government for a Bill to deal with the vesting of the St Jude's Cemetery and the other matters referred to in the Bill. There were also advertisements placed in the *Advertiser* and in local Messenger newspapers.

The committee, having heard the evidence, reached the conclusion that the Bill was an appropriate measure and it recommended that it be passed without amendment. The committee received information that the Brighton council had, last night, passed a resolution. I will read that resolution as it will be helpful to have it on public record, and it will also be on record in the report and the papers from the Select Committee. The Brighton council resolved:

1. That council agrees to accept the transfer of all of the St Jude's Cemetery land by means of a land vesting Bill being allotment 91 on file plan 15105 and further agrees to accept full financial responsibility for the management of the cemetery, its upgrading and ongoing upkeep and will maintain the area of cemetery referred to hereafter as a public cemetery.

2. That this agreement shall only apply to that area which is presently fenced and used for cemetery purposes, council retaining the right to use the remainder of the land as it deems appropriate.

The Select Committee considered the possibility of including a special provision in the Bill that it should be a positive obligation on the council to maintain the cemetery in perpetuity, but the committee was prepared to accept that the council had indicated its intention to do that in any event by the resolution passed last night. The committee believed that that was adequate to ensure the continuity of that part of the land which is presently used as a cemetery at St Jude's. I believe that the Bill is an appropriate measure, as the committee reported, and that the Committee, and subsequently this Council, will be in a position to support this measure wholeheartedly.

The Hon. C. J. SUMNER: The Opposition supports the Bill. We participated on the Select Committee which was set up prior to the Council's rising for the last two weeks. The Select Committee has done its task, particularly in terms of notifying anyone who might be affected by the Bill, and attempting to notify the descendants of the person who made the original grant of land to the trustees for the purpose of maintaining the cemetery. I believe that there are provisions in the Bill which protect the rights of the descendants of that person, Mr Voules Brown, so that they will be maintained. The council has indicated that it intends to maintain the cemetery as a public cemetery, and it is worth noting that Sir Douglas Mawson is buried in that cemetery and that certain other persons who had some role in the early history of this State are also buried there.

It is important for the cemetery to be maintained, particularly in view of its historical significance. I was satisfied that the committee attempted to notify anyone who might be affected by this transfer in the vesting of land, including the descendants of Mr Voules Brown, the trustees of St Jude's cemetery, the trustees of St Jude's, Brighton council, and a number of residents in the near vicinity of the cemetery and church. No objection was produced before the committee concerning the Bill. The only evidence received was in support of the measure, and accordingly I support it.

The Hon. M. B. DAWKINS: Briefly, I indicate my support for the findings of the Select Committee. As previous speakers have said, Mr Bowering and Mr Crawford gave evidence in some detail to the satisfaction of the committee and, as a result of some of the questions which were asked of Mr Crawford by, I think, the Hon. Mr Sumner and myself, consideration was given, as the Attorney has said, to some statutory provision with regard to perpetuity, but it was felt on balance that the resolution of the council which was quoted by the Attorney a few moments ago and which is incorporated in this report and now in *Hansard*, would be sufficient for the purpose of the preservation of the council's responsibility in perpetuity in regard to the cemetery. The Select Committee came up with a satisfactory conclusion, and I have pleasure in supporting it.

Clause passed.

Clauses 3 and 4 passed.

Title.

The Hon. C. J. SUMNER: Can the Attorney advise the Committee who St Jude was? I have it on reliable authority that he is the patron saint of hopelessness and, if that is the case, I wonder whether we should be dealing with this Bill in a much more deferential manner than we are. My learned friend in another place, Mr McRae, has a particular interest in hopeless causes, so he tells me, and would like to know from the Attorney the information that I have requested.

The Hon. K. T. GRIFFIN: It is one of those very difficult questions that I really did not expect to arise as a result of this Bill. Indeed, one does not know what to expect on occasions with such a variety of Bills that do come up. However, periodically there may be some relevance between the questions asked and the subject of the Bill. On this occasion it is most relevant to know what is the origin of St Jude. Frankly, I do not know, but I undertake to the Committee that I will obtain that information. I would not want to report progress, because this is an important Bill which should pass through all stages today, but I will make some inquiries and bring down an appropriate answer for the honourable member who has raised this question. I would be surprised if St Jude was the patron saint of hopelessness. I cannot believe that any Christian denomination would seek to perpetuate hopelessness but would rather place the emphasis on hope.

Title passed.

Bill read a third time and passed.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE BILL

Adjourned debate on second reading.

(Continued from 4 March. Page 3327.)

The Hon. R. C. DeGARIS: I support the second reading. The Institute of Medical and Veterinary Science has achieved a unique position for itself, not only in South Australia, but nationally and internationally. Any changes that are made in its administrative structure need to be examined carefully and critically because wrong decisions made could seriously affect the operation of this somewhat unique institute.

To give an example, it has been the policy adopted by successive Federal Governments, a policy related to funding health services and health costs, that has at times seriously affected the operations of the I.M.V.S. Very often Federal policies are adopted to win votes in the more populous Eastern States, and inefficient practices are supported by such policies which in turn adversely affect the unique but efficient management of the I.M.V.S. While this is true, we should ensure that the unique character of the I.M.V.S. is preserved. We need to ensure that empire builders in other areas do not tear apart an administrative structure that is worth preserving. Over the past 20 years, there has been a huge growth in the provision of pathology services—advancing techniques, increasing use of pathology services by medical practitioners, medical benefit schedules, Federal Government policies, and Medibank have all been contributors to the increase in the use of pathology services in our community. Apart from the growth in the I.M.V.S. role, large private pathology services have flourished alongside small pathology services provided by some doctors.

In this expansion, there have also been practices develop that one may say verge on dishonesty. There have been rumours of interstate intrusion into pathology services, with the collection of specimens, flying them to Sydney for testing in laboratories that do not come up to our standards, with probable kickbacks for large scale use of the services. No doubt members have heard such rumours, and this leads me to say to the council that some practices need to be ruthlessly treated.

The reason I have raised this matter is to point out that it is difficult to apply the normal concepts of a competitive system to the provision of pathology services—even more difficult when we, in this State, have developed in an internationally known and respected organisation such as the I.M.V.S. In a competitive society the element of competition should lead to improved and more efficient service, with increased output and reduced prices to the consumer. The question is whether these principles apply to the provision of pathology services.

The cost of pathology services are fixed by the Commonwealth Government. I have already referred to this matter in relation to the impact on the I.M.V.S. in past years of Federal Government policy. The output of services is fixed by medical opinion and medical need, and neither of those is affected by competition. The user does not pay for the service, so the competition philosophy, which I support as a fundamental political principle, hardly applies to the provision of pathology services. The service is ordered by a third party (the doctor), and paid for by a third party (the Government or fund). The actual user (the patient) exerts no influence. In this atmosphere, competition for business has had an adverse effect on the public interest.

Although there are areas where competition between an organisation like the I.M.V.S. and private laboratories can maintain client services at a high level, we need to ensure that high quality services are provided and that what is being done is not adverse to the general public interest. This can be done only by a system of control accreditation and licensing under a board or under the Health Commission, so that standards can be maintained and unsatisfactory and unscrupulous practices rooted out of the system. We should be moving here for such accreditation and such licensing. However, to be totally efficient in this manner it should be licensing and accreditation at the Federal level.

The I.M.V.S. in this State provides a full range of pathology services throughout the whole State—it is a statutory authority with responsibility to the Minister of Health. It has a teaching and research role, as well as providing pathology services. Not only does it provide diagnostic facilities to metropolitan and country hospitals, public health authorities, industry and private medical practitioners, but it also provides a service to the Department of Agriculture, veterinarians and stockowners. Although most of its work is done at Frome Road, it also maintains laboratories in a number of regional centres.

Apart from these services, the I.M.V.S. has a close relationship with the University of Adelaide; it has been significantly involved in many teaching areas, both in medicine

and veterinary science. I think it is fair to say that the I.M.V.S. has become increasingly integrated into the teaching and research processes of the university and the Royal Adelaide Hospital.

Because of these factors, we need to be extremely careful in changes we make to the structure of this unique institution. The Bill maintains the statutory status of the institute but divides Ministerial responsibility amongst three portfolios—health, agriculture and supply. I do not object to the separation of forensic pathology from the institute, because I believe that the role of such a laboratory is significantly different from the normal work of the institute. I would say that in any future development we should establish a totally independent forensic laboratory.

I draw attention to the fact that forensic areas should be separate from any Ministerial control. I do not make this point strongly, but it is a point, because of the relationship of forensic science to the administration of justice, that some separation from Ministerial control should be considered for a forensic laboratory. It is my view that the divided Ministerial control provided by the Bill is probably a mistake; I do not think it will work. However, the Government thinks that it will. There are three courses open to me as a member of this Council: to vote for the Bill; to vote against the Bill; or to attempt to amend the Bill. I think that every member would agree that the existing legislation and the existing organisation is not satisfactory and needs a rethink. Therefore, the only way to do anything is to amend the Bill in the Committee stages. I point out that to amend the Bill would be an extremely difficult task.

The Hon. Anne Levy: We're going to try.

The Hon. R. C. DeGARIS: I point out that it would be an extremely difficult task to do a satisfactory job of amending a Bill of this nature.

The Hon. J. R. Cornwall: Do you think the Government should stew in its own juice?

The Hon. R. C. DeGARIS: I am suggesting that we give the Bill a try. The organisation envisaged in the Bill will not lead to the end the Government wants but the Government has a right to attempt to make it work. There is a possibility that it may work.

The Hon. J. R. Cornwall: Remote though that may be.

The Hon. R. C. DeGARIS: Yes, but there is a possibility that this structure will work. To do a satisfactory job of amending the Bill, it would need to be deferred or preferably referred to a Select Committee for investigation. The only satisfactory course as far as I am concerned is to allow the Bill to pass. This may seem to be a strange course for me to take, but it is the most sensible because, if the Bill is referred to a Select Committee, difficulties might well arise before that committee was able to report and blame could be sheeted home to this Council for not immediately passing the Bill before us.

The I.M.V.S. was not swept into the Health Commission when it was established, because the institute is not a Government department. Since 1978, trouble has emerged in the I.M.V.S. that has sparked several inquiries, the recommendations of which most members in this Council would be acquainted with. This Bill does not follow the recommendations of the reports that the Government has received. I do not criticise that point, as the Government has the right to put before the Parliament what it believes should be the structure it requires. The Wells Report recommended the incorporation of the institute in the Health Commission, including the veterinary division.

There is no doubt in my mind that a laboratory covering both veterinary and human pathology is desirable. I do not think that any member in this Council would disagree with that point—there is a relationship between animal health and human health that one cannot deny. The division, of course, between those two fields is probably the core of the problem that has beset the I.M.V.S. If the Government wants to bring the institute under the Health Commission, I do not see any great difficulty in the Department of Agriculture using the facilities of the institute on a fee-for-service basis for the work it wants done there. In this way, funds required for veterinary pathology services could come through the department without the strange procedure of dividing the Ministerial responsibilities in the institute amongst two or three Ministers.

I believe that, in the short term, this may well work, as I indicated in reply to an interjection from the Hon. Dr Cornwall, but in the longer term I think that it will mean the possible break up of the various pieces of the I.M.V.S. I hope that this does not occur. The present Director has applied himself assiduously to the difficult task of re-establishing the morale of the institute following its difficulties. I hope that he is able to continue in that work under the Bill's proposals.

Before concluding, I would pay tribute to Dr Bonnin, who has over many years built an enviable reputation for the institute, as I said, both nationally and internationally. I support the second reading of the Bill, but with the reservations I have stated to the Council in my speech. The Hon. Anne Levy has said that there will be amendments in the Committee stage, and I assure her that I will listen carefully to any amendments that may be moved that she believes will solve the problems that have beset the institute. I hope that she is right in that belief. I doubt whether the Bill will achieve the purpose for which it is designed. I think that, in a matter of this nature, we should all be proud of the fact that this State has established an institute of the standing of the I.M.V.S., as I said, both nationally and internationally. I hope that that reputation and the work that is done in this State can continue in an organisation of which we can all be proud.

The Hon. L. H. DAVIS: In speaking to this Bill, I share some of the reservations the Hon. Mr DeGaris has just expressed. The Institute of Medical and Veterinary Science was established in 1939 and its present status, size and operation is well summed up in the Badger Report into Pathology Services in South Australia on page 16, as follows:

> 3.1 The Institute of Medical and Veterinary Science is a statutory authority providing a comprehensive range of pathology services throughout the State. It is the largest teaching, research and specialist referral centre for pathology in Australia. It provides diagnostic facilities in all branches of pathology to the Royal Adelaide Hospital and other metropolitan and country hospitals, for mental health institutions, for public health authorities, for industry, and for private medical practitioners. It also undertakes work in all branches of veterinary pathology for the Department of Agriculture, for veterinary practitioners, and for stock-owners in South Australia. It maintains a number of regional and branch laboratories.

I think that that is an excellent summary of the services provided by the institute.

As the Hon. Mr DeGaris observed, it is unique within Australia. As a non-scientist, I was interested to see just how it did compare in the area, for example, of medical research, with existing authorities around Australia in that field. In Melbourne, for example, the Walter and Eliza Hall Institute of Medical Research appears to have an operating budget of approximately $4 500 000, with a grant of about $400 000 from the Victorian Government. This institute receives the bulk of its funding from the Commonwealth Department of Health through the National Health and Medical Research Council, which is a division of that department.

The Baker Institute in Melbourne would also seem to be quite strong in medical research, with an operating budget of about $2 000 000. The Howard Florey Institute, located

on the University of Melbourne campus, like the Walter and Eliza Institute also receives a significant grant from the Commonwealth Department of Health, largely, again, through the National Health and Medical Research Council. The Victorian Government provides support to maintain services at the Howard Florey Institute, and I have already mentioned that it provides a grant for the Walter and Eliza Institute.

The pattern in Victoria, and as far as one can find in other States, would seem to suggest that what South Australia has done through this Government and preceding Governments has been quite outstanding in terms of support for the Institute of Medical and Veterinary Science. The fact is that in the last published report of the institute for the financial year 1979-80 State Government grants totalled some $3 200 000 in an institute budget of approximately $17 000 000. It has already been mentioned in another place that not only is it unique in terms of its status, standing and, indeed, the support given to it by the Government, but it is also unique in the sense that there is this overlap between the human and the veterinary pathology services.

The worry that has been expressed in this debate is that the proposals before us will break down that extremely precious and valuable relationship which has been established since the institute's inception in 1939. The Hon. Mr DeGaris explained well how, since the mid-1970s, the dramatic increase in the demand for pathology services has seen pressures build up on the institute. Quite obviously, that is especially so in respect of its medical services.

As an institute, established as a statutory authority created by an Act of Parliament, it presently stands outside the umbrella of the South Australian Health Commission. The Health Commission, as we all know, was established by the previous Labor Government to co-ordinate and integrate health services in this State. The present Government accepts that as its proper role, and the Bill now before us seeks to bring the I.M.V.S. under the South Australian Health Commission, but stops short of incorporating it under the South Australian Health Commission Act.

The Hon. J. R. Cornwall: It is under the Minister, not the Health Commission.

The Hon. L. H. DAVIS: I am saying that it stops short of incorporating it under the South Australian Health Commission Act. It does that because it handles not only human health services but also veterinary services, so rather the Bill seeks to establish a nexus between the institute and the Minister by creating a relationship with the South Australian Health Commission. That is established quite clearly, for example, in clause 14 of the Bill which, *inter alia,* states that the functions of the institute are to provide and to maintain medical pathology services at such hospitals and health care organisations as the Health Commission may direct, and provide and maintain public health laboratory services under the requirements of the Health Commission.

The recommendations of the Badger Report, which looked at pathology services generally, and the Wells committee of inquiry, which reviewed the operations of the Institute of Medical and Veterinary Science specifically, have been taken into account by the Government in drafting this legislation. Of course, there have been criticisms that the Government has not accepted all the recommendations. Some of those points have already been canvassed by the Hon. Mr DeGaris and the Hon. Dr Cornwall. It has also been said that one could be critical of the fact that this situation, which was starting to evolve in the mid-1970s, was allowed to build up to a pressure point, and that one could be critical as well of the passive attitude of the former Government to the changing circumstances. That has been admitted by Mr Hemmings in another place and by the Hon. Dr Cornwall.

It is not an easy situation, and it is not always possible in Parliament to come up with perfect solutions. It is reflected in the Bill that, given the explosion of pathology services and the inappropriate management structure that we now apparently have at the institute, the Government was faced with a number of options, which have been canvassed by the Hon. Mr DeGaris. One criticism of the Bill is that the Veterinary Division will come under the Department of Agriculture. As I have already said, the Human Pathology Division is within the ambit of the South Australian Health Commission but, as the Minister properly observed, as the role of the I.M.V.S. extends beyond the provision of human health care services, it is not proper to incorporate the institute under the Health Commission. At the same time, the importance of the veterinary services provided by the institute should not be overlooked.

There has been some suggestion that interests associated with this side of the institute's activities do not approve of this division, and that people involved in the veterinary services are concerned about this course of events.

I suspect that in many cases the concern of those engaged in veterinary science was expressed because they were taking literally the suggestion that there would be a physical separation of activities—a hiving off of the veterinary activities to the Department of Agriculture, which would involve a physical separation of the employees. Of course, that has been very much one of the unique features of the institute in its present form.

The Hon. Dr Cornwall made much of this point and said in the debate (page 3323 of *Hansard*) that there is every indication that it is still Dr Harvey's intention to remove the 'V' from the I.M.V.S. and transfer it to a new temple to be built at Gilles Plains. If that was the case, I would be most concerned.

The Hon. Anne Levy: They're short of space at North Terrace now.

The Hon. L. H. DAVIS. I have a sympathy with that point of view, as expressed by the Hon. Dr Cornwall. If that was to occur from the time that this Bill passed, many people would feel that the institute's unique nature in this respect had been destroyed. There is, however, an argument to say that on the veterinary side not all the veterinary activities overlap with the human health activities at the institute. In time, we could well see a situation evolve where the veterinary side may expand. As the Hon. Miss Levy observed, there is already a shortage of space on North Terrace.

In respect of those areas where there is an overlap between the human and veterinary functions, it is important that the institute's unique nature be maintained. I hope that in any plans that may occur in future that separation is not allowed to occur.

The Hon. Anne Levy: How can you stop it?

The Hon. L. H. DAVIS: We cannot stand still. In fact, this Bill reflects that the 1938 legislation has served its function.

The Hon. J. R. Cornwall: Have you thought what will happen? All hell will break loose, so don't say that I didn't warn you.

The ACTING PRESIDENT (Hon. J. A. Carnie): Order!

The Hon. J. R. Cornwall: I just wanted to get it recorded in *Hansard.*

The Hon. L. H. DAVIS: The Minister in another place has given undertakings that this Bill and the administrative measures associated with it seek to maintain the physical juxtaposition of those engaged in human health and veterinary pathology research where there are no overlapping

interests. I accept that assurance, and on that basis I support the Bill.

It has also been easy for people to overlook the advantages that may accrue on the veterinary side as a result of this legislation. A Veterinary Laboratory Services Advisory Committee is to be set up to advise the Minister of Agriculture on veterinary science matters. There will be veterinary representation on the newly constituted committee and, in addition, the department, through the Minister, will have the responsibility for laboratory animals, laboratory work with animals in zoos, in relation to animals used in sport, as well as in dealing with diseases in both humans and animals. The Opposition may perhaps have been inclined to underestimate the benefits that will occur on the veterinary side as a result of these changes.

The Hon. J. R. Cornwall: There hasn't been a decent bit of research coming out of the Department of Agriculture over the past 20 years.

The Hon. L. H. DAVIS: That is indeed a dogmatic view for one to express, and I suspect that many people would disagree with it.

I was reassured to receive today a letter addressed to the Hon. Jennifer Adamson, Minister of Health, from the Chairman of the Commercial Egg Producers, South Australian Poultry Section, of United Farmers and Stockowners of South Australia Inc., as follows:

> I am aware that a Bill concerning the Institute of Medical and Veterinary Science is at present before Parliament and I would like to place before you and if appropriate before Parliamentarians in general that the Commercial Egg Producers Association fully supports the concepts embodied in this legislation.
>
> The proposals contained in this Bill will enable the present and future requirements of agricultural industries, in particular the South Australian egg industry, to be met and permit the development of the necessary specialised skill and expertise.

A more interesting part of that letter is contained in the postcript, which is signed by Mr Grant Andrews, who I understand is the General Secretary of United Farmers and Stockowners of South Australia Inc. That postscript is as follows:

> The foregoing sentiments echo those of the total U. F. and S. membership.

It is reassuring to know, having had earlier fears as reflected in the Badger Report, that these people understand now that there is not going to be a physical separation of employees and that the Bill will seek to protect and promote the interests of those engaged in veterinary science. As I suggested earlier, in time it may be that within the veterinary science division there will emerge a clearer distinction between those areas that overlap with the human pathology services and those that do not.

The other area which has caused some controversy relates to forensic services. I support what the Hon. Mr DeGaris said in the sense that it is important that such an important division, which provides a service for the police and the legal area, should be separate from Ministerial control. It is also important that it should stand apart from the University of Adelaide in the sense of its being under the university's control. However, I accept that it does have very strong links with that university.

The present forensic pathology and biology pathology sections of the division of tissue pathology at the I.M.V.S. are to be brought together with the forensic chemistry section of the Department of Services and Supply to provide an integrated forensic science service based at Divett Place. The dilemma for many is just how it should be controlled. The Government has decided to control it by placing it under the Department of Services and Supply, rather than making it a statutory authority. There are those who may argue that it should be a separate statutory authority. There are probably others who would say that it should remain under the umbrella of the institute or independent through some other mechanism. I have some reservations about the present arrangement. I hope that its autonomy is preserved. I hope that the Government, in the administrative restructuring of forensic services, provides strong leadership and direction to co-ordinate the activities of the three groups that have been brought together to provide the development of what is a very important service.

These three groups are already based at Divett Place, so in that sense the proposal in the Bill relating to staff transfers only formalises the existing situation. It is an important body. Whilst I accept the proposal that it should come under the Department of Services and Supply, I repeat that I hope that it will not only have a degree of autonomy, but that it will also have the necessary leadership to bring the three groups together to co-ordinate its activities. It is interesting in that respect to note the comments of the Vice-Chancellor of the University of Adelaide, Professor Stranks, in a letter dated 22 March in relation to this Bill. Professor Stranks set out the University of Adelaide Council's view as follows:

> The transfer of Forensic Pathology and Forensic Biology sections of the I.M.V.S. to a new Forensic Services Division within the Department of Services and Supply, as foreshadowed in the Minister's second reading speech, has important community implications and does interact with the university's Department of Pathology. The University of Adelaide stands ready to assist and co-operate in the establishment of a body incorporating co-ordinated forensic services of high professional standing and capacity and independent of the legal enforcement agencies. It would be hoped, however, that this important initiative will be inaugurated at a time when the overall co-ordination and direction can be assured. The achievement of these objectives will depend upon Government plans for implementation beyond the immediate legislative provisions of the present Act itself.

I share those views and hope that the Government takes note of them.

Finally, I refer to clause 31 of the Bill, which deals with annual reports. It has already been noted that clause 7, which relates to the constitution of the council, specifically provides that two of the council's 10 members shall be persons nominated by the Minister who have experience in financial management. I suggest that provision is consistent with this Government's strong view that arms of government, statutory authorities, and so on should be financially accountable and responsible in their management, efficiency and effectiveness. Clause 31 (1) provides:

> The council shall, not later than a date stipulated by the Minister, in each year present to the Minister a report on the administration and activities of the institute during the previous financial year.

I do not believe that is strong enough. I foreshadow that I will be moving an amendment requiring the council to report not later than 31 October each year. I believe that, if it is good enough for public listed companies to be required to report within a certain period of time, it is good enough for statutory authorities and other bodies required by Acts of Parliament to report on their financial affairs, to do so within a certain period of time. That will enable Parliament and the public to form a reasonably contemporaneous view of the affairs of those statutory authorities and other bodies that are required to report.

There is little merit in Parliament's receiving a statement on the finances and activities of a statutory authority some 18 months after they have occurred. That misses much of the point. However, I understand that one of the problems in publishing annual reports is that almost invariably statutory authorities and other bodies required to publish annual reports must do so for the financial year, that is, the year ending 30 June. I understand that the Government Printer is required to publish at least 150 Parliamentary Papers at the end of each financial year. They vary in length from about 15 to 150 pages and some contain coloured illustra-

tions. Therefore, the report from the I.M.V.S. will have to take its place in priority, which means that it may be as long as eight weeks before the report could be presented. The eight-week period could be extended, depending on other circumstances at the time.

That time period could also be expanded because when Parliament is sitting the highest priority is always given to the production of *Hansard* and other associated Parliamentary Papers. Therefore, although I foreshadow an amendment to clause 31 (1) requiring the council to present its annual report to the Minister no later than 31 October each year, I also suggest that the Government should examine the possibility of looking at using an outside printer in the event of an undue and unjustified back-log building up at the Government Printer's because of the work that necessarily must be done for Parliament and the production of associated Parliamentary Papers and of statutory authorities. It is important that Parliament receive reports from statutory authorities within a reasonable time. It is also important that the public, who may have an interest in these matters—

The Hon. C. J. Sumner: What happens if not enough staff are provided to prepare the report?

The Hon. L. H. DAVIS: I am told that it is not a problem of the report being prepared in time. I am making the point, without trying to make too much of the point, that there may be some justification in looking elsewhere for printing if statutory authorities cannot comply with the requirements of the Act. I support the Bill.

The Hon. ANNE LEVY: I support the second reading of the Bill. I wish to comment on matters arising from what other members have said in the debate. I have considerable reservations about many aspects of the legislation, but feel that the amendments which will soon be on file from the Opposition will correct many of the deficiencies of the legislation. A few points I wish to make arise from what the Hon. Mr Davis said. He started comparing the Institute of Medical and Veterinary Science with institutes interstate which are purely research institutes. These institutes have some teaching functions. The Walter and Eliza Hall Research Institute in Melbourne is associated with the University of Melbourne and undertakes only post-graduate teaching. These institutes are totally different from the I.M.V.S, which is unique in Australia in providing community services in the health area and also in having a research and slight teaching function. The emphasis there is very different.

One of the things which concern me about the legislation before us is that the research function of the institute is being downgraded. Clause 14, which details the functions of the institute, only mentions research as required by a Minister; research in relation to veterinary services as required by the Minister of Agriculture, and so on. The overall functions of research into fields of science related to the services provided by the institute is an option—not one of its mandatory functions. This has considerable ramifications in many areas.

If research is not mandatory and not part of the stated functions of the institute in a time of financial stringency, obviously research will be something which will be cut out and this will considerably weaken the institute and weaken it in terms of its international scientific reputation and will cause great problems in staffing.

If research is not one of the direct functions of the institute, it will have great difficulty in attracting high calibre staff of the sort which will be required and it will become an institute of technicians only, who will be unable to do anything other than churn out basic technical services. This research function will certainly be the subject of one of the amendments to be moved by the Opposition and is critical, if our unique I.M.V.S. is to maintain its worldwide reputation.

Secondly, the Hon. Mr Davis talked about the forensic services currently within the institute. The Opposition opposes the movement of the forensic services to the Department of Services and Supply. One can certainly appreciate that forensic services should not be under the control of certain Ministers, such as the Attorney-General or the Chief Secretary. Forensic services obviously must be independent of the legal and police services of this State, if those forensic services are to be independent as well as appear to be independent. I fail to see that putting the forensic services under the Department of Services and Supply will achieve this to any great degree, rather than having them left under the Minister of Health. I would have thought that both health and services and supply would be independent of the legal and police functions of the State.

It does not seem to be generally realised that integration currently exists between the Pathology Department of the Medical School in the University of Adelaide and the forensic services at the Institute of Medical and Veterinary Science. The chief of the division in the I.M.V.S. is also the Professor of Pathology at the university: he is appointed by the university and his salary is paid by the university. He also has administrative, co-ordinating and research functions at the institute in relation to the forensic sciences.

To move the forensic pathology and forensic biology sections out of the control of the institute will very much upset this relationship between the university and forensic work. This will affect both institutions, as currently the I.M.V.S. has a teaching function in relation to all medical graduates in this State as a certain part of its undergraduate training in forensic work is the responsibility of I.M.V.S. staff, who have been awarded clinical titles by the university for this purpose.

If the forensic section is made part of the Department of Services and Supply, as suggested by the Minister, this will very much affect the teaching of medical students and will also affect the quality of the forensic work carried out, as the research people will quite obviously stay with the university, rather than go to the Department of Services and Supply, which cannot, by any stretch of the imagination, be said to have an international reputation for scientific research, whatever its other virtues may be.

In consequence, there would have to be a complete renegotiation of the agreements between the I.M.V.S. and the university regarding forensic work, both teaching and research, and this State may then end up with very inferior forensic services. I am sure that all experts in the field will admit that one cannot have satisfactory routine forensic services without their being integrated into active forensic research. People of the calibre that one would wish to work in the field are not going to be attracted to work under the Department of Services and Supply, which, as I said, in scientific research terms would never have been heard of anywhere in the world.

The Hon. Mr Davis spoke a great deal about the veterinary aspects of the I.M.V.S. and how he hoped that the proposed reorganisation would not separate them from the rest of the I.M.V.S. If the honourable member does not wish them to be separated, I hope that he will support the amendments to be moved by the Opposition, which will ensure that separation cannot occur. While this Bill does not physically move the veterinary part of the I.M.V.S., administratively it is being moved, and this can be regarded only as being the first step towards a physical separation. Despite what the Hon. Mr Davis seems to think about a great separation between research in the medical field and research in the veterinary field, I think that he is overestimating the dif-

ferences. A great deal of work will be common; the facilities, the method of approach would be common; and humans, after all, are just one more animal species and the scientific approach will not necessarily be different between one animal species than another.

The obvious advantages of having the veterinary work integrated into the I.M.V.S. are the complete integration of facilities required, of services, and the fertile interaction between scientists dealing with different but related areas with different species. It can only be of benefit both to medical and veterinary research to have the people concerned working together; if not in the same laboratory, at least down a corridor.

It seems important that the integration continue both at the physical and administrative levels. I will not take up the time of the Council with further points at the moment. I have mentioned some of the major worries which concern me and many other people regarding this Bill. Of course, these matters will be taken up again in Committee, as will many other points, but perhaps not of such major significance regarding the overall thrust of the legislation. I support the second reading.

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

STATUTES AMENDMENT (JUDICIAL REMUNERATION) BILL

Adjourned debate on second reading.
(Continued from 3 March. Page 3262.)

The Hon. C. J. SUMNER (Leader of the Opposition): On the face of it, this Bill is a simple measure. Indeed, in his second reading explanation the Attorney-General dealt with its substance in some 10 lines, and explained that a committee had been established to look at judicial salaries and that it had recommended that in addition to salary an allowance should be paid to members of the Judiciary. He further explained that that was not permitted under the legislation and that the Bill was simply to ensure that the Government could divide the remuneration of a judge between a salary and an allowance. That is all that we are told about this Bill. I have made the point in this Council before; I made it earlier today, and I make it again: the second reading explanations which this Government gives to the Council are completely inadequate. The Government attempts to get through this Council measures which, on the face of it, are innocuous and have no hidden history to them by simple second reading explanations—

The Hon. B. A. Chatterton: Some of them are the opposite in effect.

The Hon. C. J. SUMNER: That is true, as the Hon. Mr Chatterton points out. Sometimes what the legislation does is the opposite of what is indicated in the second reading explanation given to the Council. In this case the explanation tells us absolutely nothing about the true substance of this Bill. I repeat that this is most unsatisfactory. On the face of it, it is a simple measure but, in fact, that is quite misleading. This Bill is an attempt by the Government to downgrade the Judiciary and reduce salaries and pensions.

The Hon. K. T. Griffin: That's nonsense!

The Hon. C. J. SUMNER: That clearly is the intention of the legislation and, if that is what the Government wants, it should have said so in its second reading explanation. I have been reliably informed that the morale of the Supreme Court, the District Court and the Industrial Court (the courts that are involved with this legislation) has been severely affected by the Government's attitude on this issue. As I said, this Bill is a device to reduce the salaries of the judges and their pensions. It is an insult to the Judiciary.

There are a number of things that we have not been told in this second reading explanation. First, we were not told the attitude of the Judiciary, and I am reliably informed that the Judiciary, 100 per cent of the Judiciary, that is, all the judges affected by this legislation, are opposed to it. The Government is trading on the fact that judges are impartial and do not involve themselves in political controversy. The Government has played on the tradition that judges do not get involved in public controversy to downgrade the Judiciary in this State.

Secondly, the report that is mentioned briefly in the second reading explanation has not been produced, so the Council has reference to a committee that is set up, and reference to some report that was prepared, but there is no report. We do not know what was the membership of that committee, what its recommendations were or what the substance of the report was. We do not even know what the origins of the committee were, or why it was necessary to establish this committee to review judicial salaries.

The third point of complaint is that the Judiciary, the judges, as I understand it, were not even asked to give evidence or to put their side of the case to this committee that was established by the Government. Apparently, the Minister of Industrial Affairs did make a submission to the committee but the judges were not asked for their opinions on that submission. What we have is the whole question of judicial salaries shrouded in secrecy. The fact is that under the previous Government there was a formula which was satisfactory to the Government for the determination of judicial salaries and which was satisfactory to the Judiciary.

The formula was a fixed 91 per cent of the average of the salaries of the judges of the Supreme Courts of New South Wales and Victoria. There were corresponding agreements in relation to the salaries of other judges. That agreement worked quite satisfactorily during the period of the previous Government. However, this Government tore up that agreement.

The Hon. K. T. Griffin: Peter Duncan tore it up.

The Hon. C. J. SUMNER: This Government tore up that agreement, reneged on the undertakings it had been given and the agreements it had entered into. The position was that there was a fixed percentage of the salaries of New South Wales and Victorian judges. It was a simple formula based generally on comparative wage justice with some allowance for the fact that in South Australia in some areas the cost of living is lower. However, that was not good enough for this Government. Against the opposition of all the judges in the State affected by this legislation the Government tore up the agreement. None of this we are told about in the legislation. The Attorney-General dismisses all these matters in his second reading explanation in a matter of a few lines. We are not told of the judges' attitude to the legislation. Will the Attorney-General tell the Council what their attitude is? Have they been consulted? Do they approve of the legislation?

Secondly, where is the report upon which this so-called amendment is based? Who comprised the committee and why and how was it established? What did it report upon? Thirdly, why were the judges treated with contempt by the Government? Why were the judges not asked or entitled to give evidence to the committee which the Attorney-General established, apparently in breach of a previous understanding? This Bill is an insult to the Judiciary. The Government, in trying to downgrade the judges' position in the community, has played on the fact that judges cannot involve themselves in political controversy. That has affected the morale of the courts, I am informed. The other important matter is that members of the legal profession accept those positions

on the basis of certain salaries, undertakings and pension entitlements. This Government has changed the rules after these people have been appointed and has downgraded their salaries and status.

First, there is no justification for the Bill. Secondly, the second reading explanation was completely misleading. Thirdly, I want answers to the questions I put to the Attorney-General. Further, I want to know why the Government negated the agreement of the previous Government with the Judiciary—an agreement which worked well and which was cancelled when this committee was established. There is no compelling justification for the legislation as far as I can ascertain. I have been informed that Supreme Court judges' salaries under this scheme being proposed by the Government will be reduced by somewhat more than $1 000 a year.

The Hon. K. T. Griffin: That is nonsense. Where do you get your information? It is a shadowy world of intrigue.

The Hon. C. J. SUMNER: There would be no need for intrigue if the Attorney-General came clean with the Council and provided the information that we request. Of course he does not. He comes in with a scrappy one-page document to explain a Bill that is much more complex and to which there is total opposition amongst the Judiciary in this State—whether it be the Supreme Court, the District Court or the Industrial Court. They are opposed to the legislation. There is not one mention of that in the scrappy second reading explanation presented to the Council.

With sincerity I ask the Government in future when introducing Bills to try to make the second reading explanation bear some connection to what the Bill is really about. The Attorney-General said 'nonsense' to my suggestion that the judges' salaries are to be reduced by $1 000 per year. The fact is that some are to be reduced. The current salary for a puisne judge of the Supreme Court is $59 763. The new salary is $57 622.

The Hon. K. T. Griffin: Look at the note at the bottom.

The Hon. C. J. SUMNER: It is a reduction of some $2 000 to their salaries. To make that up the Government decides that it is going to give the judges an allowance which brings it up to $59 622—the total package for the puisne judges of the Supreme Court. That is still a reduction in their salaries.

The Hon. K. T. Griffin: It isn't.

The Hon. C. J. SUMNER: As the Attorney-General says that it is not a reduction, perhaps he should speak to the judges from time to time. I can assure him that their opposition to the Bill is total and they believe that it is certainly downgrading their position in the community and downgrading the conditions upon which they were originally appointed. I have no hesitation in saying that under this system most of the judges will be worse off. Their salary has been reduced so the judges' pensions will be reduced. The Government has saved on paying pensions and will save on the salaries being paid to the Judiciary.

Other questions arise. I understand that the Government has become incredibly petty about the use of Government cars for ceremonial occasions. The Minister will no doubt have his big white car to appear at ceremonial occasions with his other colleagues in the Government. Normally I understand that some arrangement is made for the Judiciary—the other arm of government—to have the use of Government cars. Under this scheme, as I understand it, that arrangement is completely cancelled. A further question to the Attorney-General is as to the allowance. Why is it necessary to provide the remuneration as to salaries and allowances? Further, there appears to be no doubt that, as a result of the Committee's recommendation, judges in this State will always have their salaries adjusted a year behind the salaries of judges in other States.

They will be worse off in monetary terms than they were previously. They will be worse off in terms of salary, and they will be worse off, certainly, if a judge has to retire in the near future, because the result of this fiddle that the Government has done on salaries is that the amount of pension a judge will be entitled to will be substantially reduced. It is most unsatisfactory that these matters have come to the Council in this way, but it is something that the Government has to be responsible for, because it produces a Bill which, on the face of it, seems simple but which behind it has many complexities. The Government has explained nothing to the Chamber about the background I have given. The Government does not explain that the effect of the Bill will be to reduce judges' salaries and will mean that judges will pay more tax than they paid previously. It does not indicate that they will be deprived of the use of Government cars in future. That is all part of the package we are being expected to approve of in this Bill.

The Hon. K. T. Griffin: You're not approving any package.

The Hon. C. J. SUMNER: A committee has been established that apparently has recommended certain things in relation to judges' salaries—a secret committee.

The Hon. K. T. Griffin: You know that the names have been disclosed in the House of Assembly.

The Hon. C. J. SUMNER: The Attorney tells us that the names have been disclosed in the House of Assembly, but the report has not been disclosed to the House of Assembly, and the report has not been disclosed to this Council. Why were the names of the committee not mentioned in the second reading explanation? Because the Attorney-General wanted to try to avoid this—

The Hon. J. E. Dunford: Cross-examination?

The Hon. C. J. SUMNER: Yes, cross-examination, and this particular issue. The fact is that the terms of reference of the committee have not been disclosed. The committee was set up in secret after the Government had reneged on previous agreements reached between Governments and the Judiciary. The Government had not disclosed the report or the recommendations in the report, until the matter was debated in the House of Assembly. This is, as I said, a most unsatisfactory way of dealing with a matter such as this. I, quite frankly, have not been convinced that there is any necessity for the legislation and I intend to oppose it.

The Hon. K. T. GRIFFIN (Attorney-General): I do not give a damn whether the legislation is passed or not. It was introduced into the Parliament for the purpose of facilitating the payment of allowances to judges and I do not give two hoots whether it is passed or not. All I want to do is ensure that the recommendations of a committee properly constituted, which recorded submissions from the judges, should be properly implemented. If the Opposition wants to vote against the Bill, so what? It just means that the judges will not get allowances; all they will get under the Statute will be salaries. The Leader has been typically selective and used information which is inaccurate and which quite distorts the whole concept and context of this Bill. What he has sought to do is malign something and, in so doing, relied on information which is patently false.

The Hon. J. E. Dunford: You'll be a judge yourself one day; you won't be able to talk like that.

The Hon. K. T. GRIFFIN: I have no desire to be a judge. I think that the Leader's use of false information is quite outrageous on this occasion. He has not even read the *Hansard* report of the House of Assembly because, if he had, he would have found out a lot of the information he has been asking for, and he would have found out that a lot of the information he has used is blatantly false and has been blatantly misrepresented. The Government established an *ad hoc* committee last year to give consideration to

submissions from judges and from the Government on what would be the appropriate level of judicial salary and/or allowances with a view to establishing these on an impartial basis.

It is correct that in about 1977 the then Attorney-General accepted that judges in South Australia should have their salaries fixed in relation to the salaries paid in New South Wales and Victoria at 1 October each year. The proportion to be used was 91 per cent of the average of Supreme Court judges' and Chief Justices' salaries in those States. However, that only applied for one year. It was Peter Duncan, the then Attorney-General, who decided that he should pay the national wage increases and that he should not rely on the 91 per cent formula—he would pay, and his Government would pay, the national wage increases. When I became Attorney-General this Government continued that practice. However, there was then some discussion from the judges suggesting that that was a departure from a formula which had been agreed in 1977 but applied on only one occasion. We continued to fix increases in judicial salaries at the national wage increase level as every other member of the community was receiving those national wage increases.

Last year, after further discussions with the judges, we decided to set up an *ad hoc* committee which would report to Cabinet after taking into consideration submissions which had been made by Government and the judges and, in fact, the terms of reference of that committee, its membership and the establishment of the committee, were supported by the judges.

The Hon. C. J. Sumner: We didn't know anything about it—a secret committee.

The Hon. K. T. GRIFFIN: Who are you? You are not the Government. We do not have to consult you about setting judicial salaries, and we do not intend to, either.

The Hon. C. J. Sumner: You can do without your Bill.

The Hon. K. T. GRIFFIN: The Chairman was agreed to be Mr Cedric Thomson, a practising solicitor with no aspirations to the bench, who was previously President of the Law Society in South Australia and subsequently President of the Law Council of Australia. He is a well regarded senior member of the legal profession who was accepted by all groups to be the Chairman. Also, with the concurrence of the judges, we appointed Mr M. J. Whitbread, a senior accountant in Adelaide, and Mr G. Inkster, who was a member of the business community (and, again, well respected) and who had had some experience in the fixing of salaries within the community, as members of the committee. That committee was established by the Government and was an *ad hoc* one, but it did receive submissions from all the judges, channelled through me to that committee. The Minister of Industrial Affairs made a submission which sought to put a Government perspective in respect of the fixing of salaries when those submissions had been made to the committee. There were no formal hearings; in fact, it would have been quite improper—

The Hon. C. J. Sumner: Did the judges make any submissions?

The Hon. K. T. GRIFFIN: I have just been telling you that! I have been telling you that the judges made submissions through me.

The Hon. C. J. Sumner: Through you?

The Hon. K. T. GRIFFIN: The judges believed it was inappropriate for them to make submissions directly to a wage-fixing tribunal.

The Hon. C. J. Sumner: So that is what it is now, a secret wage-fixing tribunal?

The Hon. K. T. GRIFFIN: What they did was forward submissions to me with a request that I should forward them to the committee as the appropriate Minister in Government who should do that on behalf of those judges, and that was done. The Minister of Industrial Affairs made a written submission to the committee putting a Government perspective with respect to the fixing of judicial salaries within the South Australian community. There were no oral hearings. I was going to say, before I was interrupted by the Leader, that it would have been quite inappropriate for the judges to appear in person to make oral representations to such a committee.

The Hon. N. K. Foster: Why?

The Hon. K. T. GRIFFIN: The honourable member should ask the judges. Members opposite seem to have access to some of them. The judges believe that it is inappropriate for them, as judicial officers and one arm of government, that is, opposed to the Executive and Parliament, to appear before wage-fixing committees. I support the view that it is inappropriate for judicial officers to come cap in hand to a tribunal to have their salaries fixed. Written submissions were considered by the committee, and it made a report to the Government. That report was considered by Cabinet, which decided to accept *in toto* the recommendations made by the committee, and those recommendations were communicated to the judges.

The Hon. C. J. Sumner: Were they happy with them?

The Hon. K. T. GRIFFIN: I will come to that in a moment. The Government established a well qualified *ad hoc* committee, which made recommendations to it. The Government accepted *in toto* the committee's recommendation, believing that it was inappropriate to fiddle with any of them. We have given an undertaking to establish this *ad hoc* committee, and we undertook to implement its recommendations. Indeed, the Government decided that it would implement the recommendations *in toto* without variation. This was communicated to the judges, who expressed some concern that the basis for determination of the salaries was backdated to 1 July 1981 on salaries payable in Queensland, New South Wales, Victoria, and Western Australia in March 1981.

As a result of discussions that have been held with senior judicial officers in the past few weeks, and with a view to overcoming the apparent difficulties that seem to be implicit in consideration of the committee's determinations, the Government has decided that it will date the operation of the recommendation from 1 October 1981, based on the average salaries payable in those four States at that date. So, I hope that that will largely overcome the difficulty that appears to surround the date of operation of the determination.

The Leader of the Opposition has made a number of inaccurate assertions about the Bill. He misunderstands what it really seeks to do. The Bill does not seek to implement any salary package. Rather, it seeks to allow the Executive to pay allowances where appropriate, and it transports from the present legislation a prohibition on the reduction of judicial authorities pursuant to each of the Acts that are amended. If the Leader cares to look at the principal Acts, he will see that the Government cannot reduce judicial salaries. Indeed, the Government has no intention of reducing them.

The Hon. C. J. Sumner: The effect of it is to reduce the salaries.

The Hon. K. T. GRIFFIN: The Leader of the Opposition cannot read the table or understand the footnote. We have indicated on the determinations that the committee made that there would be a reduction in the salary of Supreme Court judges. We also indicated that we would not reduce the salaries of Supreme Court judges for the period 1 July 1981 to 30 June 1982 and that thereafter the full benefit of the determination would pass on to the judges. So, from 1 July 1981 to the present time, even to the implementation

of this package, the Supreme Court judges will retain their current salary of $59 763. It will not be reduced in any way at all.

The Hon. C. J. Sumner: But they don't get their increments.

The Hon. K. T. GRIFFIN: They receive increments as from 1 July 1981, as the Leader will see from the table, which shows the current salary of $59 763. The actual salary as at 1 July 1981 was $57 686, so we have passed on national wage increments to the salaries of those judges.

The Hon. C. J. Sumner: In future, you won't pass them on until they have reached the lower salary that you are recommending.

The Hon. K. T. GRIFFIN: But at no stage will the actual salary on which the pension is based be reduced below $59 763. The judges' pensions are not affected adversely at all.

The Hon. C. J. Sumner: They are.

The Hon. K. T. GRIFFIN: We will have to agree to disagree. I have made as clear as I can that judges' salaries will not be reduced.

The Hon. C. J. Sumner: They won't get the incremental increases to which they would have been entitled if you hadn't brought in this scheme.

The Hon. K. T. GRIFFIN: They have got all the national wage increases.

The Hon. C. J. Sumner: But they won't get them in future until they have caught up to the new scheme.

The Hon. K. T. GRIFFIN: They will catch up as from 1 July 1982. There is no doubt about that. That has been overtaken by events of the past few weeks and, if the Leader had been listening, he would have recognised that fact when I indicated that the Government had now agreed, in consultation with the judges, that this determination, which was made by an *ad hoc* committee, would be dated from 1 October 1981, based on salaries actually paid in the other four States as at that date. There is a significant increase in judicial salaries as a result of that changed operating date.

The Hon. C. J. Sumner: Are they happy with it?

The Hon. K. T. GRIFFIN: Yes, they are. That leads me to my next point. The Leader of the Opposition said that the judges are unhappy with the Bill. I have had no indication at all from any judge about their being unhappy with it.

The Hon. G. L. Bruce: They can't push their barrow. You told us that.

The Hon. K. T. GRIFFIN: The Hon. Mr Bruce is off on a different tangent. I will not pick him up at this stage, except to say that—

The Hon. C. J. Sumner: You're unusually testy about this.

The Hon. K. T. GRIFFIN: No, I am not, except that I am grossly misrepresented, and the Leader of the Opposition has not bothered to check his facts.

The Hon. C. J. Sumner: I don't know about that.

The Hon. K. T. GRIFFIN: They are quite false.

The Hon. C. J. Sumner: I have them here.

The Hon. K. T. GRIFFIN: Well, the Leader cannot read. I have no indication from any judges that they oppose this Bill. The Bill provides for the awarding of allowances in addition to salary, and it preserves the existing salary by providing that we cannot reduce the salary, even if we wanted to, and we certainly have no intention of doing that. So, the present rights are preserved in relation to salary and pension, and there is an additional benefit of allowances if they should be awarded. The Leader of the Opposition asked why they should receive allowances.

The Hon. C. J. Sumner: What are they getting?

The Hon. K. T. GRIFFIN: The committee determined that it was appropriate for allowances to be paid to the judges.

The Hon. C. J. Sumner: Why?

The Hon. K. T. GRIFFIN: As I understand it, the committee believed that judges do have out of pocket expenses related to their judicial duties. The Leader also mentioned official cars. At no stage has the Government said that judges cannot have official cars for official business. The committee suggested that judges should receive travelling allowances to enable them to hire vehicles for official occasions. The committee did not recognise that Supreme Court judges have access to official cars on official occasions. When the determinations of the committee were communicated to the judges it was indicated that these were areas which had not been resolved and would be subject to further discussion with a view to clarifying the position.

It has been agreed that those judges who use official cars, that is, Supreme Court judges, will retain use of those official cars, but that will obviate the need to pay any travelling allowance. That has the concurrence of the Supreme Court judges. They will continue to use official cars, but they will not receive a travelling allowance. They are happy with that situation.

The Hon. J. E. Dunford: What travelling allowances do they receive?

The Hon. C. J. Sumner: They do not receive any at the moment.

The Hon. K. T. GRIFFIN: They do not get any at the moment. Supreme Court judges use official cars for official occasions.

The Hon. J. E. Dunford: What do you call official occasions?

The Hon. K. T. GRIFFIN: A State reception, a Governor's reception or a special official occasion where the judges are required to attend.

The Hon. J. E. Dunford: It does not include travel from home to work?

The Hon. K. T. GRIFFIN: No.

The Hon. G. L. Bruce: The opening of Parliament?

The Hon. K. T. GRIFFIN: Yes, the opening of Parliament.

The Hon. C. J. Sumner: Where is the report?

The Hon. K. T. GRIFFIN: We are not going to release the report.

The Hon. C. J. Sumner: Why not?

The Hon. K. T. GRIFFIN: It was a confidential report to Cabinet.

The Hon. C. J. Sumner: It's a secret document.

The Hon. K. T. GRIFFIN: If the Leader wants the fine details of the recommendations I will give them to him.

The Hon. C. J. Sumner: You've already given us the recommendations, in another place.

The Hon. K. T. GRIFFIN: That is all we are interested in.

The Hon. C. J. Sumner: What about the report?

The Hon. K. T. GRIFFIN: Why does the Leader want the report? The Government was only interested in the recommendations to be implemented. We have accepted the recommendations and varied them. Even if the Leader read the report, I am sure he would only misinterpret or misunderstand it. I believe the Bill should be passed. As I have said, I am not fussed whether it is passed or not. If it is not passed, the judges will be deprived of allowances that the Government has agreed to pay as a result of recommendations from a committee. The establishment of that committee was supported by the judges, who made submissions through me as Attorney-General. I believe that it is appropriate that—

The Hon. C. J. Sumner: Did Brown make a submission to the tribunal?

The Hon. K. T. GRIFFIN: The Leader of the Opposition has not been listening, because I mentioned that fact on at least three occasions.

The Hon. C. J. Sumner: Did the judges have an opportunity to comment on his submission?

The Hon. K. T. GRIFFIN: The Minister of Industrial Affairs did not comment on the judges submission, nor did anyone comment on the submission of the Minister of Industrial Affairs.

The Hon. C. J. Sumner: They didn't get a chance to see it.

The Hon. K. T. GRIFFIN: No-one got a chance to see anything, except the committee, and that was a proper course to follow. I believe that the Bill should pass. In relation to the payment of allowances—

The Hon. Frank Blevins: Is that what is known as beer money?

The Hon. K. T. GRIFFIN: I do not know what sort of money it is. The committee believed that it was appropriate to make provision for allowances for judges, and the Government has accepted that. The Government wants to implement the committee's recommendation. In all the circumstances, I believe it is appropriate that the Bill should pass.

The Council divided on the second reading:

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

Noes (11)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Second reading thus negatived.

[Sitting suspended from 5.55 to 7.45 p.m.]

EVIDENCE ACT AMENDMENT BILL (No. 2)

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 10.15 a.m. on 25 March, at which it would be represented by the Hons M. B. Cameron, K. T. Griffin, Anne Levy, K. L. Milne, and C. J. Sumner.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3378.)

The Hon. K. L. MILNE: I have had the opportunity of many interviews and discussions on this matter, which is extremely complicated. I have also had a brief inspection of part of the I.M.V.S., which was very interesting. In the time available to a layman, it is difficult to correctly evaluate what the Government has had under consideration for a long time. It seems to me that the divergent interests that are involved in an institute of this kind, when it once goes wrong—and it did go wrong—are so vociferous that it is very difficult for somebody trying to pick up the thread to come to a decision, hoping that that decision will be accurate. I did come to a decision: I felt that I had to do something because everyone I spoke to had a different point of view. It seemed to me that the institute was in danger of floundering, and I felt that the Government had not necessarily come to the correct solution in all parts of the proposed Bill. I wrote to the Minister of Health, the Hon. Jennifer Adamson on 11 March and said:

The proposals made by the Government for the future of the I.M.V.S., as contained in the Bill presented to Parliament and as set out in your second reading speech, are causing a great deal of argument and debate. It has continued vigorously during the break, as I expect you know very well. I have become involved in it, of course, and have held a number of interviews and telephone conversations, as well as having been shown over much of the institute. As a result, I have formed some opinions which I would like to put to you, in the hope that they may be helpful.

I am fearful that the Government is over-correcting. That the I.M.V.S. was getting out of hand is quite obvious; but I feel that there is no need to change the whole concept of it—and that is what you are doing in effect. In my view all that needs to be done is:

(a) leave the I.M.V.S. as a statutory authority but subject to direct control of the Minister of Health, not the Health Commission;

(b) change the membership of the board very much like you are proposing;

(c) modernise the Act—as you are doing;

(d) move the forensic division altogether, both pathology and biology, combine it with forensic chemistry and form an independent, semi-autonomous institute, perhaps under the aegis of the Division of Tissue Pathology of the University of Adelaide;

—and leave it at that.

I understand that the John Curtin School of Medicine in the national university, and which is a 'centre of excellence', has an active and valuable veterinary division or department, and is thus similar in concept to the I.M.V.S. I also understand that the idea of medical practitioners and veterinary surgeons working together is established in many parts of the world and is strengthening as the scientific and research side of these professions becomes more complicated, expensive, and inter-dependent.

What you are doing is the opposite, contrary to the Badger and Wells reports—and in the view of literally everyone to whom I have spoken, will lead to the break-up of the institute. It is already in danger of being over-shadowed by the John Curtin School of Medicine, and a break-up would make that a certainty. Thus once again, South Australia, having taken a rather splendid initiative, will lose it. A self-inflicted wound, one might say!

You are in a very difficult position, Minister, and so am I, for reasons of which you are well aware and consequently I do not seek to make it more complicated for you. But I am not at all certain that you are being properly advised. What comes through to me, loud and clear, is the personal animosity and self-interest among your advisers, in the Health Commission, in the Department of Agriculture, in the University of Adelaide, in the Adelaide Hospital, and in the I.M.V.S. itself. I do not include Dr D'Arcy Sutherland in this, because I have a very high regard for him (and have had for many years) and he has been both practical and positive in helping me. Quite obviously he has no personal ambition in this, simply a desire to sort out a situation which is not really as bad as some make out and is already improving.

The main problem seems to be, what to do with the Veterinary Division. What you are doing, in effect, is to place them under the control of the Minister of Agriculture, asking the Department of Agriculture to become tenants in a wholly medical institute, and for their veterinary pathologists and research scientists to become 'cuckoos in the nest'. And largely—

(a) because the Health Commission does not like paying the expenses of the Veterinary Division (which is small-minded),
and

(b) because the Department of Agriculture want to build up their veterinary personnel.

I believe that the reasons given to you for recommending what the Bill does, are the wrong reasons. I also believe that what you are proposing will not work for very long.

Looking at it as a layman, it seems to me that the Veterinary Division staff at the I.M.V.S. carry out a great deal of work which has nothing whatever to do with the function of the Department of Agriculture. They breed and supervise the animals used for medical research, which includes running the animal house; the animals involved are predominantly dogs, cats, rabbits, rats, mice and such-like; they act as consultants to veterinary surgeons in private practice, predominantly in relation to companion animals; they work closely with the medical officers dealing with humans; they give a service to the zoo, parks and wild life, the three racing codes; and they undertake work for the Department of Agriculture, which they could easily continue to do as at present. In other words, the service which these people provide is quite different from that provided by the Department of Agriculture, and they would be more of 'misfits' there than where they are now.

Not that the vets at the institute have been blameless! I gather that they have been very difficult and have caused much of the trouble; but from my observations, they have probably learned a lesson and are very sensibly led by Dr Earle Gardner. On the medical side, I believe that it would be a mistake to make an institute of such status and standing a mere part of the Health Commission. If you are not careful, the Health Commission will become another monster, if it has not done so already. After discussing the situation with Mr Robin Millhouse, and the contents of this letter as well, I would summarise our opinion thus:

1. Disturb the present situation as little as possible.
2. Bring in a new Act, to meet modern present day practices.
3. Place the I.M.V.S. under the control of the Minister of Health—not the Health Commission.
4. Improve the membership of the board.
5. Look carefully again at the functions of the I.M.V.S. as set out in the Bill before Parliament.
6. Expand the accommodation at I.M.V.S. rather than build new laboratories elsewhere (except possibly forensic).
7. Remove the Forensic Division altogether and make it a statutory authority, with close connections with the Division of Tissue Pathology of Adelaide University, based at present at I.M.V.S., in a position to work for either the prosecution or the defense in court cases and to be as independent as possible.

Unless Mr Millhouse and I are persuaded to the contrary, I shall be moving amendments to the Bill, to bring about the suggestions which we have made. Naturally, I would be pleased to discuss the whole matter with you personally, should you wish to do so.

Mr Millhouse and I discussed this matter with the Minister from mid-afternoon until the Council rose for dinner. We feel that there is much in what the Minister has had to say to us, and we may have to change our stance. I do not see why not. The Minister denied that the whole concept was being changed. I felt that if the veterinary surgeons, pathologists and scientists were part of the Department of Agriculture, one would have left a medical institute and the name should be changed. The Minister denied that and believes that the concept of the institute will remain.

When I said that what she was doing was the opposite to what had been recommended in the Badger and Wells Reports, she convinced me, anyway, that the Government really was not doing the opposite but was working in a different way. I hope that by working in this way the Government will achieve what it is hoping to achieve. One point made by many people concerns the functions of the institute which those people believe are being watered down by the Bill. Certainly, we do not approve of any watering down. The definitions of what the I.M.V.S. is expected to do should remain quite substantial and should not be simply what the Minister may or may not direct. I reserve my options on that matter until the debate in Committee is finished. I will be interested to hear what the Opposition has to say that it is suggested will be so worth listening to.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for their contributions to which I have listened with interest. I can only say that the Opposition seems to have completely missed the point of the legislation, particularly with respect to the proposed arrangements for veterinary science. Despite a detailed explanation of how the arrangements would work, it has demonstrated a lamentable lack of understanding of the whole situation.

I intend to canvass the main issues raised. There will obviously be further opportunity to elaborate on particular aspects in the Committee stage. First, the Opposition claims that the Government has ignored the Badger and Wells Reports. That is certainly not the case. Both reports were carefully studied. Both reports provided valuable input into the Government's ultimate decision as to which way it would go, as embodied in this legislation. The Opposition has attempted to make great play on the Government's alleged disregard for the recommendations of the reports that veterinary sciences should remain in the institute.

However, apart from merely quoting passages from the various reports, the Opposition has not taken the trouble to examine the various reasons advanced in support of an integrated medical and veterinary facility. It has either not taken the trouble, or is unable to comprehend, that under the arrangements proposed, all of the advantages of an integrated medical and veterinary facility will be maintained because it is remaining as an integrated medical and veterinary institute. It has failed to appreciate the additional benefits which will flow from the simplified administrative arrangements proposed by this Bill, the clear delineation of responsibility and the increased accountability and more effective management which will result.

Both Badger and Wells were critical of the present complex administrative arrangements at the institute. Neither, however, really addressed the question of responsibility. The Government, in considering the reports and the action it would take on them, obviously had to address that question. Having accepted the general thrust of the Wells Report, the Government found a paradox in the first sentence of the first recommendation, which is as follows:

Whilst recognising the need for the institute to retain some independence, the committee has concluded that the institute should be incorporated under the South Australian Health Commission Act and that veterinary sciences should remain in the institute.

The Health Commission Act covers services in the human health field. Through the process of incorporation, the relationship of hospitals and other health units to the commission is formalised and defined in legal terms. Incorporated health units are required to observe commission policy, and to submit budgets, capital works programmes, variations in services or facilities and staffing requirements to the Health Commission, so that they may be determined within overall health priorities. For the purposes of the Industrial Conciliation and Arbitration Act, the Health Commission is the employer of staff of the commission and incorporated health units.

The Health Commission Act, however, does not extend to services outside the human health field—it does not extend to veterinary services or agricultural services, nor would it be appropriate for it to do so. The mechanism which Wells recommended for incorporation of I.M.V.S. (namely the inclusion of a specific part in the Act, rather than the normal process of incorporating a health unit by proclamation following agreement and approval of a constitution) would have distorted the Health Commission Act, and given undue emphasis in the Act to a single organisation.

Apart from that, it would have placed responsibility for determining the veterinary science budget squarely with the Health Commission. It would have brought veterinary science within human health policy confines; it would have meant that the Health Commission would have been involved in setting terms and conditions of employment for veterinary staff. It is just not reasonable to expect that a human health authority, responsible for a budget of some $400 000 000 and for placing emphasis on the human health field would give priority to the developing needs of veterinary science, in such a way that it could most effectively meet the growing needs of the section of the community it serves.

There was no question that the medical side of the institute needed to be brought under Ministerial control and direction, and under the umbrella of the Health Commission. Similarly, there was never any doubt about the importance of medical and veterinary science remaining integrated, so that the professional relationships and interaction which are so vital to these areas could be maintained. The issue was how to achieve, in legislative and practical terms, a clear delineation of responsibility, and therefore increased accountability, for the various functions carried out at the institute.

Taking all these factors into account, the Government decided to leave the institute as a statutory authority (as Badger had advocated), and to bring the medical side of the institute under the control and direction of the Minister of Health and into a relationship with the Health Commission similar to that which exists with health units incorporated under the Health Commission Act, as was the general thrust of the Wells Report. In this way, clear lines of responsibility and accountability are established. Staff have portability throughout the health industry. The human health components are placed within the context of the health care system generally, and within the scope of the Health Commission, thus enabling the commission to exercise in relation to the institute its statutory role of co-ordination and integration of health services, the charter given to it by the previous Government when it proposed the establishment of the Health Commission.

The Government decided that veterinary matters should become disentangled from the Health Commission and that veterinary science should become directly related to the section of the community and the sector of the industry it serves. It decided that Ministerial and departmental responsibilities should be clearly delineated and an improved framework provided for accountability and efficiency in the management of veterinary laboratory services. Accordingly, the Government decided that the Veterinary Division of the I.M.V.S. should become the responsibility of the Minister of Agriculture and the Department of Agriculture. Most importantly, however, under the proposed arrangements, the division and its staff were to remain physically located in their present work areas at the I.M.V.S., thus allowing the professional and practical relationship with human pathology to remain unchanged.

The Hon. J. R. Cornwall: What about the industrial relations problems? Did you have a look at that? You have not considered the industrial relations problems at all.

The Hon. J. C. BURDETT: The Opposition just does not seem to have grasped the point that the Government is not embarking on a full-scale exercise of picking people up bodily, physically separating them from the institute and isolating veterinary sciences. As to the question of not having picked up industrial relations problems in the first place, as the honourable member interjected at some length, I point out that he has not yet raised that question himself.

The Hon. J. R. Cornwall: I did in my second reading speech which you have not read. I repeated it time after time. It is impossible to have people working under different terms and conditions in the same institute.

The Hon. J. C. BURDETT: I would have thought that what I have already said would indicate—

The Hon. J. R. Cornwall interjecting:

The PRESIDENT: Order! I know what the Hon. Dr Cornwall said and I am sure the Minister will attempt to answer the question. The honourable member will not continually interject.

The Hon. J. C. BURDETT: I have already answered the question. What I have said indicates that the Government is well aware of who the employers should be and where the responsibility should lie. The Bill is designed to preserve the professional relationship which has existed between medical and veterinary science at the institute. The Government has never questioned the need for the two facets to be linked. It has never questioned the need for veterinary scientists to be able to relate professionally with their counterparts in the field of medical science, and vice versa, particularly where those fields overlap.

What the Government has attempted to do is to change the administrative arrangements (and I emphasise that point) for the veterinary component of the I.M.V.S., in a manner which directly relates the veterinary component to the sector of the community it serves; in a manner which provides for increased accountability, and clarity of administrative responsibility, and more effective management. Honourable members may, to take one example, recall that Wells particularly was critical of, and recommended the discontinuance of, the present situation where the Director of the Division of Veterinary Sciences is responsible jointly to the institute and the Department of Agriculture. The proposed arrangements clarify that situation.

The transfer of administrative responsibility for the delivery of veterinary laboratory services to the Minister of Agriculture will bring animal-related matters together under one responsible Minister. As honourable members would be aware, the Department of Agriculture has existing divisions concerned with animal health and animal production. The proposed arrangements provide the opportunity for the community to be offered a total package of veterinary services.

Some doubt was expressed as to the future of research in a Public Service environment. I should like to point out that the Department of Agriculture has a well-established record in applied research relating to animal industries.

The Hon. J. R. Cornwall: Give us two or three examples. Could you give us one example? Could you give us any examples?

The Hon. J. C. BURDETT: I am making the speech.

The Hon. J. R. Cornwall: I know. You are not doing a very good job.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I was going to add some examples which are not in this Bill. The Public Service does have, contrary to what the honourable member said in his contribution, a good record of research in various fields. One which I can cite from my own knowledge is in my own Department for Community Welfare, namely, the Family Research Unit which does excellent work. To say that research does not flourish in a Public Service environment is not correct. The Public Service environment is well adjusted in many respects in many different fields of research. The transfer of the Division of Veterinary Sciences will reinforce this approach. In 1980-81, the department spent $6 400 000 on agricultural research; $1 570 000 of that amount being provided from approximately 31 rural industry research funds and special Commonwealth grants (these sources, incidentally, have also been used by the Veterinary Division, I.M.V.S., to fund research). In the past four years, 175 scientific papers, in world recognised journals, have been produced by the departmental officers. That is another example which shows that research can flourish in a Public Service environment.

It is also interesting to note in passing that a number of animal health projects, carried out by the Veterinary Division of the I.M.V.S., have been collaborative activities involving Department of Agriculture professional staff as co-workers. Staff of the Veterinary Division, and honourable members opposite, can therefore be assured that the proposed new administrative environment will be sensitive to the needs of science and scientists. The Minister and the department recognise that the Division of Veterinary Sciences has achieved high standards in professional work and service delivery and have stated their intention that this will continue.

The Bill assures transferring staff that their salaries, wages and accrued leave rights will be protected. The second reading explanation canvassed in detail the manner in which the proposed arrangements would work. Guarantees were given that, where the Department of Agriculture's role needed to be expanded to take account of aspects of the transfer, this would be done.

One important area is the responsibility for clinical veterinary services for the animal surgical facilities at I.M.V.S.

which the department will assume under the proposed arrangements. A post of clinical veterinarian with responsibilities in this area has been advertised and applications have been received. The I.M.V.S. and the Department of Agriculture have recognised the critical nature of this position and are seeking a person of high professional standing to fill the position. The appointee will have direct responsibility for the animal operating and holding areas, with the executive authority endorsed by Professor Bede Morris in his report.

The Opposition attempted to make great play on the attitude of user and professional organisations in regard to existing and proposed arrangements. It was mentioned that the United Farmers and Stockowners were satisfied with the existing arrangements. In fact, the United Farmers and Stockowners, through some of their major sections, notably the Wool and Meat Section and the Commercial Egg Producers—Poultry Section—have by letters dated 1 March and 12 March, expressed support for the concepts embodied in this legislation.

The Australian Veterinary Association, in a letter dated 3 March, has acknowledged that 'there may be advantages, particularly in respect to availability of resources to the Veterinary Division, in the proposed transfer'. It has sought certain assurances that the interests of members will be safeguarded. The Government has been able to assure the Australian Veterinary Association that its concerns in specific areas can be met. The Government maintains that the course it is taking is the most appropriate course in the circumstances, which will prove to be in the best interests of effective management, in the best interests of veterinary services and in the best interests of the community.

Turning to the issue of the transfer of the Forensic Pathology and Forensic Biology Sections of the Division of Tissue Pathology, I.M.V.S., and their amalgamation with the Forensic Chemistry Section of the Department of Services and Supply, to form an integrated forensic service, the Opposition has gone to great lengths to attempt to indicate that the University of Adelaide is opposed to what the Government is proposing. I shall not canvass again the advantages the Government believes are inherent in such a move—that was quite adequately dealt with in the second reading explanation.

However, what are rather extraordinary are the views attributed to Professor Vernon-Roberts in the Hon. Dr Cornwall's comments. For the record, the I.M.V.S. Council, at a meeting on 17 June 1981, considered the future of forensic science services. Documentation from Professor Vernon-Roberts was presented and considered and formed the basis of the I.M.V.S. submission to the Wells Report Implementation Committee. In summary, Professor Vernon-Roberts's submission proposed that the three divisions of Forensic Pathology, Forensic Biology and Forensic Toxicology should come together to form, as he put it, 'the nucleus of a South Australian Institute of Forensic Science located in the building in Divett Place'. He noted that the organisation would need to be administratively responsible to an appropriate department and Minister in the South Australian Government.

The I.M.V.S. Council, following consideration of the matter, recommended to the Wells Committee Implementation Team that the Forensic Pathology and Forensic Biology Sections of the Division of Tissue Pathology, I.M.V.S., be amalgamated with the Forensic Chemistry Section of the Department of Services and Supply to establish a new, integrated forensic science service for the State outside the I.M.V.S. The concept of an overall Director to co-ordinate the overall activities of the group was something which arose during the implementation team's subsequent consideration of the matter.

Taking all factors into account, the Government chose the course of action proposed in the Bill and elaborated upon during the second reading explanation. It proposed that the new forensic service be a division within the Department of Services and Supply, and has proposals in hand for the designation of an appropriate person to supervise the effective co-ordination of the division's services. As there was obviously some confusion as to the university's position in the matter, my colleague the Minister of Health has recently held discussions with the Vice-Chancellor of the University of Adelaide.

After due consideration of the views of University Council and the views of forensic scientists, my colleague appreciates the merit of a co-ordinated forensic service being seen to be not just a division of the Department of Services and Supply, but a specialised centre in its own right. The Government has therefore decided that the co-ordinated forensic service will be known as the Forensic Science Centre. The administrative support service will be provided by the Department of Services and Supply, which will also be the employer of the centre's staff. The provisions in the Bill which provide for the transfer of staff from the I.M.V.S. to the Department of Services and Supply will not be proclaimed until an appropriate person has been designated to supervise the effective co-ordination of the provision of forensic services from the centre.

The university is ready to assist and co-operate in the proposed arrangements and I quote from a letter to my colleague the Minister of Health, from the Vice-Chancellor, dated 22 March 1982, as follows:

> The transfer of Forensic Pathology and Forensic Biology sections of the I.M.V.S. to a new Forensic Services Division within the Department of Services and Supply, as foreshadowed in the Minister's second reading speech, has important community implications and does interact with the university's Department of Pathology. The University of Adelaide stands ready to assist and co-operate in the establishment of a body incorporating co-ordinated forensic services of high professional standing and capacity and independent of the legal enforcement agencies. It would be hoped, however, that this important initiative will be inaugurated at a time when the overall co-ordination and direction can be assured. The achievement of these objectives will depend upon Government plans for implementation beyond the immediate legislative provisions of the present Act itself.

I trust this clarifies the whole position. While on the matter of the University, some concern has been expressed with regard to the manner in which research and teaching are covered in clause 14 of the Bill, and this has been picked up by honourable members opposite. I can assure honourable members that there was no intention to downgrade the important research and teaching functions of the I.M.V.S. In Committee, the Government will be proposing some amendments to clause 14 to reinforce that view. I shall deal with the matter in more detail in Committee.

Another matter canvassed in the Opposition's comments is the question of action on the report of Professor Bede Morris and in particular the need to legislate for an Animal Ethics Committee. Clearly the Opposition has missed the whole thrust of what Professor Morris had to say. To consider that an ethic regarding the care and attention for animals can be created by a set of legal words in an Act shows complete misunderstanding of the point of the Morris Report. Professor Morris himself recognised the fact that you cannot legislate for an ethic. Instead, he recommended the further strengthening of the already existing Animal Ethics Committee; a committee which he reviewed and commended with a few minor improvements. These improvements have now been introduced and, in his last report, Professor Morris was satisfied with the committee and was convinced that the best interests of both research and the welfare of animals would be safeguarded.

Furthermore, honourable members opposite should take particular note of the final report of Professor Morris where he believed 'that there is a changed attitude towards the use of experimental animals in Adelaide and elsewhere in Australia for which the South Australian Government and the Parliamentary process can take credit'. His report records in some detail the extensive changes which have been introduced since his inquiry and I am sure honourable members opposite would agree that these changes have been to the benefit of the community and animals used for experiments.

There were various other matters covered in the debate, and amendments foreshadowed in respect to a number of them. One of the matters raised was the accreditation of pathology laboratories. My colleague, the Minister of Heaith, is well aware of the Report of the Joint Pathology Working Party and the accreditation legislation proposed by the working party.

Any action on legislation in this area was, however, deferred pending the outcome of the two inquiries (Badger and Wells) that my colleague established soon after the Government came to office. It would have been totally inappropriate to move on accreditation while pathology services generally, and the State's major public pathology provider specifically, were under review.

Now that legislation to restructure the I.M.V.S. is before Parliament, it is my colleague's intention to have the Health Commission review the matter of accreditation legislation and make recommendations to her taking into account matters including action in the other States and evidence of abuse. I mention in passing that New South Wales has passed such legislation (which in fact received assent in May 1981) but that the legislation is still awaiting proclamation.

Another point raised was the establishment of a Pathology Services Advisory Committee. Again, because of the sequence of reports and the revamping of the I.M.V.S. Act, the commission held any action to establish such a committee. It is acknowledged that there is a need for a committee, and the commission is now considering the most appropriate form for such a committee. It is not intended to entrench the committee in legislation. Amendments were foreshadowed in relation to the term of appointment for the Director. The Government prefers the flexibility contained in this Bill, which of course allows for a five-year appointment if that is considered appropriate.

Another amendment foreshadowed was in relation to Health Commission approval for overseas trips. In fact, the institute is already bound by established procedures to submit such applications to the Health Commission, then the Overseas Travel Committee and subsequently Cabinet. It happens now, and it is proposed to continue. The Government does not see the need or appropriateness for the procedure to be canvassed in legislation. These appear to be the main issues emerging from the debate, particularly those raised by Opposition members. Shortly, I will canvass briefly the matters raised by other speakers. Obviously, there will be an opportunity in Committee to consider matters in more detail.

The Government, in considering the future of the I.M.V.S., has given many months careful consideration to a solution to the problems which is in the best interests of both medical and veterinary science and of the clients of the services. It rejects outright the suggestion that the institute is being dismembered. There is nothing new about several Ministers having to co-operate in relation to certain parts of their portfolios. That happens to me. The Parks is a classic example; the Extended Care Council is another. The Opposition has imputed to the Government and the Public Service motives that simply do not exist. I believe that the decisions in regard to this Bill will be thoroughly vindicated when the institute goes from strength to strength under the new legislation. Turning briefly—

The Hon. J. R. Cornwall: Make it brief. *Nationwide* is on.

The Hon. J. C. BURDETT: I am afraid that we will have to miss *Nationwide*. I turn briefly to the other members who spoke in the debate. The Hon. Mr DeGaris raised serious concerns regarding whether or not the plan proposed in the Bill would work. In his usual way, the honourable member was much more sensitive to the Bill and had a much greater appreciation of it than did the Opposition.

The Hon. Mr DeGaris considered (and I think that this is a fair summary of what he said) that the main parts of the Bill were not really amendable to amendment. Obviously, there is some room for amendment. The honourable member considered that here was a plan that had been put up by the Government; he had doubts whether or not it would work; but, as he saw it, the plan was not really amendable to amendment in any serious form.

The Hon. J. R. Cornwall: That's not what he said at all. That's a total misrepresentation.

The Hon. J. C. BURDETT: It is not. It is a fair and accurate summary of what the Hon. Mr DeGaris said. The honourable member suggested that the legislation be given a chance and that we should see whether or not it will work. That was a very good suggestion.

The Hon. Mr Davis, in his excellent contribution, said that there was a clear need for serious and radical amendment of the present legislation because, after all, the former Government had this legislation in its administration for a long time and did nothing very serious about it. But now, when a serious attempt is made after two major reports, which have been taken into consideration, the Opposition criticises the Bill and says that it will not work. The Hon. Mr Davis pointed out that certainly the present legislative arrangements must be changed.

I also refer briefly to the thoughtful contribution made by the Hon. Mr Milne, who was quite frank with the Council. The honourable member acknowledged that, having spoken to the Minister, he would want to rethink his position on this legislation, and that is indeed his prerogative.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. J. C. BURDETT: Extensive amendments, commencing with this clause, were placed on file by the Hon. Dr Cornwall at about the time of the dinner adjournment. Neither I nor the Government's advisers have had a chance to peruse those amendments in detail, and I understand that some further amendments may be placed on file. So that this may be done, so that the Bill may be considered at the one time in Committee, and so that the amendments can be perused and evaluated, I ask that progress be reported.

Progress reported; Committee to sit again.

CONSTITUTION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 4 March. Page 3328.)

The Hon. C. J. SUMNER (Leader of the Opposition): The principal object of this Bill is to deal with discrimination that currently exists as to voting rights between residents of Australia. At present, some residents of Australia are entitled to vote at Federal and State elections despite the fact that they are not citizens. These people have come to Australia from countries that were part of the British Empire,

now the British Commonwealth, and under our law are deemed to be British subjects. As things stand at present, these people can obtain an entitlement to vote after six months residence in Australia.

The discrimination is that those residents of Australia who come here from a non-British country are not able to vote in State or Federal elections until they have resided here for three years and have been naturalised. There is clear discrimination between classes of migrants. If a migrant comes from a British country, and I use that word in the extended sense (including those countries whose citizens are still deemed to be British subjects for the purposes of our law), he is entitled to vote after six months residence. However, a migrant from a non-British country must wait three years, become naturalised and obtain citizenship before he can vote. That differential treatment between migrants has existed in this country for as long as migrants have been coming to Australia. British subjects have always been entitled to vote in State and Federal elections after a period of six months residence.

The Hon. R. C. DeGaris: Can they vote elsewhere as well?

The Hon. C. J. SUMNER: Yes, they can.

The Hon. C. M. Hill: Dual citizenship?

The Hon. C. J. SUMNER: A British migrant coming to Australia can get on the roll after six months and vote here and would still be entitled to vote in the United Kingdom if he returned to that country. I am not sure of the current position in the United Kingdom, but until recently an Australian who went to the United Kingdom was entitled to vote in that country after, I think, six months residence. Many Australians have done that. Indeed, I think there is an Australian at the moment who is the centre of some controversy in a pre-selection battle for the Labour Party in the United Kingdom. He is not only voting but is also standing as a candidate for election to the British Parliament. I am not sure whether that position still applies. As the Hon. Mr DeGaris will appreciate, in the United Kingdom a number of restrictions have been placed on the right of entry to that country and on the right to vote.

As far as Australia is concerned, and that is our primary concern, there was discrimination between different classes of migrants. They were treated differently, depending on their country of origin. The absurdity of the situation is perhaps best demonstrated by the situation in Cyprus. A Cypriot of Greek origin could vote in Australia after six months residence; whereas, a Greek from Greece could not vote in Australia until he had lived here for three years and had become naturalised. The same situation applied to a Turkish Cypriot, who could vote in Australia after six months residence as a British subject, because Cyprus is part of the Commonwealth; whereas, a national from Turkey could not vote in Australia until he had lived here for three years and had been naturalised. This Bill attempts to overcome that type of discrimination.

I am not sure that this Bill resolves the problem satisfactorily. I suppose the Minister will suggest that this is a Liberal reform of great moment. Of course, it is nothing of the kind. The Liberal Party has been dragged screaming to this position over many years. The first report that I am aware of which drew attention to this problem was presented by Mr W. M. Lipman, who was Chairman of a committee on community relations established under the Whitlam Government and who reported to Senator Mulvahill, Chairman of the Immigration Advisory Council on 9 August 1974. That report referred to the problems of the differential treatment of migrants. There have also been subsequent reports.

A New South Wales report entitled 'Participation' prepared by the Ethnic Affairs Commission of that State in June 1978 again pointed out the difficulties, distinctions and discrimination. The August 1974 report proposed that this discrimination should be removed by making Australian citizenship the criterion for eligibility rather than the possession of the status of British subject; the report in June 1978 from the New South Wales Ethnic Affairs Commission recommended that all migrants should be entitled to vote in at least State elections after 12 months residence. The latter report based its recommendation on the situation that has existed in New Zealand for many years. I believe that since 1956 any person who has been a permanent resident in New Zealand for 12 months and who intends to remain permanently in that country is entitled to vote. That was the solution arrived at by the New South Wales Ethnic Affairs Commission in its report 'Participation'. In May 1978 the Galbally Report, which was prepared by a Federal committee, discussed this topic and again drew attention to the discrimination which exists between classes of migrants. The fact is that the present Federal Government has been aware of this difficulty for some six years and has done nothing. At the last Federal election, which was held in the latter part of 1980, the Labor Party put forward the proposition which is now contained in this Bill. The Labor Party proposed that all migrants should be placed on an equal footing as far as voting rights are concerned. That equal footing should be Australian citizenship and not whether or not a person is a British subject. That policy was contained in a number of policy documents. In a document produced by Dr Moss Cass, which was put in the form of a question and answer formulation, the following appears under the heading 'Citizenship and voting rights':

> Question: How long does it take now to become an Australian citizen?
>
> Answer: Persons coming from the British Commonwealth can vote after six months residence in Australia and may apply for, and become Australian citizens six months after their arrival in Australia. Other immigrants coming from non-Commonwealth countries may become Australian citizens only after three years residence in Australia, and cannot vote until after they have become Australian citizens.

That is the position that I have described to the Council. The document continues:

> Question: What will a Labor Government do to overcome this difference between immigrant and immigrant?
>
> Answer: A Labor Government will grant citizenship to permanent Australian residents of good character who apply for it, after 12 months continuous residence. These provisions will apply to all immigrants coming to Australia whether from the British Commonwealth or not.
>
> Question: What will happen to British subjects already resident in Australia?
>
> Answer: British subjects already in Australia at the time of proclamation of the Act will preserve their existing privileges. However, they will be encouraged to become Australian citizens.
>
> Question: How about the newly-arrived immigrants from Great Britain or other Commonwealth countries?
>
> Answer: All immigrants arriving after the legislation relating to citizenship is introduced will be treated equally, without any prejudice to their country of birth, colour or religion.

That Labor Party policy was distributed in 1980 in that question and answer form. Essentially, that is the proposition this Chamber is now being asked to approve. The only difference is that the Liberal Party still asserts that three years is an appropriate residential qualification to obtain citizenship, whereas the Labor Party believes that 12 months would be sufficient, and that after 12 months a person may apply and be granted citizenship and, therefore, the right to vote.

The basic scheme to overcome the discrimination is the scheme which was prepared by the Labor Party during the latter part of 1980. So, the Liberal Party had six years to grapple with this matter of discrimination, but it did nothing. It now has done something only as a result of the Labor Party propounding its policy in late 1980. The Liberal Party

has decided that it should get a move on and remove what was a clear and offensive discrimination to all migrants of non-British origin.

The question and answer form I quoted was the Federal Labor Party policy at the last Federal election. Personally, I am not convinced that this is the best way of resolving the discrimination which exists. First, one can make a distinction between State and Federal elections. While there may be a case that at Federal elections there needs to be established some allegiance to the country before a person has the right to vote, I doubt whether that same compelling reason applies in the case of State elections. Certainly, that reason of allegiance to the country is not something that has bothered New Zealanders for the past 25 years, where one has been able to vote after only 12 months residence.

Nevertheless, the point I make is that, if there is validity in the argument that one must demonstrate some allegiance to the country by taking up citizenship before one has the right to vote, then that is a consideration that ought properly to apply to Federal elections, rather than State elections. In State elections the criteria of 12 months residence and the intention to remain permanently in the country is not unreasonable. It is interesting to note that at the initiative of the Labor Government some years ago this Council approved non-naturalised migrant voting in local government elections in this State. At about the same time, in 1977 or 1978, the criterion that permanent employment in the Public Service would only be offered to British subjects was also removed. Therefore, the Labor Party's record in removing these discriminations is very good.

I am not personally convinced that the method in the Bill is the best method of removing the discriminations. I repeat, first, that a distinction can be drawn between State and Federal elections. Secondly, the objection to this proposition is that it is a levelling down of rights, rather than a levelling up. Rather than taking the view that certain rights are established for migrants of British countries and bringing other migrants up to the level of those rights, this Bill does the reverse. It decides that, rather than giving rights to people who do not have them, it will take away rights from people who already have them; that is, it is a levelling down.

The Bill takes away from those migrants who come from British countries a right to vote after six months residence. The removal of the discrimination in this Bill is done by reducing rights for everyone, that is, by the procedure of levelling down, and not by the procedure of bringing people up to the best rights that are available. So, it is taking away future rights from—

The Hon. C. M. Hill: In the future; keep the word 'future' in your argument.

The Hon. C. J. SUMNER: Exactly; you are taking away rights. This is the problem with this legislation and why it is not entirely satisfactory. First, it takes away the rights of future migrants from British countries. Secondly, it does not remove a discrimination, because there will be on the electoral rolls in this State, many migrants who have only been here six months and who are not Australian citizens, whereas, there will be others—

The Hon. K. T. Griffin: Would you deprive them of their rights?

The Hon. C. J. SUMNER: Not at all. We will be supporting this Bill, but I am not entirely sure that this is the best way of going about solving the problem, because it takes away rights from people and it retains the discrimination.

The Hon. C. M. Hill: The people you're talking about are still in Britain. What rights have they got?

The Hon. C. J. SUMNER: They have always had them.

The Hon. C. M. Hill: If they migrate.

The Hon. K. T. Griffin: So do the Canadians, and the New Zealanders.

The Hon. C. J. SUMNER: That is exactly the point I am making. I am glad that the Minister agrees with me.

The Hon. C. M. Hill: Idi Amin has that right.

The Hon. C. J. SUMNER: He has always had it, until now. That is exactly right. That is the policy your Federal Government has kept in existence since 1949, except for the three years it was out of office.

The Hon. C. M. Hill: Are you saying that you are taking that right away from Idi Amin?

The Hon. C. J. SUMNER: The Minister is getting completely inane. He has maintained rights of people from British countries to vote after six months residence and denied the right to vote to people from every other country in the world who come to Australia. This has been done for the past 35 years. That is the situation.

The Hon. C. M. Hill: Your Party was in Government for 10 years.

The Hon. C. J. SUMNER: Federally for three years.

The Hon. C. M. Hill: What did you do? You're always preaching how good you are and how every idea is yours.

The Hon. C. J. SUMNER: Not at all. I am not preaching how every idea is mine. On this issue your Government did nothing.

The Hon. C. M. Hill: Neither did you.

The Hon. C. J. SUMNER: A report, to which I have just referred, was prepared under the Labor Government in 1974, which indicated the problem. What I want to put to the Minister now is that there are problems with this method of resolving the difficulty. The discrimination is resolved in one way, but is done by taking away certain rights of future migrants from British countries. That is the first thing that is done, and the discrimination is then enshrined for those people who are in Australia.

The Minister cannot deny that under this proposition there will be many people in Australia who are on exactly the same basis, but one group will be able to vote because they came from a British country and the other group will not be able to vote because they did not come from a British country. That situation, for all persons who migrate to this country up to the time this Bill is passed, will still be the situation. Is that not true?

The Hon. C. M. Hill: That all works out with the passing of time, doesn't it?

The Hon. C. J. SUMNER: Of course; there is nothing very spectacular about that observation. It will work out with the passage of time.

The Hon. C. M. Hill: You're grabbing at straws to try to argue.

The Hon. C. J. SUMNER: I am not grabbing at straws at all. That will work out with the passage of time over 20 years or more, but for 20 years there will be people within the community who have different rights, depending on whether they came from British or non-British countries.

The Hon. R. C. DeGaris: How do you know that it will be 20 years?

The Hon. C. J. SUMNER: It could be 20, 30 or even 40 years. That discrimination will exist for a long time in this country.

The Hon. C. M. Hill: It will work itself out in three years. In three years they will all have been here at least three years.

The Hon. C. J. SUMNER: As usual, the Minister does not understand his Bill. If person A came to Australia in 1965 from a non-British country and if person B came to Australia in 1965 from a British country, and both those people remain in Australia for the next 40 years, the person from the British country will still be able to vote in 40 years, but the person from the non-British country will not

be able to vote for the next 40 years unless he takes out citizenship.

The Hon. R. J. Ritson: You have to stretch it a long way.

The Hon. C. J. SUMNER: I do not have to stretch it a long way. We should have a situation of the Minister's understanding what is in the Bill and understanding that there will be a large number of people in this community in the next 20, 30 or 40 years who will have the right to vote or not to vote depending on which country they came from.

The Hon. K. T. Griffin: What's your solution?

The Hon. C. J. SUMNER: I would prefer to improve the rights of everyone to the level that exists for the best at the moment so that, whether one came from a British or non-British country, if one was in Australia and intended to reside here permanently and had been here for 12 months, then such persons would have the right to vote. That is the position, and there is nothing particularly exciting about it: that has existed in New Zealand since 1956. The Minister would probably think that in many ways New Zealand was not as advanced as Australia, yet since 1956 migrants with 12 months residence have been invited to vote. That solution to the problem does not deny British migrants their vote but it does give those migrants who have come from non-British countries the vote provided that they are permanent residents.

The Hon. R. J. Ritson: It gives the whole world a vote.

The Hon. C. J. SUMNER: If they are willing to come to Australia and indicate that they wish to stay as permanent residents—

The Hon. R. J. Ritson: Whether they do or not!

The Hon. C. J. SUMNER: Does the honourable member believe that the New Zealand situation has been a disaster? While this Bill does overcome the discrimination for all classes of migrants from this point on, it does not overcome it for people who have migrated to Australia up to this point of time. That discrimination will continue, and it will continue for the next 20 or 30 years, or even longer. The Minister cannot deny that—it is fact.

The Hon. C. M. Hill: It all depends whether you will accept citizenship or residence as a criterion.

The Hon. C. J. SUMNER: Discrimination will continue, and the Minister cannot deny it. This is a compromise Bill, as the Minister recognises. Basically, that proposition was supported by the Labor Party. In fact, it was put forward by the Labor Party at the 1980 Federal election, although it was not put forward by the Liberal Party at that time. I therefore support the Bill.

All I am saying to the Council is that if it thinks it removes the discrimination that exists currently in this society, then honourable members should not kid themselves—it does not. It does for the future, but there will still be people living next door to one another in the community, some of whom can vote because they are British subjects and got on the electoral roll, and others who cannot vote because they are not British subjects.

The Hon. C. M. Hill: Would they not have the right to vote if they took out citizenship—yes or no?

The Hon. C. J. SUMNER: The Minister is jumping up and down. If they took out citizenship, yes, they could vote, but the British person does not have to take out citizenship to vote, and that is the discrimination.

The Hon. C. M. Hill: He should!

The Hon. C. J. SUMNER: I agree that he should. What is the Minister going to do about it?

The Hon. C. M. Hill: Do you want to take them off the roll?

The Hon. C. J. SUMNER: No. I have given the Council my preferred solution.

The Hon. C. M. Hill: Your preferred solution is based on residence, and the Government's option is based on citizenship.

The Hon. C. J. SUMNER: That is my personally preferred solution. The discrimination can be removed by providing for permanent residence, just as is done in New Zealand. Therefore, people's rights are brought up to the best available rights: you do not take away rights from people who already have them. That is the argument that I would put personally, but this Bill is an improvement on the present situation, and I should say that I would put the proposition about Australian permanent residence quite forcibly as far as State elections are concerned, just as I did in relation to local government elections, and the Minister supported that in this Council.

The Hon. C. M. Hill: I did not oppose it.

The Hon. C. J. SUMNER: The Bill went through, and the Minister had the numbers at that time to defeat it if he had wished. We accepted, in relation to local government, that permanent residence should be the criterion. I personally do not see any objection to that situation as the basis for State elections, because it is the most satisfactory way of removing the discrimination. However, I accept that this Bill is an improvement on the present situation. It will cope with the problems concerning the future, and it represents the Labor Party's present policy. Let us not make any mistake about that. The proposition contained in this Bill represents the Labor Party policy at the moment, and I am supporting the Bill. I am merely pointing out to the Council that if it supports this Bill it is not removing the current discrimination which exists within this community as between different classes of migrants. That simply cannot be denied.

One of the absurdities that the Minister might think about which comes about as a result of this Bill is in clause 8, because a person will have the right to vote in House of Assembly elections if he is an Australian citizen or is a British subject who was, at some time within the period of three months immediately preceding the commencement of this Act, on the electoral roll. The criterion is three months before the proclamation of the Bill. Take the case of a British person who arrived in Australia six months ago and who got on the electoral roll and was on the roll for three months before the proclamation of this Bill. If he leaves two months later and goes back to the United Kingdom and stays there for 20 years and comes back, he is automatically entitled to vote, whereas there might be a person who has been in this country for 30 or 40 years who is still not able to vote. That is the sort of anomaly and absurdity that the Minister's proposition leads us to. Can the Minister say where the justice is in that? Does he see any justice in that, that a person who is a British subject can leave this country the day after the Bill is proclaimed, having been on the roll for six months, and come back in 20 years time and still have the right to vote?

The Hon. R. J. Ritson: Do you want to move an amendment to fix that up?

The Hon. C. J. SUMNER: I am not sure that it can be fixed up within the context of this Bill.

The Hon. J. C. Burdett: Why not?

The Hon. C. J. SUMNER: We have to have some criterion for retaining the vote of these people on the electoral roll. We have a grandfather clause which applies to all British subjects who are already on the roll. I find this formulation very odd because in some respects it will compound the discrimination which exists. Has the Minister an answer to that proposition? That example which I have given highlights the difficulty that this legislation gets us into, when compared to the simple formulation that I would prefer of permanent residence.

The Bill deals with other miscellaneous amendments. I draw the attention of the Council to clause 4, which deals with the periodical retirement of Legislative Councillors and elections that are held subsequent thereto. It provides that where an election to the Legislative Council is avoided or fails a fresh election to produce members in the Legislative Council shall take place as soon as practicable after the date of that election. There is nothing I can see in the second reading speech which explains why that is necessary. That is not unusual of course, because second reading speeches rarely explain anything. Can the Minister explain why that is necessary? They are the two significant matters in the Bill. There are some minor tidying up amendments which result in the change in the franchise of the Legislative Council and the change in the House of Assembly boundaries which have now come about because the transition provisions relating to both these matters have now become obsolete. The two significant matters are the voting rights of migrants and also clause 4, dealing with fresh elections following the avoiding or failure of an election for the Legislative Council.

The third matter I wish to raise is not in the Bill. I would like the Government to indicate to the Council whether it has any proposals to overcome the situation following a double dissolution of this Council. Some proposals have been floating around. There were certainly some proposals in the Labor Government's time to work out who should be the long-term Legislative Councillors and who should be the short-term ones. The present situation is that they are to be decided by lot. That would be the most undemocratic system that anyone could come up with.

The Hon. J. C. Burdett: You put it in.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: It does not worry me who put it in. Whoever put it in did not think it through. Whether it was us or members opposite, I am not the least bit worried.

The Hon. M. B. Cameron: I think it is a very good situation.

The Hon. C. J. SUMNER: The Hon. Mr Cameron may well think so. Following a double dissolution the lot could produce a situation where, following a subsequent election, we could end up with about 15 Labor members. I am sure that that would not be a situation that would accord with the democratic principles—

The Hon. M. B. Cameron: What is democratic about the way you operate in this Council?

The PRESIDENT: Order!

The Hon. C. J. SUMNER: What is he saying?

The PRESIDENT: I don't know.

The Hon. M. B. Cameron: I said that there's nothing democratic about your presence in this Council.

The Hon. C. J. SUMNER: I am quite proud of my membership in the Legislative Council.

The Hon. Anne Levy: What about people who are elected as being Liberal Movement members and then change Parties?

The Hon. C. J. SUMNER: At least Robin Millhouse stuck to his principles, unlike the two scabs on the other side.

The PRESIDENT: Order! Some relevance should be put back into the debate.

The Hon. C. J. SUMNER: I intended to be relevant all the time.

The PRESIDENT: But the interjections were not relevant. I hope I have brought the debate back into line.

The Hon. C. J. SUMNER: The point I am making is that this matter needs to be looked at. It should be resolved in some way or another. If the majority of Liberal members were chosen by lot and therefore had a permanent inbuilt majority for six years simply because of the luck of the draw, that would be unfair. It would likewise be unfair if a similar draw favoured our Party. Will the Government indicate to the Council whether it has any proposals to deal with this problem? If so, what are they? I know some work was done on it within the term of the Labor Government. Presumably this Government would have access to research done and propositions put up at that time. At some stage, the Government ought to deal with it before we get into the situation of a double dissolution.

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

STATUTES AMENDMENT (JUSTICES AND PRISONS) BILL

(Second reading debate adjourned on 3 March. Page 3255.)

Bill read a second time.

In Committee.

Clause 2—'Certain terms of imprisonment to be cumulative.'

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

Page 1, lines 7 to 15—Leave out subsection (1) and insert subsection as follows:

(1) Notwithstanding any other provision of this or any other Act, imprisonment in default of the payment of any fine or sum adjudged to be paid by any conviction or order is, subject to any order or direction of a justice to the contrary (which may be made or given by the justice upon the imposition of the imprisonment, the issuing of the warrant of commitment for the default imprisonment or subsequently), cumulative upon any other imprisonment that the person in default is serving or is liable to serve when the warrant of commitment for the default imprisonment is delivered to the keeper of a gaol for execution.

During the course of consideration of this Bill since it was first introduced officers and Parliamentary Counsel have decided, with my concurrence, that new subsection (1) does not adequately deal with the particular difficulty for which purpose the Bill was first introduced. The redraft is intended to ensure that when a warrant is issued for the imprisonment of any person in default of payment of any fine or sum adjudged to be paid by conviction or order, where that warrant is issued, unless there is a direction to the contrary it is to be served cumulatively on any other imprisonment that the person in default is serving or is liable to serve when the warrant for the default imprisonment is delivered to the keeper of the gaol for execution. That more adequately, I suggest, deals with the particular difficulty which is disclosed by the case of *Reid v. Hughes* in the Full Court. Both the amendment and the original provision of the Bill were introduced to ensure that there was a Parliamentary resolution of what was previously a matter dealt with administratively under section 93 of the Justices Act.

The Chief Justice, in his judgment, expressed the view that the matter should be clarified by the Parliament rather than relying on administrative practice. Also, he expressed support for the general principle of these warrants being served cumulatively when delivered to the keeper of the gaol. All that the Bill seeks to do is clarify the long-established practice and to put into legislation what was previously done by administrative direction, ensuring that it is precise in its application. The amendment I have moved does, in fact, clarify with greater precision both the procedure which the Government believes is reasonable and is consistent with the expression of opinion by the Chief Justice in that decision in *Reid v. Hughes*.

The Hon. C. J. SUMNER: This amendment does not, so far as I am concerned, deal with the fundamental issues in the Bill. As far as we are concerned, the Bill is not necessary

and that is the attitude that we will be maintaining. To some extent, this amendment improves the Bill from the Government's point of view, but, as far as we are concerned, the whole thing is unnecessary and, therefore, if the Government wants its amendment we are prepared to accede to it, but that does not alter our opposition to the Bill.

Amendment carried; clause as amended passed.

Clause 3—'Amendment of s.24 of Prisons Act.'

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

Page 1, line 24 and page 2, lines 1 to 8—Leave out subsection (4) and insert subsection as follows:

(4) Notwithstanding any other provision of this or any other Act, imprisonment in default of the payment of any fine or sum adjudged or ordered to be paid in any criminal proceedings is, subject to any order or direction to the contrary made by a court, judicial officer or justice pursuant to any other Act or rules of court, cumulative upon any other imprisonment that the person in default is serving or is liable to serve when the warrant or writ for the default imprisonment is delivered to the gaoler in charge of a prison for execution.

This amendment does improve the bill and clarifies with greater precision the objective which the Government seeks to embody in this legislation.

Amendment carried; clause as amended passed.

Title passed.

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

That this Bill be now read a third time.

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition opposes this Bill, basically for two reasons. First, there is no need for the Bill for the future. The fact is that a justice issuing a warrant can indicate in that warrant that it is to be served cumulatively upon any pre-existing sentence, and not concurrently as is the existing law. While that power currently exists for justices it seems to me that the Government's reasons for the Bill are destroyed. There can be no case for the Bill so far as the future is concerned. The only case that can be made out is for justices, those persons issuing a warrant, to give more careful consideration to the warrants when they are issued and to determine whether or not a particular warrant ought to be served concurrently or cumulatively, depending upon the circumstances of the case.

Secondly, the Opposition will not support the Bill so far as it is retrospective. The fact is that many persons have been wrongly imprisoned under the practice which existed within the Government for many years, and many people have not only been deprived of their liberty for considerable periods of time, but also probably have been forced into paying fines that they were not liable to pay. While a case can be made out in some circumstances for retrospectivity, retrospective legislation should be looked at carefully and, in this case, I do not believe that the Government has made out its case. Accordingly, I oppose the third reading. That opposition was indicated during the second reading debate, and it could have been demonstrated at the second reading stage in terms of a vote. However, the amendments have not in any way affected the principle of the Bill, which we find, first, to be unnecessary so far as the future is concerned and in relation to retrospectivity, no case has been made out, despite the opportunity to amend the Bill during the Committee stage. Accordingly, I oppose it.

The Hon. K. T. GRIFFIN (Attorney-General): I am disappointed that the Opposition will not be supporting the Bill. When the Bill was introduced the Government believed that it was proper and reasonable to ensure that the instruction which had been acted upon for nearly 30 years should be validated and that the future ought to be clarified by legislation rather than be left to an administrative instruction.

As I indicated earlier, the Chief Justice, in his reasons for judgment in the case of *Reid v Hughes,* expressed views not on the question of validating the practice of nearly 30 years but on the principle that would apply in future. He said:

The purpose sought to be achieved by the administrative instruction is laudable. It is to ensure that the prisoner suffers a real penalty in place of the unpaid fine or other monetary impost and that it is not merely absorbed into a sentence of imprisonment for another offence. It is also to ensure that the penalty is not exacted in such a way as to disrupt the rehabilitation of the offender by the execution of the warrant after his release from prison and when he is endeavouring to re-establish his life.

With respect to the principle of incorporating it in legislation, as opposed to dealing with it by administrative instruction, the Chief Justice said:

I make two final comments for the assistance of administrative authorities and legislators who may have to give their attention to the problem. The first is that the administrative practice which was followed in this case is reasonable and would have been lawful if the issuing justice had ordered that the term of imprisonment commence at the expiration of that already being served. My other comment is that it is desirable that Parliament should lay down rules as to the commencement of terms of imprisonment which result from default in payment of monetary penalties or costs so that, as far as possible, the commencing date does not depend upon administrative action.

If the Bill is defeated, we are thrown back on to an administrative instruction to which justices will need to have regard in future in issuing each warrant for imprisonment in default of payment of a fine. That is a matter about which the Chief Justice, in his reasons, expressed concern. If that is the way in which the matter turns out, the Government is prepared to live with it.

The Bill is not a major issue. It was introduced in good faith in order to rectify in a reasonable and proper manner what the Government believed to be a matter that needed urgent legislative action. In that context, the Bill was brought before the Council. If the Bill is not passed, we will deal with the various claims for damages if there are any as a result of this technical wrongful imprisonment that has occurred over the past few years. If damages are awarded, they will have to be a charge against the taxpayer generally, and we will adjust to that. Regarding future warrants, again, we will adjust to that situation by dealing with it in an administrative way rather than having the real principle enunciated in the legislation.

The Council divided on the third reading:

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

Noes (11)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Third reading thus negatived.

COMMERCIAL TRIBUNAL BILL

Adjourned debate on second reading.

(Continued from 4 March. Page 3321.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition supports this Bill. No doubt the Minister is presenting it as one of the bright ideas of the present Government; he has described the Bill as part of the Government's policy of rationalisation of legal and administrative requirements. Unfortunately for the Government, like most of its bright ideas, this is not really one of its ideas.

The Hon. R. C. DeGaris: So they aren't very bright?

The Hon. C. J. SUMNER: They are not bright, no, whether or not the ideas are theirs. This Bill had its genesis in the activity and policy development of the previous Government. Indeed, this proposition was first expounded by the Director-General of Consumer Affairs (Mr Noblet) in August 1979. In fact, on Friday 24 August 1979, in a paper delivered to the 19th State Congress of the Australian Institute of Accountants, South Australian Division, Mr Noblet said (and what he said represents almost precisely what the present Government is doing in this Bill) the following:

This brings me to the question of the use of licensing or registration systems as a means of dealing with undesirable business practices. A licensing system is intended to provide some degree of control over those who wish to enter a particular area of commerce so that their suitability and expertise may be investigated in advance. It also enables those involved in an area of commerce to be readily identified, which assists in disseminating information to commercial interests and also in monitoring business practices. Most importantly, however, where a licence is required to carry on a business, and a board or tribunal has power to suspend or cancel that licence if that business is not carried on in a proper manner, this provides an efficient and flexible means of dealing with undesirable business practices and the potential loss of licence acts as a significant deterrent.

However, a consideration of the various legislative measures considered earlier in this paper leads me to suggest that a proliferation of licensing requirements, usually accompanied by the establishment of a new licensing authority for each area of activity which is to be licensed, is not, in the long term, the best means of controlling business practices in the market place.

The Department of Public and Consumer Affairs presently administers 13 Acts which license or otherwise regulate commercial activities, and these Acts establish eight boards, three tribunals, one court and one committee. Some licensing authorities have their own investigatory staff; some have their investigations carried out by the Commissioner for Consumer Affairs; others use the services of the Commissioner of Police. The forms and procedures for licensing have developed separately, and a consistent policy is not always adopted by the different authorities on such matters as sufficiency of financial resources or what is meant by the expression 'fit and proper person'. This is of particular concern where a business carries on various different activities and is required to obtain a licence from two or more different authorities.

In some cases the licensing authority also has power to adjudicate on disputes between licensees and the persons with whom they deal. For example, the Credit Tribunal has a wide range of powers to deal with matters arising under credit contracts between credit providers and consumers, and the Builders Licensing Board has power to adjudicate upon complaints with respect to faulty building work. Other similar authorities have no power to grant redress to complainants.

I believe that the time has come for us to re-examine present systems for occupational licensing, regulating business practices and dealing with consumer complaints, and I propose to use the remainder of this paper to suggest some improvements which I believe might be considered in these areas. These suggestions have been developed after consideration of measures adopted in other jurisdictions, but I hasten to add that they are my personal views and do not at this stage represent the policy of the South Australian Government.

I would like to see the establishment of a single authority to take over most of the commercial licensing and adjudication functions presently carried out by the various boards and tribunals which have been established over a period of time. I do not include in this suggestion the licensing or registration of the professions, but it may be that a similar approach could be adopted in that area. For the purpose of other occupations, a specialist commercial court might be established, comprising a judge as president and, as advisory members, a representative of consumers and a representative of whichever area of commercial activity is involved in a particular proceeding before the court. There would be a panel of consumer representatives from which to select a representative for a particular hearing and there would be similar panels of industry representatives. The commercial court would act in a similar fashion to the Victorian Market Court, except that it would also have the additional function of granting licences, holding disciplinary hearings in relation to the conduct of licensees and adjudicating upon disputes between licensees and the consumers with which they deal. The commercial court would have an adjudicating role only. Consumer complaints would be investigated by a separate authority with a view to attempting conciliation without the necessity for a court hearing. The commercial court would centralise all the support staff which presently serve the individual boards and tribunals and, in the long term, this should provide opportunities for economies of scale to be effected in this area of public administration. Licensing policy would be more consistently administered and I believe the commercial court would have greater credibility than ordinary courts, in the eyes of both business and consumers, because of the inclusion of the advisory members.

Anyone who has taken that in will realise that the policy embodied in this legislation was enunciated by Mr Noblet in August 1979. He stated in his speech that it did not represent Government policy and that he was expressing a personal view. Nevertheless, in the election which was held in September 1979 the Labor Party referred to rationalisation of Acts and the administration of consumer legislation in its consumer affairs policy. I point out that it is not really the Minister's bright idea.

The Hon. J. C. Burdett: No-one said that it was.

The Hon. C. J. SUMNER: It certainly was not the Minister's bright idea. He has had it before him for well over two years and has now finally decided to come forward with the proposition. This policy was outlined by Mr Noblet and he consulted me before he made that speech.

The Hon. J. C. Burdett: It was his personal view and not the polciy of the South Australian Government.

The Hon. C. J. SUMNER: I assure the Minister that Mr Noblet consulted me and I was happy for him to make that statement of his position, which was in the nature of developing policies in this area. It has been around for some time. It seems to be a sensible proposition in rationalisation and therefore deserves the support of the Council. It is ridiculous for the Government to claim it as part of its policy of rationalisation. It just so happens that the statement made by Mr Noblet before the last election fitted in with what the Government wanted to do. It certainly was not a radical initiative of the present Government. It has taken 2½ years to get around to doing something about it.

The Hon. M. B. Dawkins: Sometimes it took the previous Government nine years to get around to doing nothing.

The Hon. L. H. Davis: And most of that was done very badly.

The Hon. C. J. SUMNER: Most of what the previous Government did was done very well. As a matter of fact, I heard a very funny story today. Apparently, the Premier was on 5AD the other day with Mr Kevin Crease. The Premier was having a discussion with Mr Crease, who asked the Premier how the Government and the economy were going. After further discussion Mr Crease asked the Premier what he meant by one of his remarks and the Premier said 'It means, Mr Crease, we are going backwards more slowly than the other States.'

The Hon. Frank Blevins: That was the best that he could do.

The Hon. C. J. SUMNER: That was the best that he could do. Even the President is laughing.

The Hon. Anne Levy: He didn't really say that?

The Hon. C. J. SUMNER: He did.

The Hon. J. C. Burdett: He did not say that exactly.

The Hon. C. J. SUMNER: I have the quote and the Council will hear more about it in the next few months. The Premier told Mr Crease—

The Hon. J. C. BURDETT: Mr President, I rise on a point of order. This is totally irrelevant to the Bill.

The PRESIDENT: I take the point of order. It is totally irrelevant.

The Hon. C. J. SUMNER: I agree, Mr President. Honourable members opposite sought to interject, so I thought I would give them a few facts about the Premier's performance, which is quite laughable. It is also interesting to note the view of some members of the business community and the *News* in August 1979. An editorial in the *News* on 27 August 1979 stated:

A top South Australian public servant has put forward a proposal that is already alarming the business community.

It is interesting to note that the Minister's proposition alarmed the business community when it was introduced. In typical fashion this Government consulted no-one about the legislation. It consulted no industry groups about the legislation. It simply lobbed it in Parliament without any consideration or discussion with business groups. It is reminiscent of the activities of the Hon. Mr Hill, who without any discussion with local government propounded a Bill which contained a lot of matters with which local government was unhappy.

That is typical of this Government; it consults no-one. It hoists itself up in a small paranoid group and does not consult industry leaders or people concerned with the legislation and merely brings the legislation forward for consideration by the Parliament. In this respect, the Executive Director of the Master Builders Association, Mr Gasteen, the day after the Bill was introduced in this Chamber, said:

It was 'totally unsatisfactory' for the Government even to introduce the Bill today before consulting industry. 'This is a good way to get industry bodies off-side,' he said. The first he had heard of the legislation was when the *Advertiser* asked him to comment on it.

That is typical of the Government. It holds most interest groups in the community in contempt. It does not bother with consulting them about legislation and this was another example of that lack of consultation. This Bill, introduced in 1982, has alarmed some sections of the business community. The *News* editorial of 27 August 1979, which was the date I indicated to the Minister earlier, in paraphrasing Mr Noblet's speech, said:

There should be a fully fledged Commercial Court, with a judge and a battery of advisory panels, with powers to prohibit traders from acting unfairly and holding disciplinary hearings . . .

Mr Noblet was presumably motivated by a pure-hearted desire for bureaucratic efficiency. But he was advocating precisely the kind of Big Government intrusion into people's lives and livelihoods that is causing such a widespread community backlash at present . . . Mr Corcoran should state his views now on this radical and unnecessary proposal.

It is interesting, in the light of that editorial, that the Government has now introduced a Bill almost precisely giving effect to Mr Noblet's suggestions made in August 1979.

The Hon. Anne Levy: The *News* might re-run it tomorrow.

The Hon. C. J. SUMNER: I do not know.

The Hon. Anne Levy: I think that they might not take the same view now.

The Hon. C. J. SUMNER: I do not know. However, as I said before, the Labor Party policy was to support a rationalisation of consumer laws and the administration of the Acts in the consumer affairs area. This Bill deserves support at this stage. More work has to be done on the proposition of a commercial tribunal and in transferring the procedures that now exist in the various tribunals—perhaps the Land and Business Agents Board, the Credit Tribunal, the Builders Licensing Board and the like.

So, Parliament will have the opportunity in future to consider the detailed proposition to transfer these powers from the individual tribunals to the centralised tribunal, the commercial tribunal. The proposition deserves support, but there may be further consideration that needs to be given to the detailed clauses of the Bill during the Committee stages, depending on some of the propositions which I understand will come from industry. At this stage the Opposition is prepared to support the second reading.

The Hon. L. H. DAVIS: That was a fairly churlish contribution from the Hon. Mr Sumner. He sought to associate the then Labor Government of August 1979 with the speech of Mr Noblet in relation to the possible establishment of a commercial tribunal. I certainly was not aware that that was official Labor Party policy at the last election.

The Hon. C. J. Sumner: I said that it wasn't.

The Hon. L. H. DAVIS: There was some suggestion in your speech that it might have been Labor Party policy and you were trying to hang on the coat tails of what Mr Noblet said in the dying stages—

The Hon. C. J. Sumner: I said that he discussed it with me before he gave it. I had no objection to his making the suggestion. The Labor Party had a policy at the last election of rationalisation of consumer legislation. That is all I said.

The Hon. L. H. DAVIS: You said it in such a way that you were implying that you were supporting the proposition that had been put forward by Mr Noblet in his speech of 1979.

The Hon. C. J. Sumner: I am supporting it; I just supported it.

The Hon. L. H. DAVIS: During the whole decade of the Labor Party reign in South Australia in the 1970s, it was very short on deregulation and very long on big government and statutory authorities. Nowhere in the Labor Party policy of 1979 was there a strong commitment to deregulation. In August, certainly, the Premier, the Hon. J. D. Corcoran, suggested that it would abolish two or three small statutory authorities, but that was about the scope of its commitment of deregulation.

The Hon. C. J. Sumner: Do you know how many statutory authorities the Liberal Government has created?

The Hon. L. H. DAVIS: We have created far fewer than the Labor Government created in its time.

The Hon. C. J. Sumner: The Liberal Government has created 37 statutory authorities in two years.

The Hon. L. H. DAVIS: The Liberal Government has abolished far more statutory authorities in 2½ years than the Labor Party ever abolished in 10 years.

I believe that this is a significant move. It is a practical recognition of this Government's commitment to deregulation. Of the eight occupational licensing boards to be abolished, three relate to land and two to buildings; the Credit Tribunal, the Secondhand Vehicle Dealers Licensing Board and the Private Agents Board make up the three other occupational boards. Although only eight boards are involved in this proposal, they embrace a large number of occupational groups. As the Minister observed in his speech it is a far-reaching proposal. For example, 46 separate classes of building tradesmen are licensed or regulated by the Builders Licensing Board. The point has also been made by the Minister that a person operating as a land agent, land valuer, builder and credit provider, would have to apply for four separate licences and appear before four separate boards. Clearly, the existing system is time consuming, frustrating, administratively cumbersome and costly, both in the sense of running those boards and from the point of view of the applicant.

The 1981 report on deregulation of small businesses strongly recommended a rationalisation of the licensing system for small businesses. The point was well illustrated with the example of fish and chip shops and delicatessens which may have to apply for 12 or more licences annually. It is to be hoped that the Government, in moving so positively to replace the eight occupational boards with a single commercial tribunal, will in time see its way clear to deregulate the licence system in relation to small businesses.

This is important legislation which sadly may not receive the publicity it deserves. Mr Sumner, in his very ambivalent statement, was having it each way. He was suggesting that this proposal was not popular in the sense that the *News* editorial was attacking it; on the other hand he was saying Mr Noblet had suggested it in 1979 and that, therefore, it was not novel and, in any event, the Labor Party was in favour of rationalisation and deregulation. It is important legislation and does deserve positive publicity.

The Hon. C. J. Sumner: This Government has created 37 new statutory authorities.

The Hon. L. H. DAVIS: I query that figure.

The Hon. C. J. Sumner: I will show them to you tomorrow. I will table them and have them incorporated in *Hansard*.

The Hon. L. H. DAVIS: It is interesting to note that no other State Government has cut red tape in this manner. This is the first—

The Hon. C. J. Sumner: They have a Market Court in Victoria.

The Hon. L. H. DAVIS: Let us look at the Market Court. The Hon. Mr Sumner raised it. In Victoria the Market Court Act was introduced in 1978 and provided for a court to be established to cover occupations not otherwise licensed pursuant to other Acts. However, I understand that in Victoria, they are still setting up other licensing authorities. The Victorian Government has recently passed, but not yet proclaimed, legislation for a credit tribunal. Obviously, the Hon. Mr Sumner was not aware of that. The Market Court Act is not operating in the same way as the commercial tribunal, as is proposed under this Bill. The fact that the Market Court Act was established four years ago and yet within the last four months a credit tribunal has been established, and they are in the process of establishing other occupational licensing boards, hardly suggests that what the Victorian Government is doing is as far-reaching and as reformist as these proposals.

However, the Victorian Government certainly did move in the direction of some reform but, as far as I can see, it is the only State that has done anything comparable at all with this.

The Acts establishing the various boards that are the subject of the Commercial Tribunal Bill will be amended over a period to abolish the existing boards and tribunals. This will enable the jurisdictions to be transferred to the commercial tribunal. It will involve cost savings and other savings and provide a greater degree of access to those people involved.

To safeguard the situation, where one tribunal will be looking after what was previously looked after by eight occupational licensing tribunals, the Act provides for appropriate appointments to be made to a panel. Selection from that panel will be made to ensure that expertise is available to deal with the particular matters before the tribunal. The negative licensing system, which is the other main point of the Bill is, I believe, a positive measure. It provides for some responsibility to rest with the occupation in the area concerned. It aims at preventing unfair business practices, without every business applying for a licence, which is costly, cumbersome and time-consuming.

The Hon. C. J. Sumner: It's only a facilitative section, isn't it?

The Hon. L. H. DAVIS: Yes. Notwithstanding the observations of the Hon. Mr Sumner, I am pleased that the Opposition is supporting this Bill, which I hope will be the forerunner of other legislative measures designed to deregulate areas of business and facilitate business proceedings without red tape and without the frustrations that have been so common in the past.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): I thank honourable members for their contributions. The Leader's contribution was not one of his better ones. He spent much time pointing out that the original concept of this Bill varied over recent times and was not my arrangement but that of the Director-General of the Department of Public and Consumer Affairs, Mr Noblet. There is no argument. Obviously, that is not the kind of thing that one would have put in the second reading explanation. Certainly, I do not recall that having been done in a second reading explanation—to attribute a concept to a public servant. In any event, at a later stage I had intended to pay a tribute in regard to this concept, albeit even if it was related to the concept of the Victorian Market Court Act, which is not the same, as the Hon. Mr Davis has pointed out, and there are various precedents overseas. The Director-General has consistently had this as one of the objectives which he hoped to achieve, and it is much to his credit. I compliment him on it.

The Hon. C. J. Sumner: You should have done it in the first place.

The Hon. J. C. BURDETT: The previous Government can take no credit for it.

The Hon. C. J. Sumner: Why not?

The Hon. J. C. BURDETT: It was simply Mr Noblet's view, which he expressed as a private view. He said it was not the view of the previous Government. It is pathetic that the Leader raises it. He seems to be at great pains to point out that I could not take any credit for it. I did not try to take any credit for it. I introduced the Bill believing it to be a correct and proper Bill, and it is very much in accordance with this Government's deregulation policy. The only other point which the Leader contributed was that he claimed that I had not consulted with industry.

The Hon. C. J. Sumner: That is true.

The Hon. J. C. BURDETT: It is not true. I had consulted with a number of industry and business groups, but I had not consulted with the building industry. It is only the building industry which has complained about lack of consultation. This was because there is only any point in detailed consultation, as the Leader acknowledged in his speech, when dealing with the special Acts.

This Bill is an enabling Bill which sets up the procedure. It will not have any effect at all unless and until the various special Acts like the Builders Licensing Act and the Second-hand Motor Vehicle Dealers Act and the like are amended. At that time it is intended that there will be close consultation with industry organisations which are involved. For that reason it was not practicable or important to consult with all industry organisations at that stage. I have since consulted with the Master Builders Association. It supports the concept of the Bill. It has a number of objections. Some of them I cannot meet at this time, but they can be dealt with and considered when the Builders Licensing Act comes to be considered. The only two points that the Leader made in what was not one of his better contributions was, first, that he said I had not dreamed it up, but I have never claimed that I did. Secondly, he said that I had not consulted, but consultation is more appropriate at a later stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J. C. BURDETT: As I am considering a minor amendment, I ask that progress be reported.

Progress reported; Committee to sit again.

BRANDS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 March. Page 3328.)

The Hon. B. A. CHATTERTON: I support this short Bill which merely tidies up a number of miscellaneous provisions in the Brands Act. It removes reference to the Advisory Committee for the Improvement of Dairying, which does not function now as herd testing is carried out by a co-operative. It makes a number of other changes to the

legislation, none of great signifance. It merely tidies up various parts of the principal Act. I support the Bill.

The Hon. ANNE LEVY: I support the second reading of this Bill. I have one question in relation to clause 5, which provides that a person may earmark a sheep that carries the colour pattern gene *w*, a mark consisting of three holes in the left ear for male sheep or the right ear of a female sheep. However, in the second reading explanation the Minister stated that the Australian Wool Corporation and all organisations of coloured sheep breeders had unanimously agreed that a standard earmark to identify heterozygous sheep should be adopted. It is obviously desirable that all known heterozygotes should be so marked so that anyone purchasing such a sheep knows its heterozygosity for the colour pattern and will be aware of this for any breeding programme they may wish to carry out. The legislation says only that such a heterozygous sheep may be marked to show its heterozygosity. This seems in conflict with the stated aim in the second reading explanation.

The colour pattern gene *w* is a recessive gene and would be expressed only when it is homozygous. That is, the gene must be received from each parent. Heterozygous sheep will not exhibit the colour pattern but merely carry the gene and can pass it on to their offspring. Heterozygotes can be recognised as such with certainty only in certain situations. First, they produce a homozygous offspring which can be recognised or, alternatively, if the animal has a coloured parent it must, of necessity, be heterozygous. These are the only two situations where one can be sure that a non-coloured sheep is in fact heterozygous for this gene. If an individual has a coloured sibling, the two parents must both be heterozygous and the individual sheep concerned has a two-thirds chance of being heterozygous. Likewise, if the sheep has a half sibling that is a colour pattern sheep it is easy to see that the individual has a half chance of being heterozygous itself.

In those two cases, which are likely to be the more common situations, one cannot be sure whether the animal is heterozygous. One could perhaps suggest that where the individual has a two-thirds chance of being heterozygous perhaps, instead of three holes being branded on the ear, two holes would suffice. However, this raises some complications where the individual has a half chance of being heterozygous. Perhaps it should have 1½ holes in its ear, which raises questions as to what is half a hole. The latter remarks are perhaps ironical and certainly rhetorical.

However, the serious point is that in some situations one can be quite sure that an individual is heterozygous. While the second reading explanation indicates that the Wool Corporation and all coloured sheep breeders have unanimously agreed that heterozygous sheep should be marked to indicate their heterozygosity, the legislation before us suggests only that a known heterozygote may be branded to indicate its heterozygosity. There appears to be a conflict between the legislation and the second reading explanation that I would like the Minister to clear up. Would he not agree that, where an individual is known to be a heterozygote, in fact the brand should be applied, yet in the legislation the application of the brand is permissive and not mandatory. The question is important, and I hope the Minister will elaborate and consider amendments accordingly.

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

ADJOURNMENT

At 10.13 p.m. the Council adjourned until Wednesday 24 March at 2.15 p.m.