LEGISLATIVE COUNCIL

Tuesday 1 June 1982

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

CONSTITUTION ACT AMENDMENT BILL (No. 2)

His Excellency the Governor, by message, informed the Legislative Council that Royal Assent had been proclaimed on 8 April 1982 regarding the Constitution Act, 1934-1981.

ASSENT TO BILLS

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

Brands Act Amendment,
Commercial Tribunal,
Correctional Services,
Evidence Act Amendment, 1982,
Friendly Societies Act Amendment,
Institute of Medical and Veterinary Science,
Justices Act Amendment, 1982,
Licensing Act Amendment, 1982
Pay-roll Tax Act Amendment,
Prevention of Pollution of Waters by Oil Act Amendment,
Prices Act Amendment, 1982,
Radiation Protection and Control,
South Australian Ethnic Affairs Commission Act Amendment,
Stamp Duties Act Amendment (No. 2), 1982,
Statutes Amendment (Consumer Credit and Transactions),
St Jude's Cemetery (Vesting),
Trade Measurements Act Amendment,
Trading Stamp Act Amendment,
Trustee Act Amendment,
Workers Compensation Act Amendment, 1982.

NEW MEMBER

The Hon. M. S. FELEPPA, to whom the Oath of Allegiance was administered by the President, took his seat in the Council in place of the Hon. J. E. Dunford (deceased).

DEATH OF HON. J. E. DUNFORD

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

That the Legislative Council express its deep regret at the untimely death of the Hon. J. E. Dunford and place on record its appreciation of his meritorious public service and, as a mark of respect to the memory of the late honourable gentleman, the sittings of the Council be suspended until the ringing of the bells.

It was with a great deal of sadness that members of Parliament and the community read of the sudden death of the late Jim Dunford. He was elected to the Legislative Council on 12 July 1975. It is correct to say that during the time that he served in this Chamber he made a significant impact. He served on the Industries Development Committee from 26 April 1979 until the date of his death. He represented the South Australian Branch of the Commonwealth Parliamentary Association at the twenty-fourth C.P.A. Conference held in Jamaica in September 1978.

The Hon. Mr Dunford was born in Terang, Victoria, on 10 April 1930. He was actively involved in the Australian Labor Party for about 35 years, being a convention delegate for 12 years and a member of the State Executive. He was also actively involved in the union movement, especially the Australian Workers Union. I suppose it is correct to say, as the *Advertiser* did on 13 May, that he was one of South Australia's most colourful Labor politicians. Of course, during his career an element of controversy followed him periodically. It is also true to say that he served the people of South Australia to the best of his ability, putting the interests of South Australians first. I express my deep sympathy to Mrs Dunford and her family. I am sure that all members of this Chamber join with me when I express my deepest sympathy.

The Hon. C. J. SUMNER (Leader of the Opposition): I second the motion and in doing so say that all members were shocked at the recent death of our colleague and friend Jim Dunford. At 52 years of age he should have had many years ahead of him to represent in Parliament those Australian workers whose interests he had always championed. As a shearer, he became a member of and actively involved in the Australian Workers Union. Many of his lifelong friendships arose out of the comradeships that developed during the shearers strike of the mid-1950s. He became an organiser with his union and before his election to Parliament was the Secretary of the South Australian Branch of the Australian Workers Union. At times he held other positions, including President of the union.

He was an executive member of the South Australian Trades and Labor Council and a delegate on many occasions to the Australian Council of Trade Unions congress. His life was about the union movement and the advocacy of the rights of working people. He was, by repute, one of the best organisers that the union had. As Secretary he improved the research and advocacy capability of the union. I know from personal experience that in that position he always knew what he wanted. He was an active and decisive Secretary. One always knew where one stood with Jim Dunford, even if one were his lawyer. He called the shots.

As a personality and a politician, he was unique. There was nothing of the identikit Parliamentarian about Jim Dunford. He was an authentic representative of the rural workers of Australia. There are many myths about the Australian bush and its characters but Jim Dunford was no myth and was a very unique character. He was a raconteur of some note. His repertoire of stories from his days as a shearer and union organiser was inexhaustible, and I spent many hours propped up in a bar listening to Jim Dunford's experiences.

Jim was not without his faults. Members on this side will know that from time to time it was possible to have a disagreement with him, yet he bore no grudges and his primary concern was the best interest of his Party and those people whom he represented. Jim could pick a con-man or a charlatan on sight. He could expose the self-serving argument before it began. He was an enemy of humbug.

I knew him for 15 years. We worked together with his union and later I entered Parliament at the same time as he did. Had it not been for his support, I would not have achieved what I have done in my political career. I valued that support and friendship. I am sure that all members join me in expressing our sympathy to his wife Betty and their four children. As a family, they can be proud of a unique personality who was a great fighter for the cause in which he believed.

The Hon. FRANK BLEVINS: I, too, wish to support the motion moved by the Attorney-General and supported by the Hon. Mr Sumner. I knew Jim very well for the past 17 years since I came to Australia. He was at one time a

member of my union, the Seamen's Union of Australia, and he had a very wide, varied and colourful career in the trade union movement. He also served as a delegate and executive member of the Whyalla Trades and Labor Council, of which I am still President. I wish on behalf of myself, the Seamen's Union of Australia, and the Whyalla Trades and Labor Council to express my sadness and their sadness at the death of Jim and to extend our condolences to Betty and the children.

Jim, as all members here know, was a warm personality and a great communicator and not only will this Parliament miss his contributions but certainly our Caucus will be lot less enjoyable and a lot less well informed for Jim's absence. No-one else that I have met could make a speech or a point like Jim Dunford when he was on his feet. He was a pleasure to listen to. I am sure that, despite preconceptions that some members had when they heard that Jim Dunford was coming into Parliament, they would agree now, after having known him for such a short time, that he was a wonderful person and, while those members disagreed with many things he said, I am sure that he held their respect.

He was very generous, as the Hon. Mr Sumner has said. He was, because of his organising ability, often in a position to help considerably other people and other members of the Labor Party. He did this unstintingly, and he did it without any thought of receiving anything in return, and often in this area he was not disappointed. However, not for more than two minutes did he hold any kind of a grudge.

Above all, Jim Dunford was a fighter, a fighter for his class, the working class. There will be tens of thousands of Australians mourning the death of Jim Dunford. I wonder how many honourable members, when we die, will have the same number of people mourning us. It is a measure of the man that tens of thousands of Australians will feel the loss of Jim. The reason why such an enormous number of people respected Jim Dunford was that in his life he made fewer compromises than almost anyone else I know. Jim would be happy with that as his epitaph: he made fewer compromises than most.

Earlier today the Leader of the Opposition (Mr J. Bannon) mentioned Jim's replacement, Mario Feleppa. I can only endorse those remarks. I am sure that Jim would be extremely cross at dying suddenly; there is no doubt about that. However, if he had to have a successor, he would have been absolutely delighted to know that it was someone who came from the shop floor to represent the working class, just as Jim did. I join with the Council in expressing my sense of personal loss and extending my condolences to Betty and the children.

The Hon. D. H. LAIDLAW: I would like to add a few words of condolence to Mrs Dunford and family. I entered this Council at the same time as the Hon. Jim Dunford and others. I had not had any dealings with him in union matters before entering Parliament, because I had not dealt much with moderate unions like the A.W.U. I was told by a friend that I would get on well with Jim Dunford, because he was a strong union organiser who, when he made an agreement, kept his word and one did not need it in writing. That is perhaps as high a compliment as I can give.

The Hon. Jim Dunford served with me on the Industries Development Committee for 2½ years. He was an effective member of the committee because, as has been pointed out by members opposite, he had a wonderful nose for smelling out spivs, and he had no time at all for hypocrites. I regarded him, and I said so many times while he was alive, as an effective member of Parliament. I am sorry that he has died.

Jim Dunford rang me the day before he died to thank me because I had found a job for his third son, and then he abused me roundly because the boy James was too young to get a drivers licence. This meant that Jim Dunford had to get up at 5.30 a.m. in order to get the boy to work at 7 a.m. with just 10 minutes to spare. I was shocked to hear the next day that he had died. I join with other members in expressing my sorrow in these few words.

The Hon. G. L. BRUCE: I rise with a great deal of shock and dismay over the Hon. Jim Dunford's death. I extend to his family my deepest sympathy. Jim was a colleague when I entered Parliament and he was a friend when he died. He added colour and life to this Chamber. He was not a scheming or cunning politician. He spoke and acted as he felt. Nobody could accuse him of hypocrisy. He came from the people and he governed for the people. He battled and fought for what all of us in this Chamber reckon we are about—a fair go for everyone. He did it in a way which will leave indelible memories in my mind. His death made me realise just how vulnerable we all are.

Jim was 52. I also am 52. He was a month older than I. Nobody got a big head while Jim was about. He had the knack of puncturing any self-importance or phoney airs of people who he recokoned thought they were better than they really were. To me a friend and colleague has gone: I will miss him.

The Hon. N. K. FOSTER: I, too, wish to express my deepest sympathy to Jim Dunford's widow and his family. Like the Hon. Mr Bruce, I found myself working side by side with Jim Dunford in the 1950s in the maritime industry. I agree with previous speakers that Jim Dunford was not a person who could be diverted from the course that he believed to be correct. One of the last speeches he made in this place was in regard to the Workers Compensation Act and on behalf of those who he believed would be deprived in some way by the Bill.

I also wish to convey to the Australian Workers Union my sadness because of the loss of advice that is now denied them. It is also true to say that Jim Dunford suffered no doubt as the result of carrying out what he considered to be his unswerving duties and loyalties which were paramount to the many constituents who sought his advice and assistance. He did not spare himself in his last few hours. Throughout his period as a member of this Council he unstintingly used his wide experience in serving the people of South Australia.

The Hon. R. C. DeGARIS: I wish to pay a brief tribute to the late Jim Dunford. The Hon. Mr Sumner said that he was a unique character, and indeed he was. He was a unique character and a unique person; in fact, a unique politician. Many times during his speeches my mind was taken back to some of Henry Lawson's characters; he could be described as a political wild colonial boy in the Henry Lawson tradition. He possessed three endearing qualities by which he will be remembered in this Council; first, his friendliness to all—political friend and opponent alike. Secondly, although one may have disagreed with Jim Dunford one could never question his honesty of purpose. Thirdly, his loyalty, whether to his union, his political Party, this Council or the committees upon which he served, was unquestioned. These three qualities marked Jim Dunford's service and his brief political career in this Council. I join with others in extending to his wife and family my condolences on his passing.

The Hon. ANNE LEVY: I, too, would like to support the motion moved by the Attorney-General. Jim Dunford and I entered this Chamber and were sworn in together on the same day. Today, as this Chamber meets and he is not seated in his accustomed place, I fully realise that he is no longer with us. He is my first contemporary to die, and the shock of it, I am sure, has affected us all. He was a long-

time and stalwart member of the Australian Labor Party and he could be described as being a big man in body, mind and spirit. Certainly, attending his funeral, I thought the coffin seemed far too small to contain the remains of Jim. He was a man of tremendous integrity. I, amongst others, trusted his judgment on all sorts of issues. We might have had disagreements, particularly relating to the position of women, but we bore no grudges. I had tremendous respect for him and I think he had the same respect for me. He lived life to the full; his life was far too short, but he packed many experiences into it. I always recall Jim saying that he would not make 'old bones', but I doubt whether any of us thought his end would be so soon. I would like to express my heartfelt condolences to Betty and the children. I know that her pain will continue for months, if not years—long after others cease thinking about Jim. On this side of the Chamber we will miss him very much. I, for one, feel that I have lost a friend.

The Hon. K. L. MILNE: I, too, regret the sudden passing of Jim. I was just getting to know him and appreciate (as everyone did) his speeches and contributions, even when he was critical of me personally. I learned much from his attitude. He was very sincere and terribly real. I had hoped to know more about his earlier career and that part of our history in which he had such a major part. I regret sincerely that he is not here with us now and extend my sympathy to his family.

The PRESIDENT: I have listened to many tributes paid to the late Jim Dunford by a large number of people throughout the State and probably none so descriptive as those delivered by his close colleagues, Clyde Cameron and Mick Young. These men worked with him as shearers and as trade unionists and had also been closely associated with him as a politician. Both those men described him as honest, warm and extremely loyal to his cause and to all of his friends. That was exactly how I found Jim Dunford and that is exactly the way I will remember him. I, too, would like to join with all members here in expressing our sympathy and extending our condolences to Mrs Dunford and the family.

Motion carried by honourable members standing in their places in silence.

[Sitting suspended from 2.45 to 3 p.m.]

JOINT SITTING

The PRESIDENT laid on the table the minutes of proceedings of the assembly of members of both Houses to fill a vacancy in the Legislative Council caused by the death of the Hon. J. E. Dunford.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following interim reports by the Parliamentary Standing Committee on Public Works:

Highways Department Regional Office, Port Augusta,
Mount Barker South Primary School—Stages II and III,
Robe Water Supply Improvements.

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

Automatic Data Processing Centre (Glenside) (Report No. 2),
Port Broughton Area School—Replacement,
South Coast Boat Launching Facility (O'Sullivan Beach).

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Children's Protection and Young Offenders Act, 1979-1980—Regulations—Child Reports.
Electrical Articles and Materials Act, 1940-1967—Regulations—Examination and Testing Fees.
Explosives Act, 1936-1974—Regulations—Various.
Lottery and Gaming Act, 1936-1980—Regulations—Trade Promotion Lotteries.
Marine Act, 1936-1976—Regulations—Examination for Certificates of Competency and Safety Manning.
Motor Vehicles Act, 1959-1981—Regulations—Display of L and P Plates.
Racing Act, 1976-1982—Rules of Trotting—Blood Typing.
Stamp Duties Act, 1923-1982—Regulations—Threshold Rate for Credit Unions.
Stony Point (Liquids Project) Ratification Act, 1981—Regulations—Removal of Sand.
Rules of Court—Supreme Court—
Supreme Court Act, 1935-1981—
Supreme Court Rules—Costs.
Land and Valuation Rules—Notices of Valuation.

By the Minister of Corporate Affairs (Hon. K. T. Griffin)—

Pursuant to Statute—

Companies Act, 1962-1980—Regulations—Fees for Companies Auditors Board.

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

By Command—

Royal Commission on Allegations in Relation to Prisons under the Charge, Care and Direction of the Director of the Department of Correctional Services and Certain Related Matters—Report.

Pursuant to Statute—

Alsatian Dogs Act, 1934-1980—Regulations—Exemption from the Prohibition of Keeping Alsatian Dogs.
Dog Control Act, 1979-1981—Regulations—Tattooing of Dogs.
Education Act, 1972-1981—Regulations—Special Days and Closure of Schools.
Friendly Societies Act, 1919-1975—Amendments of General Laws—United Friendly Societies Council of South Australia. The South Australian District No. 81 Independent Order of Rechabites Friendly Society.
Friendly Societies Act, 1919-1982—Regulations—Dollar Limits.
Further Education Act, 1975-1980—Regulations—Reappointment of Officers.
Local Government Act, 1934-1981—Proclamation of Model By-law—Tattooing of Dogs.
Prisons Act, 1936-1981—Regulations—Remission of Sentences.
River Murray Waters Act, 1935-1971—Regulations—Control of Vessels.
Commissioner of Police—Report, 1980-81.
City of Henley and Grange—By-law No. 1—Bathing and Controlling the Foreshore.
City of Marion—By-law No. 31—Playgrounds.
City of Mount Gambier—By-law No. 24—Signboards.
City of Noarlunga—By-law No. 25—Keeping of Dogs.
City of West Torrens—By-law No. 54—Keeping of Dogs.
City of Whyalla—By-law No. 19—Public Health.
District Council of Onkaparinga—By-law No. 33—Keeping of Dogs.

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

By Command—

Australian Agricultural Council—Resolutions of the 113th Meeting, 8 February 1982.

Pursuant to Statute—

Cattle Compensation Act, 1939-1979—Regulations—Compensation Payable.

Food and Drugs Act, 1908-1981—Regulations—
Licence Fees.
Fees for Committee Members.
Hairdressers Registration Act, 1939-1981—Regulations—
Board Fees.
Health Act, 1935-1980—Regulations—
Slaughterhouses.
Clean Air Regulations (Port Augusta).
Industrial Safety, Health and Welfare Act, 1972-1981—Regulations—
Industrial Safety Code Regulations.
Commercial Safety Code Regulations.
Institute of Medical and Veterinary Science—Report, 1980-81.
Marketing of Eggs—Report of Auditor-General for year ended 27 June 1981.
Meat Hygiene Act, 1980—Regulations—Chillers.
Motor Fuel Licensing Board—Report, 1981.
Narcotic and Psychotropic Drugs Act, 1934-1978—Regulations—Licence Fees.
Occupational Therapists Act, 1974—Regulations—Fees.
Planning and Development Act, 1966-1981—Regulations—Whyalla Planning Area Development Plan—Corporation of Whyalla—Development Control.
Metropolitan Development Plan Corporation of Marion—Zoning.
Vertebrate Pests Control Authority—Report, 1980-81.
Workers Compensation Act, 1971-1979—Regulations—Provision of Statistics.
Forestry Act, 1950-1981—Proc.—Section 2b—Oodnadatta Forest Reserve Resumed.
Administration and Probate Act, 1919-1980—Regulations—Public Trustee's Commission and Fees.
Consumer Credit Act, 1972-1980—Regulations—Delegation of Chairman's powers.
Licensing Act, 1967-1982—Regulations—Fees for late night permits.
Trade Standards Act, 1979—Regulations—Airpots. Report, 1980-81.

MINISTERIAL STATEMENT: DISTRICT COUNCIL OF VICTOR HARBOR

The Hon. C. M. HILL (Minister of Local Government): I seek leave to make a statement about the District Council of Victor Harbor.

Leave granted

The Hon. C. M. HILL: On 17 December 1981, His Excellency the Governor declared the District Council of Victor Harbor a defaulting council, and appointed an Administrator to be responsible for its affairs. Shortly after, I appointed two officers of the Department of Local Government to carry out an investigation of the administration of the district council, pursuant to section 295 of the Local Government Act. These procedures created widespread interest within both local government and publicly and, accordingly, I report to the Council that the Administrator is still responsible for the administration of the council and, in regard to the investigation, I table the report of the said two officers.

QUESTIONS

FORMER MEMBER FOR MITCHAM

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about the former member for Mitcham.

Leave granted.

The Hon. C. J. SUMNER: The Attorney-General's involvement in the appointment of Mr Justice Millhouse should be condemned. It is the Attorney-General who is responsible for recommending judicial appointments to the Government. In this case the Attorney-General has brought his office into disrepute.

The Attorney-General recommended a man who he clearly believed was not a proper appointee. He made the appointment knowing that his only motive was political—the appointment had nothing to do with legal merit. I make no bones about the fact that, had Mr Justice Millhouse not been the member for Mitcham, he would not have been appointed by this Government at this time.

Let us look at what the Liberal Party said at the 1979 election about judicial appointments. I quote from the Attorney-General's policy, as follows:

> We will ensure that judicial appointments and appointments to senior legal positions in the Government service are made from the best available persons—

I emphasise the following—

> and are not made for political purposes. Our object will be to remove the possibility of political influence in appointments of this kind.

There was nothing more political in the history of this Government than the appointment of Mr Justice Millhouse to the bench of the Supreme Court in order to vacate the seat of Mitcham so that, supposedly, a Liberal member could take his place in the House of Assembly. The fact is that the Attorney-General held, and probably still holds, Mr Justice Millhouse in contempt.

Last year, when this issue was raised in the Parliament, the Attorney-General said a number of things about him. The Premier said at that time that he had no intention of recommending the appointment of Mr Justice Millhouse to the bench, but the Attorney-General, as all members of this Council know, went further. He said that Mr Millhouse was essentially a politician, and went on to imply that he was unfit for judicial office. The Hon. Mr Griffin, the Attorney-General, referred to Mr Millhouse as having inspected the showers of brothels in Adelaide and as being the Parliament House streaker. He further said that Mr Millhouse had lent himself to cheap publicity for the Ringo Starr movie *Caveman*. The Attorney said:

> A photograph appeared in the *News* under the headline, 'Have you seen this caveman?'. The photograph depicts a person who is not named, but his physical features indicate that he is Mr Millhouse. He is shown with two young ladies who are dressed as cavewomen in furs. It seemed to me to be a bit of a publicity gimmick for the new film starring Ringo Starr that is coming to Adelaide called *Caveman*. The first 200 people who wrote to the *News* and identified the person purporting to be the caveman in the photograph would win a pass to the new Ringo Starr movie, *'Caveman'*... The last paragraph of the article is quite important: it states that the film traces the adventures of a misfit tribesman, played by Ringo Starr, in the year 1 000 000 BC and that the film would be screened at a particular theatre. I have referred to these items because they are relevant in any consideration of any prospective aspirants for judicial office.

Later, the Attorney said:

> However, those factors are relevant in considering whether or not a person is not only an able lawyer suitable to be appointed but also a fit and proper person for the task.

Clearly, in September last year the Attorney was of the opinion that Mr Justice Millhouse was not a fit and proper person to be appointed to the Supreme Court bench. Had he not been of that view, why would he have made these extraordinary allusions to a caveman and a tribal misfit? As I have said, the Attorney held Mr Justice Millhouse in contempt.

Further, the whole exercise was cynically timed, because Parliament had risen a day or so before the announcement was made. The Attorney, as soon as he had made the announcement, shot through overseas with another one-third of his Cabinet who were enjoying their last holiday in the sun. That was cynical timing, because the Attorney-General did not have the gumption to appear in the Supreme

Court and welcome Mr Justice Millhouse to the bench. He left that to his sidekick, the Hon. Mr Burdett.

As a result of this action, the Attorney-General's credit is at an all-time low. On previous occasions, he has abused the office of Attorney-General. We had the case of the production of the report of the dismissal of the Police Commissioner, with the Attorney's unsubstantiated (from a legal point of view) allegations against Mr Dunstan two years ago; his misleading of the Parliament over on-the-spot fines; and now his acquiescence in the appointment of a man who he clearly thought was unfit for judicial office. The fact is that any Attorney who had any integrity or gumption, in the face of acquiescing in this appointment, would resign. The Attorney should do just that. Why did the Attorney recommend the appointment of Mr Justice Millhouse, when only six months ago he was clearly of the view that he should not be appointed?

The Hon. K. T. GRIFFIN: The Leader of the Opposition likes to draw the long bow and, from time to time, imply all sorts of motives, not only to me but also to other Ministers and the Government, to suit his own political purposes. Undoubtedly, he will continue to do that and I suppose that one must accept that as one of the consequences of a two-Party political system.

Of course, one must recognise that, although he suggests that my credit is at an all-time low, he does not suggest that that applies throughout the whole community, where I believe the position of Attorney and my credit are particularly high. I am not very interested in what the Leader thinks. If my credit is not very high with him, so be it. Again, that is probably one of the consequences of a two-Party political system, and I accept that as a consequence of being Attorney-General and Leader of the Government in this Council, and long may that continue.

The Hon. Anne Levy: Don't we have three Parties? That's what it's all about.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: Let me first refute categorically the allegation by the Leader of the Opposition that the appointment of Mr Justice Millhouse was cynically timed in view of my pending overseas trip. It should be recognised that I made the recommendation and the public announcement and I was here for the period necessary to deal with the matter on a public basis. It was no affront to the Hon. Mr Justice Millhouse that I was not able to be present at the presentation of his commission.

I apologised to him personally for that and, as far as I am aware, he fully understood that, because of my trip overseas which had been long in the planning and arranging, the Hon. Mr Burdett, Minister of Community Welfare, would instead be at the presentation of his commission. The Minister did that very well, and I understand that he also tendered my public apology for not being present on that occasion. I suppose that the alternative, if I had not had the gumption to be around for that appointment, would have been to arrange for some other Minister to announce the appointment of Mr Justice Millhouse to the bench. Then the public would have been well justified in criticising me for being overseas and away from the place where the action was occurring. I believed that this appointment was proper, and I wanted to ensure that it was made before I went overseas.

The Hon. N. K. Foster: Why didn't you make it public in this Chamber before you cleared out?

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I did not have to tell the Parliament.

The PRESIDENT: Order!

The Hon. N. K. Foster: Appointments by stealth.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I have consistently said, and I will say it again and again, that I do not intend to discuss publicly those who might be considered for elevation to judicial office and to speculate on those who would be considered for appointment.

Members interjecting:

The PRESIDENT: Order! The question was given a hearing when it was asked, and I ask that the Attorney now be heard.

The Hon. K. T. GRIFFIN: I continue to believe that it would be quite improper to consider publicly the possible candidates for elevation to any judicial office before appointments have been made. I remind the Leader of the Opposition that over the years members of Parliament from both political Parties have been elevated to judicial office by the Government of the day and, although there may be some criticism from opponents and others, the fact is that those appointments have been made. I hasten to suggest that, if one sits back objectively, in several years time one will see that the decision which I recommended to the Government and which the Government accepted—that Mr Millhouse should be appointed a judge of the Supreme Court—will be well vindicated and that he will be a good judge on the bench of the Supreme Court of South Australia. If one removes the political overtones—

The Hon. C. J. Sumner: What about the caveman speech—the tribal misfit?

The PRESIDENT: Order! The Leader has had a fair go.

The Hon. K. T. GRIFFIN:—one can see that he had had broad experience, one of the qualities that one looks for in a Supreme Court judge. It is important to recognise that, when persons are judging citizens, they should have not only a broad experience in the law but also in other aspects of life.

Mr Justice Millhouse had a long period in the political arena. He was admitted to practise some 30 years ago. He was appointed a Queen's Counsel, and I hasten to remind the Council that that was on the basis of recommendations by the judges of the Supreme Court. He is a family man, he attends his local church regularly, and all of these are characteristics which one must take into account in determining whether or not a person is qualified to judge his or her peers from the bench. I maintain that the appointment of Mr Justice Millhouse was proper and, if one assesses his abilities objectively, one will see that he is a fit and proper person to be a Supreme Court judge, and will make a good judge of that court.

The Hon. C. J. SUMNER: I desire to ask a supplementary question. In view of the Attorney-General's current support of the former member for Mitcham, why did he make the statements he made last September in which he referred to him as a person who frequented brothels, as the Parliament House streaker and as someone to be likened to a caveman and tribal misfit? In six months the Attorney's view has clearly changed, and I would like him to explain to the Council what has brought about that change.

The Hon. K. T. GRIFFIN: The Leader of the Opposition obviously likes to interpret statements made last year as it suits him. One must remember that those statements were made by him, by others and by me in the context of a public debate about the Supreme Court bench. The Leader of the Opposition can interpret those comments as he likes, but the fact is that, if one removes Mr Justice Millhouse from the political arena and assesses his abilities, one sees that he will make a good Supreme Court judge.

POLITICAL MATERIAL

The Hon. R. J. RITSON: Has the Minister of Local Government a reply to my question of 31 March about the preparation of political material for schoolchildren?

The Hon. C. M. HILL: The South Australian Institute of Teachers should, as the professional organisation for teaching staff in South Australia, adopt a consistent and objective approach in handling political issues. The Minister of Education has consistently stated that he believes that censorship of materials to be made available in schools, in most instances, should be a matter for judgment at a local school level. Material for use in schools should be non-propagandist and should present a balanced viewpoint.

MITCHAM BY-ELECTION

The Hon. C. J. SUMNER: Does the Attorney-General understand the operation of the preferential system of voting used in House of Assembly elections in South Australia? If he does, does he believe, as is the opinion of the Premier and the Hon. Martin Cameron, that the Country Party was responsible for the loss by his Party of the seat of Mitcham?

The Hon. K. T. GRIFFIN: The answer to the first question is 'Yes', and the answer to the second question is that enough has been said about the Mitcham by-election. I do not intend to make any further comment on it.

STATE ECONOMY

The Hon. L. H. DAVIS: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question about the South Australian economy.

Leave granted.

The Hon. L. H. DAVIS: The well respected Indecs team of economists from Flinders University and Adelaide University regularly reports on the state of the Australian economy in the authoritative national financial daily the *Australian Financial Review*. On Tuesday 25 May 1982, the Indecs report stated at page 12 of the *Financial Review*:

> W.A. has fallen down a hole, surpassed only by an even bigger descent of the Tasmanians. On the other hand poor little S.A. written off for years, has turned in an even better recent performance than Jo Bjelke-Petersen's Queensland. And lurking in the shadows of recent patterns is Neville Wran of N.S.W., about to face for the first time in his career the major economic downturn that Labor Premiers always fear.
>
> If we take the unemployment figures over the year to April, the league table of changes (from bottom to top) is Tasmania, W.A., N.S.W., Victoria, Queensland and S.A.
>
> Yes, S.A. at the top of the list—and with an unemployment rate only marginally different from W.A.
>
> Of course, we now know following the full revelation of the curse that struck Gough Whitlam, that unemployment statistics tell by no means the whole labour market story.

The PRESIDENT: Order! I remind the honourable member that questions are to gain information and not to hand it out.

The Hon. L. H. DAVIS: The report goes on to make the point that employment figures in this State are well above the trends in other States. As this observation from the respected Indecs team in the recent *Australian Financial Review* contrasts sharply with the pessimistic picture of current employment and unemployment figures and future economic prospects for South Australia painted by the Leader of the Opposition in his recently released document 'South Australia's Economic Future', will the Premier draw this report to the attention of the Leader of the Opposition?

The Hon. K. T. GRIFFIN: Obviously, I will refer that to the Premier and bring back a reply. There are many encouraging indicators which show that South Australia is making significant progress under this Government and will continue to do so in the years ahead.

POTATO BOARD

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

Leave granted.

The Hon. B. A. CHATTERTON: Recently, there was a referendum on the future of the Potato Board under its Act as to whether sufficient growers wished to have the board continue. I have been informed by growers that just before the poll was held the Potato Board made an error in its payment to growers and overpaid a number of them a considerable sum of money. I believe a number of growers received nearly 50 per cent higher prices for their potatoes than they would have done had the correct payments been made. It is rather disturbing that this situation should have arisen just before the poll which was to decide the future of the board and of the whole potato marketing system in this State. Has the Minister investigated, and can he say why overpayments were made to potato growers in this State? Also, does he intend to take any action on this matter, because it is quite conceivable that that overpayment did influence the results of the referendum? If that is the case, it could well be appropriate to conduct another ballot on the question.

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

REPLIES TO QUESTIONS

The Hon. J. C. BURDETT: I seek leave to have inserted in *Hansard* 12 replies to questions without notice without my reading them. These replies have been sent to the respective members by letter.

Leave granted.

ABORTION

In reply to the **Hon. ANNE LEVY** (6 April 1982).

I understand that a copy of the pamphlet on abortion, entitled 'Pregnant? and you didn't plan it' has been made available to the honourable member by the Minister of Health.

CHIEF OVERSEAS PROJECT OFFICER

In reply to the **Hon. B. A. CHATTERTON** (1 April 1982).

1. The Minister was not provided with misleading information by his Chief of Overseas Projects Division, Mr Hogarth. Mr Hogarth's briefing was by officers of the Department of Foreign Affairs including officers from the diplomatic Security Section of that commonwealth Department. The generic term Commonwealth Security Agencies was used in the broadest sense by Mr Hogarth.
2. Not applicable.
3. Not applicable.

DOCTORS' ACCOUNTS

In reply to the **Hon. R. J. RITSON** (25 February 1982).

Since the Minister of Health took office she has paid particular attention to the matter of simplification of the Medical Benefits Schedule. The Minister consistently raised the issue at successive Australian Health Ministers' Confer-

ences and believes that she has been successful to the extent that the Commonwealth Minister for Health has agreed to some State representation on medical benefits revision committees.

It is considered that tens of millions of dollars of taxpayers' money could be saved annually and Australia's real health needs could be better met if the Medical Benefits Schedule were revised. The Minister of Health has repeatedly requested the Commonwealth Government to involve the States in an overhaul of the Schedule. It is over a year since the Jamison Committee of Enquiry into the Administration and Efficiency of Hospitals in Australia recommended an overhaul of the Schedule in the joint interests of cost-containment and improved patient care.

The Schedule which is used as the basis of payment of doctors' fees for services has expanded enormously over the years and it now contains several thousand diagnostic items. With an increase in technology and non-operative diagnostic items, the Schedule is consuming health resources at an alarming rate.

Many doctors recognise that it is bad medical and economic practice to separately identify and set charges for a vast range of diagnostic procedures and treatments, but they have been forced into a system which is not of their own making.

At present the Medical Benefits Schedule is a long and complicated list of items which has tended to proliferate. The Schedule could well be providing financial incentives for the provision of unnecessary procedures; it is biased towards the provision of relatively expensive procedures; it has encouraged fee-splitting; it contains provision for both professional and technical service fees; a distinction which now seems inappropriate. Furthermore the Schedule provides inadequate coverage for medical services provided in recognised hospitals, perpetuates fee differences between the States which were probably no longer justified and it has inadequate review procedures.

I wish to assure the honourable member that the Minister of Health has urged the Commonwealth Government to establish such a review as a matter of urgency and she has called for the involvement of health administrators and consumers as well as medical practitioners in the review of the Schedule.

SAILING VESSELS

In reply to the **Hon. BARBARA WIESE** (4 March 1982).

The two vessels in question both have long associations with Port Adelaide. The *Falie* was registered in Port Adelaide in 1923. The *Nelcebee* is claimed to be the oldest vessel on Lloyd's Register and was constructed in 1883 on a site adjacent to the Port Adelaide Maritime Park, which is being developed under the auspices of the National Trust on a site leased to it by the Department of Marine and Harbors.

Under the 'History Trust of South Australia Act, 1981' the History Trust is charged with 'encouraging the conservation of objects of historical significance to the State'. However, the Trust has been in existence for little more than a year and is at the present time liable to fund the purchasing of the vessels referred to. In the 1982-83 Budget, the Government has initiated a scheme to support the State's 180 local museums and collections.

If private support for the acquisition of the vessels is forthcoming, the Government may be in a position in the future to offer support for their preservation to the Port Adelaide Maritime Park, which would be the logical place to display either or both of the vessels for the enjoyment of the public. The new Museum Grants Programme will reward initiative, and those organisations which have assembled significant collections and display them well can expect to receive grants towards the conservation and display of the objects in their cave.

There are a great number of seemingly worthy but costly historical artefacts and objects which from time to time are offered for sale. It is no easy matter to decide upon priorities for purchase. The Government will be looking to the History Trust to recommend a policy for the retention of historical objects in the State, but is not in a position to offer any immediate assistance.

HOSPITAL CHARGES

In reply to the **Hon. J. R. CORNWALL** (24 February 1982).

The Minister of Health has provided me with the following explanation of the charges referred to by the honourable member:

When a patient is referred by a general practitioner to a specialist as a private patient and is seen by that specialist at a recognised hospital, it is normal practice for the general practitioner to raise a fee for the consultation leading to the referral and for the specialist to raise a fee at the level of a primary consultation. Subsequent visits to the nominated specialist would attract further fees for each consultation but at a lower level than that of the primary consultation when all the essential primary examination and investigation work takes place.

If the patient presents subsequently for an appointment to the originally nominated specialist and the doctor, for whatever reason, is not available, a number of alternatives exist. Firstly, if the nominated specialist has made arrangements for another specialist to act as *locum tenens* during the period of absence, a patient may be seen by the *locum tenens* without any further referral by the general practitioner and the consultation fee charged would attract a benefit at the specialist rate from the insurance fund to which the patient belongs.

If the original specialist has not made arrangements for a *locum tenens*, the following three options are available to the patient in order to ensure that the fees which may properly be raised, are recoverable.

Option 1:

The patient may return to the general practitioner and seek referral to another specialist. The general practitioner would issue the standard certificate of referral and may raise a fee for this further consultation. The new specialist, to whom the patient has been referred, may raise a charge for a primary consultation as the initial work of examination and investigation may have to be repeated in order that proper management of the patient's condition may be ensured. Subsequent visits to the new consultant would result in fees at the lower level and would attract benefits from the insurance fund.

Option 2:

The patient could be seen at the hospital as a public patient and, as an insured patient, would be charged $20 which is the standard fee raised by all recognised hospitals for an outpatient attendance, irrespective of how many occasions of service occur during this single visit.

Option 3:

If the patient did not wish to exercise a choice of either option 1 or 2, the final option would be to await the return of the original consultant and resume attendance at the hospital when the specialist was available.

In all of the circumstances described, a patient with hospital and medical insurance cover would receive medical or

hospital fund benefits for the fees that would arise under the various alternatives described. I would add that the general practitioner, who when asked for a second referral certificate because of the absence of the originally nominated specialist, may not raise another consultation fee but that is a matter for the individual doctor concerned.

The level of benefit recovery by the patient from the fund for medical fees depends on the scale of insurance that the patient has undertaken. Where a patient has arranged for gap insurance on the medical fees and the consultant is charging the standard rate of fee, 100 per cent recovery would be achieved.

The hospital fee of $20.00 referred to in Option 2 would be refunded by the insurance fund as the benefit equates to the charge made. It should be noted that any insured patient seen by a specialist without a referral notice from a general practitioner would only receive benefits from their fund at the level of general practitioner benefits significantly lower than the specialist rate.

It is important to appreciate that the requirement for formal referral by general practitioners of patients to specialists has always been a pre-requisite of the medical insurance system to attract specialist rates of benefits. The original concept was to screen the specialists from large numbers of patients presenting with the numerous conditions which can be competently managed by a general practitioner and to allow the specialist to concentrate on the more complex medical/surgical conditions appropriate to the level of post-graduate qualification attained.

HOSPITAL ACCOUNTS

In reply to the **Hon. J. R. CORNWALL** (23 March 1982).

The honourable member has made three allegations in relation to the Flinders Medical Centre. However the Minister of Health has informed me that the actual situation is as follows:

(1) Pathology services at Flinders Medical Centre are provided under Private Practice arrangements and accounts are administered by the hospital on behalf of the academic and staff pathologists. The hospital charges a service fee for administering the accounts.

Some months ago there were approximately 10 000 record cards in the Pathology Department where an item of information was missing. This backlog existed because the need to gear up for the introduction of the new health insurance arrangements on 1 September 1981, which significantly increased both the complexity of the itemised billing system and the number of bills that are required to be raised. It should be noted that 700 pathology requests are received per day.

These backlog records were manually checked and 1 100 were identified as being related to tests which could be charged. In an effort to maximise income, accounts were raised and sent out under cover of the letter referred to by the honourable member. Only 1 100 such letters were sent out.

(2) The average cost of accounts at the Flinders Medical Centre is $3.50. The cost referred to by the Honourable Member exist only in the Pathology Department, and does not reflect the situation in other parts of the hospital.

(3) Work on the current computer files has resulted in improvements to the situation, and such delays are not expected in future.

I.M.V.S.

In reply to the **Hon. J. R. CORNWALL** (30 March 1982).

In so far as Professor Morris's views on the Institute of Medical and Veterinary Science are relevant to the Institute of Medical and Veterinary Science Bill, they were expressed in his two reports which were tabled in Parliament.

HOSPITAL COMPUTERS

In reply to the **Hon. J. R. CORNWALL** (24 March 1982).

The Minister of Health informs me that the Commissioners of Charitable Funds fund three Travelling Fellowships per annum at Royal Adelaide Hospital from officers within Administrative Services, Nursing Services and Clinical Services. These fellowships are worth $5 000 each and are awarded by the Board of Management after advertisement through the hospital.

For 1982, the Nursing and the Administrative (awarded to Mr T. Morgan) Fellowships were to be significantly involved in the examination of computing applications to the respective areas of nursing and finance and because of this, an approach was made to the South Australian Health Commission for a contribution towards the cost of these fellowships. The Commission agreed to allocate an amount of $2 500 to each as a basic grant plus an additional amount of $570 to Mr Morgan to cover registration fees for conferences to be attended whilst in the United States of America.

The net result is therefore that Mr Morgan's trip was funded as follows:

		$
S.A. Health Commission		3 070
Commissioners of Charitable Funds		1 930
Personal	(estimate)	2 000

The answers to the four specific questions asked by the honourable member are as follows:

(1) Mr Trevor Morgan is Finance Manager at the Royal Adelaide Hospital. His visit was authorised by the Board of Management, Royal Adelaide Hospital.

(2) The purpose of his visit was to study computerised financial management systems in the United States of America.

(3) The estimated total cost to defray expenses of the trip is $7 000, an estimated $3 930 of which is payable by other than Health Commission or Government sources.

(4) There is no substance in the honourable member's allegation that there is a hospital computer scandal.

DEPARTMENT OF INDUSTRIAL AFFAIRS AND EMPLOYMENT

In reply to the **Hon. G. L. BRUCE** (24 March 1982).

The number of field officers engaged on wage and timebook inspections over the past three years has been as follows:

	1979	1980	1981
Investigation Officers	19	19	19
Assistant Investigation Officers	2	1	—

The amounts of money collected by field officers over the past three years have been as follows:

	1979	1980	1981
	$	$	$
Investigation of Complaints	263 291	161 693	299 505
Routine checking	84 544	66 332	38 558

The provision of more field staff is, along with staff for other areas of the department's activities, under constant

review. It is not considered essential at this time to appoint additional field staff.

HEARING AIDS

In reply to the **Hon. C. W. CREEDON** (4 March 1982).

More assistance could be given to this disadvantaged group through the Commonwealth Acoustic Laboratory. The eligibility criteria laid down by the Commonwealth could be extended to include a far greater number of people and charges should be levied in accordance with a person's ability to pay. The Commonwealth criteria used to identify disadvantaged persons at present would be an appropriate basis for extending eligibility.

At present hearing aids are not covered under the Programme of Aids for Disabled People Scheme which is funded by the Commonwealth and administered by the State. At the Health Ministers' Conference held in Adelaide in March this year several of the States including South Australia, sought to have the range of aids provided through this scheme extended. The Commonwealth Minister for Health was sympathetic to this view but indicated that, due to the current economic climate, it was likely that this could be achieved in the near future.

ST CLARE NURSING HOME

In reply to the **Hon. J. R. CORNWALL** (25 March 1982).

The honourable member has requested a full public inquiry with the powers of a Royal Commission into the conduct of private 'for profit' nursing homes in South Australia. As the Minister of Health has previously advised, the Regulations under the Health Act relating to nursing homes are presently under review, and the honourable member is also aware that there is currently a Senate Select Committee inquiring into private hospitals and nursing homes.

NURSING HOMES

In reply to the **Hon. J. R. CORNWALL** (24 March 1982).

As the honourable member subsequently named the nursing home in the Legislative Council on the following day there is no necessity for either the Minister of Health or me now to do so. The Minister of Health previously advised that she considers it only fair and just for such allegations to be properly investigated and for the home to be given the opportunity to respond to what may be totally unjustified criticism before supplying the name of the home. In this particular instance, conditions at the home are the subject of proceedings instituted by the Local Board of Health.

In his explanation, the honourable member stated and I quote that he 'was told only 10 minutes ago that Dr Keith Wilson has now reported that the allegations have been largely substantiated and that the claims are valid'. Dr Keith Wilson, Chairman of the Central Board of Health, has advised the Minister of Health that he did not make such a statement.

REPLIES TO QUESTIONS

The Hon. K. T. GRIFFIN: I seek leave to have inserted in *Hansard*, without my reading them, nine replies to questions which were unanswered when Parliament rose and which have since been answered by letter.

Leave granted.

TRANSPORT CONCESSIONS

In reply to the **Hon. R. J. RITSON** (24 February 1982).

The cost of providing concession fares to the travelling public for the year 1981-82 has been estimated at $7 847 000 and the fare revenue for the same period has been estimated at $21 802 000.

RANDOM BREATH TESTING

In reply to the **Hon. FRANK BLEVINS** (25 March 1982).

The question was referred to the Chief Secretary, who has now advised me that there has been no reduction in the frequency of use of random breath testing stations since the operation commenced. With regard to the second part of your question, the Chief Secretary does not consider it desirable to publicly disclose the location of the testing stations as it may affect the future operation of the programme.

METROPOLITAN TRANSPORT

In reply to the **Hon. N. K. FOSTER** (18 February 1982).

The plans to electrify the Christie Downs railway line encompassed the purchase of materials to fabricate suspension poles and upgrade railway signalling and communications. In 1976 the previous Government announced that the electrification of the Christie Downs railway line was to be deferred indefinitely. As a consequence, materials purchased to fabricate suspension poles were sold and/or used on other projects. Materials purchased to upgrade railway signalling and communications were in most cases used. Some equipment remains and is valued at approximately $400 000. This is progressively being used to maintain the authority's railway signalling in the metropolitan area.

CHRISTIE DOWNS RAILWAY

In reply to the **Hon. D. H. LAIDLAW** (16 February 1982).

As part of a review of the future use of the north-south transportation corridor, the Government will take into account the need for and availability of adequate and economic road transport in the metropolitan area, and undertake a thorough analysis of the costs and benefits of all the alternatives.

SEDAN-MANNUM COAL DEPOSITS

In reply to the **Hon. N. K. FOSTER** (31 March 1982).

The Sedan deposit is one of three local sources of coal currently being considered by the Electricity Trust. The other two are the Kingston deposit in the South-East and the Wakefield deposit in the St Vincent Basin north of Adelaide. The coals in all of these deposits are low-grade lignites and from the information available at this stage, it cannot be said that any one of them would be better than any other for the purposes of power generation. The trust is evaluating various factors such as combustion properties, mining costs and power station costs in relation to each deposit and expects to be in a position to decide which will be the most suitable for its purposes by about the end of the year.

ROYAL FLYING DOCTOR SERVICE

In reply to the **Hon. M. B. CAMERON** (23 February 1982).

Since mid-1981, the Royal Flying Doctor Service has been replacing its Beechcraft Barons with the Piper Navajo series. The latter have provision for two stretcher patients (instead of one) plus inflight medical care. By reducing the load on a particular flight, they can land or take off on the same strips as were used by the Beechcraft. I understand the service has been urging station owners to keep up runway standards to 3 500 feet length, whereas the light aircraft owned by many stations would only require 2 000 feet. This has no doubt required additional grading on some properties to provide the 3 500 feet required by a Navajo with a reasonable payload. The service may use any authorised landing area provided it meets the operational requirements of the aircraft. It is up to the owner of the aircraft and the owner of the airstrip to arrange for suitable facilities. The Federal Department of Transport publishes details of minimum requirements for various aircraft.

CRIMINAL UNDERWORLD

In reply to the **Hon. C. J. SUMNER** (2 March 1982).

On reading the article you would note that the author clearly indicates that, in the context of the article, the descriptive title 'Mr Big' is used merely as an alternative to the real name of the person. He does not allege that the person so identified is a 'Mr Big' in Adelaide nor, indeed, that there is necessarily a 'Mr Big'.

On the basis of criminal intelligence available to police at present there is no one 'Mr Big' in organised crime in South Australia. Indications are rather that there are various levels of organisers and criminal associates involved in a number of criminal enterprises, with some form of identifiable connection with active interstate groups in many instances.

The 'Mr Big' referred to in the article quoted by you is, I believe, a recently much-publicised drug trafficker who was convicted in the Supreme Court on heroin-related charges. He was subsequently sentenced to 15 years imprisonment in relation to those charges. I have no doubt that, as part of his defence strategy, this offender has been a prime mover in the recent campaign to discredit police, a tactic which has in recent times become more prevalent in drug-related cases.

SEX DISCRIMINATION

In reply to the **Hon. L. H. DAVIS** (11 February 1982).

As the honourable member is no doubt aware, the procedure for examination of an alleged contravention of the Sex Discriminaton Act is contained in sections (38) and (39) of that Act. The Commissioner for Equal Opportunity is charged with the responsibility of establishing whether any written complaint lodged with her office is frivolous, vexatious, misconstrued or lacking in substance, before either entertaining or declining to entertain such complaint.

The Commissioner may, pursuant to section 40 (3) of the Sex Discrimination Act, require the person who is alleged to have committed the act of discrimination or victimisation to attend before her for the purpose of discussing the subject matter of the complaint.

The honourable member will no doubt appreciate that the constraints of sections 40 and 41 preclude an informed answer from me in this place to the first part of his question. The second part of the question is so loosely constructed that I would be obliged to draw my own personal inference as to one or more of several publicised matters related to the operations of the Sex Discrimination Act to which he may be referring.

The honourable member may well be asking if my Government is satisfied with the interpretations of the South Australian Supreme Court and its subordinate courts—if so, my answer is yes, although I may not necessarily agree with every decision that they bring down.

WIRRINA HOLIDAY VILLAGE

In reply to the **Hon. C. J. SUMNER** (6 April 1982).

The Wirrina Holiday Village, generally known as 'Wirrina' is registered in the Corporate Affairs Commission under the name 'Wirrina Resort Co-operative Ltd'. Prior to October 1981, its registered name was 'Holiday Village Co-operative Ltd'. It is incorporated under the Industrial and Provident Societies Act, 1923-1974, and for a period of approximately 10 years prior to September 1981 there was a close association between Wirrina and a company named Travel International Pty Ltd (Travel International).

Travel International was the general sales agent for Wirrina and sold sub-agencies to members of the public. Payment was by deposit and quarterly instalments. After the payment of two instalments the sub-agent would receive an invitation to subscribe for shares in Wirrina. On the sub-agent subscribing for shares in Wirrina all instalments were paid over by Travel International to Wirrina for the shares, the original deposit remaining with Travel International.

In September 1981, there was adverse publicity in the media relating to the activities of Travel International. Following this publicity the independent directors of Wirrina cancelled the arrangements with Travel International. A number of complaints have been received by the Corporate Affairs Commission from people who signed sub-agency agreements with Travel International and subsequently decided not to go ahead with the sub-agency or the shares in Wirrina. Instalments held by Wirrina have been refunded but the deposits held by Travel International have not been refunded.

Travel International has claimed that the sub-agents are entitled to discounts and commissions for any bookings they make and consequently there is valuable consideration. After examining the agreements signed by the sub-agents, it appears that Travel International has not breached the Companies Act in respect of the sale of sub-agencies and the retention of deposits and therefore the commission can take no action against Travel International for this matter.

REPLIES TO QUESTIONS

The Hon. C. M. HILL: I seek leave to have inserted in *Hansard*, without my reading them, four replies to questions. The answers have been supplied to honourable members by letter.

Leave granted.

PACIFIC SCHOOL GAMES

In reply to the **Hon. N. K. FOSTER** (1 April 1982).

My colleague the Minister of Education has informed me that your concerns about the Colgate Palmolive scheme 'Operation Airlift' have been carefully examined by his departmental officers. It is considered that these fears are not valid and that the advantages far outweigh the disadvantages of the scheme to the students.

TEACHERS WAGE CLAIM

In reply to the **Hon. G. L. BRUCE** (6 April 1982).

There were no advertisements placed to combat the teachers wage claim. Use was made of Mr B. Debelle, a lawyer in private practice and, to date, he has received payment of $16 171.

ENTERPRISE AUSTRALIA

In reply to the **Hon. L. H. DAVIS** (24 March 1982).

My colleague the Minister of Education has provided the following information:

1. No. Ms Ebert had not seen the material which was prepared by Enterprise Australia before making her statement attacking the organisation.
2. Yes. Enterprise Australia would be happy to make such material available.
3. Yes.

POLICE ARRESTS

In reply to the **Hon. N. K. FOSTER** (30 March 1982).

1. 29 arrests were made in the city area from 28 to 31 December 1981, inclusive.
2. 25 males and 4 females were involved in the arrests.
3. 1 male was held in custody.
4. 24 males and 4 females were released to appear in court.
5. There was no person released and not subjected to a charge.
6. See chart attached for information in relation to the northern, southern, western and eastern areas, with King William Street and Franklin Street being the boundaries in common with the four terraces.
7. 1 male and 3 females made up one group arrest.
8. There were 7 traffic offences and 1 sex-related offence.
9. 8 male arrests were for being under the influence of liquor.
10. 2 male and 1 female charges were for resisting arrest.
11. 11 charges were for offensive behaviour, abusive language or conduct, or related offences.

CHARGES IN RELATION TO FOUR CITY AREAS

Type of Offence	N.W.	S.W.	N.E.	S.E.	Total
Assault	1	—	—	—	1
Cease loiter	4	—	—	—	4
Disorderly behaviour	3	1	—	—	4
Drunk	3	—	5	—	8
Fail to pay taxi	—	—	1	—	1
False pretences	—	—	1	—	1
Forge/Utter	—	—	3	—	3
Larceny	2	—	2	—	4
Licensed premises, fail to quit	—	—	1	—	1
Offensive language	5	1	1	—	7
Prostitution, receive money for	1	—	—	—	1
Resist arrest	2	—	1	—	3
Traffic offences	—	—	7	—	7
Wilful damage	—	—	1	—	1
	21	2	23	—	46

REPLIES TO QUESTIONS

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare replies to various questions I asked in October, November and December?

The Hon. J. C. BURDETT: The answers are quite extensive. I have discussed the matter with the Hon. Dr Cornwall, and I understand that he is happy to have the answers incorporated in *Hansard* without my reading them. I seek leave to do so.

Leave granted.

MEDICAL ETHICS

In reply to the **Hon. J. R. CORNWALL** (10 November 1981).

1. The matter has been referred to the Medical Board.
2. The Government has released a procedure for delineation of clinical privileges, which is designed to ensure proper scrutiny of all medical staff before appointment to a hospital and to limit the activity of those medical staff to the areas of their competence.
3. See answer to Question 1.
4. Comprehensive amendments to the Medical Practitioners Act will be introduced into Parliament in the near future. Consideration will be given to the matter of restrictions on medical practice in cases of mental or physical disability.
5. Any situation that jeopardises the high standard of patient care is of concern.
6. No.

MEDICO-LEGAL PROCEEDINGS

In reply to the **Hon. J. R. CORNWALL** (3 December 1981).

1. The Government is not comtemplating the establishment of any patient defence fund to cover medico-legal expenses.
2. All information that has been made available by the honourable member has been forwarded to the Medical Board.

MEDICAL COSTS AND CORRUPTION

In reply to the **Hon. J. R. CORNWALL** (11 November 1981).

1. The practice is not occurring in South Australia.
2. The matter has been investigated and my colleague the Minister of Health has also drawn it to the attention of the Commonwealth Minister of Health and all State Ministers of Health.
3. Refer to previous answers.

MEDICAL ETHICS AND SECRECY

In reply to the **Hon. J. R. CORNWALL** (12 November 1981).

1. Proposed amendments to the Medical Practitioners Act will make it possible for complaints against practitioners to be handled more efficiently than is presently the case.

However, this will not remove or reduce the existing right of persons aggrieved in any way to seek any remedy which is provided by the Common Law.

2. No.

PEER REVIEW

In reply to the **Hon. J. R. CORNWALL** (27 October 1981).

As has been indicated in reply to similar questions, a procedure for delineation of clinical privileges has been introduced. The procedure is designed to ensure proper scrutiny of all medical staff before appointment to a hospital and to limit the activity of medical staff to the areas of their competence.

Amendments to the Medical Practitioners Act will be introduced in the near future, which amongst other things, will deal with the composition of the Medical Board and the handling of complaints. Consideration will also be given to the matter of restrictions on medical practice in cases of mental or physical disability.

DELINEATION OF CLINICAL PRIVILEGES

In reply to the **Hon. J. R. CORNWALL** (20 October 1981).

The matter of incompetence and negligence within the medical profession is one of serious concern to both the Government and the medical profession. The Government, with the support of the medical profession, has taken a number of initiatives in the areas of peer review, delineation of clinical privileges and quality assurance.

The South Australian Health Commission, following consultation with the Australian Medical Association (S.A. Branch) the South Australian Hospitals Association, The Royal Australian College of General Practitioners (S.A. Facility) and the Australian Hospitals Association (S.A. Branch) has published Guidelines for the Delineation of Clinical Privileges, which it is expected that all non-teaching hospitals will adopt. These guidelines ensure proper scrutiny of all medical staff before appointment to a hospital and limit the activity of those medical staff to the areas of their competence.

There is no 'scramble' for clinical privileges, but an organised process designed to correct deficiencies that existed in the past. Taking into account experience in North America and elsewhere, it was decided not to take the legislative approach to delineation of clinical privileges, but to adopt voluntary and self-regulatory measures.

In addition, the Minister of Health has reviewed and restructured the existing medical appointments committees of the major teaching hospitals. The Minister has actively encouraged the establishment and improvement of peer review systems in the major metropolitan hospital, encompassing activities such as regular clinical case reviews, tissue audits, death audit and criteria audit. The Government has funded positions in hospitals to develop and establish these programmes and the A.M.A. has supported and participated in peer review activities.

The Government has provided funds and actively supported the accreditation of hospitals under the Australian Council on Hospital Standards. Several South Australian hospitals have been accredited. With respect to the ophthalmologist to whom the honourable member referred, action has been taken to limit his activities including a voluntary withdrawal of all operating rights by the doctor himself.

WINDANA NURSING HOME

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Minister of Community Welfare in his own capacity and representing the Minister of Health a question on Windana Nursing Home.

Leave granted.

The Hon. J. R. CORNWALL: Recently nursing home beds were literally stolen from the elderly community at Magill Home for the Aged and transferred to Windana. The ploy was one of the worst confidence tricks ever perpetrated on the frail aged in South Australia. The Government attempted to sell it to the public on the basis that more beds and better accommodation would be available at Windana. They also played on the needs of approximately 120 elderly patients, most of them with brain failure, who were already on the waiting list at Windana and who desperately needed nursing accommodation. These were acts of deceit and duplicity. Since the closure of the Magill wards, the Government has also closed the Male OB ward at Glenside and transferred many of the male psycho-geriatric patients from Glenside to Windana.

The whole exercise has been based on cost cutting, with a complete disregard for the needs of the patients. An internal memorandum circulated at Glenside and dated 20 May 1982, over the name of Dr A. S. Czechowicz, tells the story. It is headed 'Closing of male OB ward' and says:

> Many Glenside Hospital staff members have been expressing concern at the conditions in male OB for several years. With the current reductions in capital spending, replacement accommodation for male OB is still more than five years away. Recent financial restrictions have caused the Glenside executive to consider what can be done . . . some relief was offered by some chronic patients being transferred to what was formerly Windana and is now called Southern Cross Nursing Home, Glandore.

An information bulletin circulated by Dr Czechowicz on the same day sheds more light on the sordid and sorry story. It says:

> The most accurate forecast at present is that Glenside faces a budget deficit of $300 000. This figure has been discussed with the Health Commission, which says that no new resources will be made available to the hospital in this financial year . . . Most casual positions have been terminated . . . Similarly, temporary contracts will not be renewed . . .

The entire male OB ward for aged patients at Glenside has been closed and casual and contract staff throughout most of the hospital have been dismissed. Thirty-six nursing home beds in two wards at the Magill Home have been closed and residents are now denied infirmary or nursing bed accommodation at the home.

The limited number of beds which were made available at Windana by this sleight of hand have now been filled with Glenside patients. Not one additional bed for patients on the waiting list at Windana has resulted from the move. In fact, the exercise has resulted in a net loss of more than 40 beds for the frail aged. The only beds which have been retained out of the whole exercise are those funded directly by the Commonwealth.

This exercise shows the inhumanity and incompetence of this Government in all its stark reality. Its cuts in funding and services are always directed at those least able to afford them and least able to protect themselves. The human cost of so-called 'small government' in this State has become very high indeed when the frail aged are made the victims.

Has the Commonwealth subsidy formerly available for the nursing beds at Magill Home been irrevocably lost? Will the vacant wards at Magill now become derelict? How many Glenside patients have been transferred to Windana? How many elderly Glenside patients have been transferred to private nursing homes since September 1979? How many beds have been lost at Glenside by the closure of the male OB ward? What does the Minister intend to do about the frail and sick elderly residents at Magill Home who need infirmary and nursing home care? What is the total number of beds recently commissioned at Windana and how many of the 90 available beds have not yet been commissioned? How many patients were on the waiting list at Windana immediately prior to the transfer of bed subsidies from the Magill Home and how many on that list, if any at all, have been accommodated as a result of the transfer?

The Hon. J. C. BURDETT: There was no theft of nursing home beds at Magill. There was no confidence trick. There

was no fraud. I have answered these questions on a number of occasions, but I will repeat the answers. There were two infirmary wards at Magill Home and the condition of those wards was substandard and had been for some time, going back to the period of the previous Government. The Commonwealth Government considered the wards to be substandard and indicated clearly and pressingly that Commonwealth funds would not be available for residents in these wards unless the wards were upgraded. The estimate for the upgrading of these wards by the Government was in the vicinity of $2 000 000. At Windana there were a number of high-class nursing home beds. The honourable member referred to a waiting list. The waiting list was fictitious from a practical point of view.

The Hon. J. R. Cornwall: It was very real.

The Hon. J. C. BURDETT: It was fictitious from a practical point of view because the Commonwealth Government has, for some time, made it perfectly clear that (whether right or wrong) it considered that, in relation to the other States, South Australia was over-served with beds of this kind and that the Commonwealth would not fund further patients going into Windana but was prepared to fund patients from Magill Home who otherwise would have gone into the nursing home accommodation at Windana.

The Commonwealth Government made it abundantly plain that it would not fund any people on any waiting list because it considered that South Australia was already over-served with this class of accommodation but, as there were places funded at Magill Home, it was prepared to transfer those places to Windana. That was all it was prepared to do. Regarding the Glenside patients, I had no personal knowledge of that at all.

One of the questions asked by the honourable member was whether it was intended to leave the two wards in Magill Home (Jellico and Atkinson) derelict. Obviously, when the questions were resolved, we would have had anyway to consider what to do with those two wards. Atkinson is being used to some extent. As the Hon. Dr Cornwall will be aware, there was an industrial dispute at Magill Home as a result of the Government's decision to move some patients from Jellico ward back into hostel care.

While there had been, for some time, a disputes committee set up at Magill Home and while the department was working most assiduously to resolve the dispute and appeared to have resolved it with the staff, suddenly the Public Service Association stepped in, dissolved the disputes committee and made the matter political. The dispute was then resolved on basically the same conditions as the department had already agreed with the staff, with one exception. The one exception related to Jellico ward. I agreed to put to the Budget Review Committee a plan developed in conjunction with the unions for the use and development of Jellico ward for purposes other than infirmary care. I have had the department prepare a draft version of what to do about that. It has been informally put to the unions concerned—the P.S.A. and the A.G.W.A. It will be formally put to them in a short time. When that plan has, through those negotiations, been worked out and approved, I will put it to the Budget Review Committee. The questions asked by the honourable member were in detail and numbered. My colleague, the Minister of Health, and I will consult about those answers and bring back a more detailed reply.

The Hon. J. R. CORNWALL: I desire to ask a supplementary question. Is it not a fact that 36 beds at the Magill Home and the Commonwealth subsidy on those beds were transferred to Windana, which is now the Southern Cross Nursing Home at Glandore and that those beds were then filled with psychogeriatric patients from the Glenside Hospital? In other words, was the Minister involved in a lot of double-dealing to save the State Government money, which resulted in a net loss of at least 36 beds for frail, elderly patients?

The Hon. J. C. BURDETT: There was no loss of nursing home beds, because the beds at Windana were not going to be funded by the Commonwealth anyway. I do not know whether or not the patients who went into the 36 beds at Windana came from Glenside.

The Hon. J. R. Cornwall: You closed the 36 beds.

The PRESIDENT: Order!

The Hon. J. R. Cornwall: You did so to the detriment of this State, and that is a fact.

The PRESIDENT: Order! I call the Hon. Dr Cornwall to order. He has asked his question and there is no need for him to interrupt.

The Hon. J. C. BURDETT: I make it clear that I do not know where the patients who went into the 36 beds at Windana came from, and I cannot be expected to know where they came from. I have not closed any wards at Glenside.

The Hon. J. R. Cornwall: That's a lie. You have closed—

The Hon. J. C. BURDETT: I have not personally closed any ward at Glenside because, as Minister of Community Welfare, I have no control whatever over any wards at Glenside. I have already made it clear to the honourable member that, in relation to all of his detailed questions, particularly those about Glenside (over which I have no control and in respect of which I have no knowledge), I will bring back detailed replies following consultations with the Minister of Health.

PORT LINCOLN FISHING FLEET

The Hon. J. A. CARNIE: Has the Minister of Local Government a reply to a question I asked on 24 February about the Port Lincoln fishing fleet?

The Hon. C. M. HILL: The Government recognises the value of the Port Lincoln fishing fleet and its importance to the industry. The fleet includes boats of widely varying sizes and types operating in several different fisheries and, therefore, the needs of the industry at that port are diversified and difficult to define. It was a decision of the fishing industry that the upgrading of the Porter Bay slipway, which is expected to be completed by the end of June next, be given precedence over the provision of sheltered mooring facilities. Port Lincoln also provides excellent waters for recreational boating, and it may be that facilities could be developed to benefit both the fishing industry and recreational boating interests.

The Department of Marine and Harbors has been requested to proceed with the preparation of proposals for the commissioning of a study of the present and future needs of both the commercial fishing fleet and recreational boating at Port Lincoln. The Department of Marine and Harbors will consult with the Australian Fishing Industries Council (S.A. Branch) Inc., the local fishermen, the city of Port Lincoln, and recreational boating organisations in preparing a brief for the study.

DRUGS INQUIRY

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Attorney-General a question about a drugs inquiry.

Leave granted.

The Hon. N. K. FOSTER: Members will recall that I asked the Attorney-General a number of questions late last year and early this year about an illegal passport being supplied to Mr Asia, alias Mr Sinclair or Mr Clark, from

this State. I have repeatedly asked the Attorney-General to take note of the Stewart Royal Commission, which was set up by the Federal Government. All States were requested to join that Royal Commission on a common basis to ensure that the terms of reference were dealt with on a national basis and were not impeded by the involvement of several different Police Forces and a number of Royal Commissions and/or inquiries. It was hoped that the Stewart Royal Commission would involve all States and, therefore, not lose any of its investigative powers because it had to cross State borders.

The Attorney-General refused my urgent request for this State to become part of the Stewart Royal Commission. He claimed quite falsely that South Australia was not invited to participate. If the Attorney-General looks at the Federal legislation and its enactment by the Federal Parliament he will find that he is quite wrong. Further, the belated report on the Police Force has been found to be woefully deficient in relation to this matter. I draw the Attorney's attention to the fact that the Federal Government has now considerably tightened procedures for the issuing of passports because of what occurred in Adelaide.

I was prepared to make certain evidence available to a Royal Commission if the Attorney-General and the Government had been prepared to have one in this State. A Royal Commission would have established positive proof in relation to what has occurred in this city, not only in respect to passport abuse but also in relation to the recruitment of drug couriers, trafficking, smuggling, and the planning of murders. In one case someone was murdered by an organisation involved in smuggling and drug trafficking. Members of that organisation were tried and found guilty in the courts of Great Britain and received sentences of up to 30 years. Those prosecutions came about as a result of pleas from people who were enjoined in the crime with Mr Clark, alias Mr Asia.

I remind the Attorney that Judge Bright in his recent report on the Police Force could find very little credibility in much of the evidence because it was given by criminals. Notwithstanding his previous refusals, will the Attorney-General now take the necessary steps to ensure that the State of South Australia joins the Stewart Royal Commission inquiring into drug related criminal activities? Has the Attorney-General had any discussions in relation to the proposed criminal investigation powers stated to be the aim of the Prime Minister and, if so, will he enjoin this State on a national basis in an endeavour to combat drug addiction, drug smuggling, exploitation and murder? The establishment of a national inquiry in itself will stop any impediment of law enforcement from one State to another and from one court to another and will ensure the apprehension of these felons.

The Hon. K. T. GRIFFIN: In relation to the Stewart Royal Commission, I reiterate what I have said on a previous occasion: I have no knowledge of any request being made to this State to become a party to the Stewart Royal Commission. If the honourable member has evidence that he would be prepared to make available to a Royal Commission I draw his attention to the fact that he is not prevented from making that information available to the Stewart Royal Commission, even though it is not formally established under South Australian law.

The Hon. N. K. Foster: It doesn't have to be.

The Hon. K. T. GRIFFIN: That is correct; it does not have to be.

The Hon. N. K. Foster: If you are concerned about the public you would do something about it.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I cannot see how the honourable member can on the one hand criticise the fact that powers are not conferred under South Australian law but that if they were he would make his evidence available. Surely if he has evidence he should make it available whether or not the commission has had its powers extended under South Australian law. That is really a matter for the honourable member's conscience. Once again, I will examine the matters raised by the honourable member in his question and bring down a more detailed response. I have seen reference to a national crime commission by the Prime Minister in Federal Parliament recently.

The Hon. C. J. Sumner: Has he agreed to set one up?

The Hon. K. T. GRIFFIN: The answer that the Prime Minister gave in the Federal Parliament suggested that he was anxious to see such a commission established, although the details were certainly not clear, and if there are details that establish a good and valid reason why such a commission should be set up, we will give consideration to the matter. However, it certainly was not clear from what was said in the Federal Parliament that, first, there were any impediments to investigation of crime and the apprehension of criminals because of the current Commonwealth and State exchange arrangements. The concept of a National Crimes Commission, to which I presume the member is referring, needs further examination. I certainly am not in a position to give any commitment that we will do anything more than give consideration to it, because the concept is certainly not clearly explained and the need for it, at least on the information I have, has not been clearly established.

HUMAN ACHIEVEMENT SKILLS

The Hon. ANNE LEVY (on notice) asked the Minister of Community Welfare:

1. What are the classifications of the 83 members of the Department of Agriculture staff who have had training in human achievement skills, and how many of them are men and how many are women?

2. How many Department of Agriculture staff have undergone training of any sort under the staff development budget for 1981-82?

3. Who made the decision that human achievement skills courses would be available on request to staff of the Department of Agriculture?

4. What other training courses to be paid for from the staff development fund are available, on request, to staff of the Department of Agriculture?

5. Will the Minister of Agriculture make available the report of the Occupational Psychology Group of the Public Service Board on their evaluation of the human achievement skills course?

The Hon. J. C. BURDETT: The replies are as follows:

1. The classification of the 83 officers comprising 72 men and 11 women, who have undertaken H.A.S. training, are:

AA2 8	CO-1 5	SO-1A 1
AA3 13	CO-2 4	VO-1 2
AS-1A 4	CO-3 3	VO-2 1
AS-2 13	CO-4 2	VO-3 2
AS-3 3	CO-5 2	VO-4 1
AS-4 3	CO-6 1	VO-5 1
AT-1 6	AO-1 1	Weekly Paid 2
AT-2 2	EO-1 1	
	PP-1 1	
	PV-3 1	

2. 147 officers have received training under the staff development budget for 1981-82.

3. The decision to make human achievement skills training available to staff of the Department of Agriculture was taken by the departmental executive committee.

4. Induction training for new staff and basic management courses are available on request.

5. The report of the Public Service Board's Occupational Psychology Group has now been released within the Public Service and a copy will be made available for the member's information.

WOMEN WELFARE WORKERS

The Hon. BARBARA WIESE (on notice) asked the Minister of Community Welfare: Since March 1981, when the Minister announced that special efforts would be made to improve the position of women welfare workers in the Department of Community Welfare:

1. What special efforts have been made to make women aware of job opportunities in the department?

2. How many women have been promoted to more senior positions?

3. What efforts have been made to make women aware of training programmes available?

4. How many women have taken advantage of training programmes during that period?

5. Has there been an increase in numbers of such women by comparison with the previous equivalent period?

The Hon. J. C. BURDETT: The replies are as follows:

1. There are a number of mechanisms operating in the Department for Community Welfare to heighten women's awareness of job opportunities. Included amongst these are:

(a) The State-wide Women and Welfare Advisory Group which meets monthly and includes representatives from all departmental regions.

(b) The regional Women and Welfare Advisory Groups which meet at regular intervals.

(c) The Women in Promotional Positions Group which meets monthly.

The recommendations relating to development of equal opportunity in the Women and Welfare Conference Report were carefully considered by all the above groups.

2. Since March 1981 seven appointments. Additionally, eight are in the process of being appointed.

3. Women have been informed about training programmes through staff development briefs, through individual notices and Branch Head circulars. There have been several special training programmes for women staff; two Women in Organisations courses; two women and management courses.

4. One Women in Organisations Advanced follow-up course and one Group Work for Women course. A total of 95 women have attended these courses since March 1981.

5. Yes. During 1980, 76 women attended specialised training programmes.

DISCRIMINATION

The Hon. C. J. SUMNER (on notice) asked the Attorney-General:

1. In what respect do the laws and practices of South Australia fall short of the standards set by the 1980 Convention on the Elimination of All Forms of Discrimination Against Women which entered into force on 3 September 1981?

2. What views has South Australia expressed to the Federal Government on the provisions of the convention?

3. On what occasions, in what circumstances, at what level and with what results have consultations taken place between the South Australian and Federal Governments concerning ratification of the convention?

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

1. South Australian laws and practices are presently being examined to determine in what respects, if any, they fall short of the standards set by the 1980 Convention on the Elimination of All Forms of Discrimination Against Women.

2. The South Australian Government has asked that the Federal Government do nothing which will in any way limit or interfere with the operation of the South Australian Sex Discrimination Act.

3. The meeting of Ministers on human rights is presently identifying the areas where Australian law does not conform with the convention and when these areas are identified decisions will have to be made as to whether Australia should ratify the convention, or lodge reservations or interpretive declarations at the time of ratification of the convention. The meeting of Ministers on human rights has considered the question of the ratification of the convention in November 1980, April 1981, August 1981, and February 1982.

The Hon. C. J. SUMNER (on notice) asked the Minister of Community Welfare: On what occasions, in what circumstances, at what level and with what results have consultations taken place between South Australian and Federal Governments concerning a legislative basis for the National and State employment discrimination committees established pursuant to International Labor Organisation Convention No. 111—Discrimination (Employment and Occupation), 1958, which entered into force for Australia in June 1975?

The Hon. J. C. BURDETT: This matter first arose in 1978 when the Federal Government took an 'in principle' decision to establish the Employment Discrimination Committees on a statutory basis, subject to the advice it received from the States and from the National Labor Consultative Committee.

The matter was first formally raised with the States by the Commonwealth at the meeting of Commonwealth and State Labor Ministers in September 1980. Ministers were advised that the advice of the N.L.C.C. had been sought on the desirable form of legislation and a committee established by that body had provided an initial report in December 1978. It is not known why action did not proceed immediately but in February 1980 the N.L.C.C. decided to reconstitute its Employment Discrimination Committee. That committee had presented a further report to the N.L.C.C. in July 1980. Ministers noted this information and decided that Commonwealth-State discussions would proceed when the matter of legislative backing for the employment discrimination committees was further advanced.

Nothing further on this matter was heard until the Federal Minister for Employment and Youth Affairs wrote to State Ministers of Labor on 4 January 1982, seeking the views of the States on the proposals put forward by the N.L.C.C. in its previous two reports, and a further report completed in February 1981. As the issues concerned involve more than one Minister and department, the Inter-government Relations Branch of the Department of the Premier and Cabinet is collating this State's response.

The matter was again raised at a meeting of Federal and State Labor Ministers on 4 March 1982 by the Tasmanian Minister. Ministers agreed that further consideration should await each State's detailed response to the Federal Minister's correspondence of 4 January 1982.

HUMAN RIGHTS

The Hon. C. J. SUMNER (on notice) asked the Minister of Community Welfare:

1. In what respects do the laws and practices of South Australia fall short of the standards set by those International Labour Organisation conventions which the International

Labour Office lists as basic human rights conventions but which Australia has not yet ratified, viz.:

No. 135—Workers' Representatives, 1971;

No. 141—Rural Workers Organisations, 1975;

No. 151—Labour Relations (Public Service), 1978; and

No. 156—Workers with Family Responsibilities, 1981?

2. What views has the South Australian Government expressed to the Federal Government on the provisions of each of these conventions?

3. On what occasions, in what circumstances, at what level and with what results have consultations taken place between the South Australian and Federal Governments concerning each of these conventions?

The Hon. J. C. BURDETT: The replies are as follows:

1. I.L.O. Convention No. 135—Workers Representatives, 1971.

Convention No. 135 is concerned with the protection and facilities which should be provided to workers' representatives in the undertaking.

Through the provisions of various laws, awards and practices in South Australia it appears that this State generally complies with the requirements of the convention. However, the convention is currently being reviewed by the various parties to the consultation process throughout Australia, and South Australia will await the outcome of such discussions before finally deciding whether to agree to ratification.

I.L.O. Convention No. 141—Rural Workers Organisations, 1975.

Convention No. 141 is concerned with facilitating the establishment and growth, on a voluntary basis, of strong and independent organisations of rural workers, to enable them to help improve general conditions of work and life in rural areas. In general terms it appears that South Australia complies with the convention. However, doubt has been expressed by some States as to whether this convention is relevant to the type of union structures and industrial relations system in Australia. This matter is still being clarified.

I.L.O. Convention No. 151—Labour Relations (Public Service), 1978.

Convention No. 151 is concerned with ensuring that employees of public authorities shall receive adequate protection against acts of anti-union discrimination, and that their representative organisations shall enjoy complete independence from public authorities. It further requires that appropriate facilities will be provided to the representatives of these organisations to enable them to carry out their duties, and that independent and impartial machinery will be established for conciliation and arbitration of disputes.

Law and practice in South Australia substantially complies with the provisions of the convention. However, certain technical difficulties in relation to interpretation of wording have been raised, and discussion is continuing between the States and the Commonwealth on these matters, before there is any formal agreement to ratify.

Convention No. 156—Workers With Family Responsibilities, 1981.

Convention No. 156 is concerned with ensuring that both men and women workers with family responsibilities will be given equality of treatment and opportunities in their employment, and not discriminated against on the basis of those family commitments. This is a promotional convention requiring the Government to progressively develop certain services and facilities in the community to help such workers.

It appears that law and practice in South Australia substantially complies with thic convention. However, certain minor issues still have to be clarified between the Commonwealth and the States before formal agreement to ratify may proceed.

2. The above views have been expressed to the Federal Government on the provisions of each of these conventions.

3. Consultations are continually taking place between the South Australian and Federal Governments concerning each of these conventions.

Consistent with the requirements of the I.L.O. constitution the Commonwealth and State Departments of Labour have had long-standing arrangements for consultation on I.L.O. matters going back to the late 1940s. In relation to labour standards, these include arrangements to refer new instruments adopted by the International Labour Conference to the State Governments and for onward referral to appropriate authorities; the holding of technical officers' meetings (between the Commonwealth and State Labour Officers) to assess compliance with new standards; the referral of conclusions of technical officers' meetings to the Departments of Labour Advisory Committee (at departmental head level) and from that committee to the Ministers of Labour conference; the preparation and tabling of a statement by the Commonwealth Minister for Industrial Relations and his representative in the Senate on the action proposed in relation to each new instrument; and to consult on the preparation of Australian reports on both ratified and unratified standards.

Moreover, the Federal Government continually consults with the A.C.T.U. and C.A.I. on I.L.O. matters. To this end, an International Labour Affairs Committee of the National Labour Consultative Council was established in 1980. It meets at appropriate intervals, but at least once a year to consider matters of substance relating to the I.L.O.

ETHNIC SCHOOLS

The Hon. C. J. SUMNER (on notice) asked the Minister of Local Government:

1. How many schools and for how many students was the per capita grant for ethnic schools paid in each of the years 1979, 1980, 1981?

2. Is this grant available for pre-school children?

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

1.

Year	No. of Schools	No. of Students	Grants $
1979 ...	42	5 028	70 392
1980 ...	61	6 198	173 544
1981 ...	62	6 575	184 100

Grants are paid on a per capita basis and were set at $14 per student in 1979, and $28 per student in 1980 and 1981.

2. No. The grant is payable to students receiving full-time primary or secondary education during normal school hours with the ethnic schools grant payable on their attendance at ethnic schools on an 'after-hours' basis. Because of the variety of patterns of attendance of pre-school children, it has not been possible to determine a basis of equivalence for their full-time attendance.

LANGUAGES

The Hon. C. J. SUMNER (on notice) asked the Minister of Local Government: What languages apart from English were taught in public and private South Australian primary and secondary schools (separately tabulated) during the years 1979, 1980 and 1981 and in relation to each language—

1. How many students were taught, classes conducted and teachers engaged?

2. What was the proportion of language students as a percentage of total enrolments?

The Hon. C. M. HILL: As the answer to this question comes in the form of four separate schedules, I seek leave to have those schedules inserted in *Hansard* without my reading them.

Leave granted.

STUDENT SCHEDULES

Year	Language	No. of Students	No. of Classes	No. of Teachers	Per cent doing Language
		High School			
1979	German	10 848	Not available	Not available	High 35.2 per cent
	French	9 751			
	Italian	2 678			
	Indonesian/ Malaysian	1 240			
	Modern Greek	1 125			
	Japanese	942			
	Latin	374			
	Spanish	193			
	Chinese	159			
	Polish	40			
	Vietnamese	11			
	Total	27 361			
		Primary—Figures not available			Primary—Figures not available
		High School			
1980	German	11 303	Not available	Not available	High 37.9 per cent
	French	9 760			
	Italian	3 074			
	Modern Greek	1 628			
	Indonesian/ Malaysian	1 170			
	Japanese	1 137			
	Latin	366			
	Spanish	265			
	Chinese	181			
	Polish	53			
	Serbo-Croat	44			
	Language Studies	443			
	Dutch / Russian / Vietnamese	27			
	Total	29 008			
		Primary	Primary		
	French	3 620	145	Not available	Primary not available
1980	German	4 465	196		
	Modern Greek	2 932	213		
	Indonesian	2 066	82		
	Italian	7 830	422		
	Pitjantjatjara	213	20		
	Yugoslav languages	449	32		
	Adnamatana	24	2		
	Dutch	30	1		
	Japanese	92	4		
	Malay	44	2		
	Ukrainian	15	1		
	Total	21 780	1 120		

Year	Language	No. of Students	No. of Classes	No. of Teachers	Per cent doing Language
		High School			
1981	German	10 999	Not available	Not available	High 37.4 per cent
	French	9 224			
	Italian	3 004			
	Modern Greek	1 769			
	Indonesian/ Malaysian	1 056			
	Japanese	880			
	Latin	359			
	Spanish	233			
	Chinese	175			
	Polish	47			
	Serbo-Croat	107			
	Language Studies	194			
	Russian	33			
	Vietnamese	11			
	Total	28 091			
		Primary—Figures not available	Not available	Not available	Primary—Figures not available

INSULTING LANGUAGE

The Hon. BARBARA WIESE (on notice) asked the Attorney-General:

1. Is it true, as reported in the *National Times* of 4-10 April 1982, that the Minister of Agriculture, the Hon. W. E. Chapman, recently greeted Mexico's Minister for Food and Nutrition and Special Adviser to the President at Adelaide Airport with the following words: 'Where have you left your sombreros?'

2. If so, does the Premier feel that this sort of gratuitously insulting language is an appropriate form of greeting from a South Australian Minister to such a distinguished overseas guest?

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

1. No.

2. Not applicable.

STATE TIES

The Hon. ANNE LEVY (on notice) asked the Attorney-General:

1. How many State ties have been given to individuals since they were introduced in October 1980?

2. How many State brooches have been given to individuals since they were introduced in October 1981?

3. What are the criteria for presentation of these gifts to South Australians, and how many of each have been given to South Australians?

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

1. 838 (as at 16 April 1982)

2. 100 (as at 16 April 1982)

3. These gifts are given to visiting dignitaries at the Premier's direction and are taken overseas by Ministers for presentation to hosts. South Australian recipients include members of Parliament, senior public servants and prominent citizens. It is not possible to distinguish how many South Australians have been recipients.

TRAFFIC OFFENCES

The Hon. G. L. Bruce, for the **Hon. FRANK BLEVINS** (on notice), asked the Minister of Local Government:

1. How many traffic infringement notices were issued in February 1982 in—

(a) South Australia; and

(b) the Whalla Division?

2. How many summonses for road traffic offences were issued in February 1981 in—

(a) South Australia; and

(b) the Whyalla Division?

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

1. *(a)* 12 100

(b) 270

2. *(a)* 8 069

(b) 214

LANGUAGE ADVISERS

The Hon. C. J. SUMNER (on notice) asked the Minister of Local Government: In 1979, 1980, 1981, and as available for 1982, how many language advisers were employed, and, in particular, what languages were involved and where were such advisers employed?

The Hon. C. M. HILL: As the reply to this question is set out in four schedules, I seek leave to have them inserted in *Hansard* without my reading them.

Leave granted.

ADVISER SCHEDULES

Language advisory staff 1979		
1 × secondary German adviser	0.3	School-based
1 × secondary German adviser	1.0	Wattle Park Teachers Centre
1 × primary German/Indonesian adviser	1.0	Wattle Park Teachers Centre
1 × secondary Italian adviser	0.3	School-based
1 × primary Italian adviser	1.0	Languages and Multicultural Centre
1 × secondary Greek adviser	0.3	School-based
1 × primary Greek adviser	1.0	School-based
1 × secondary French adviser	1.0	Wattle Park Teachers Centre
1 × Principal Education Officer	1.0	Central Office
1 × Regional Education Officer	0.5	Region-based
Total	7.4	
Language advisory staff 1980		
1 × secondary German adviser	0.3	School-based
1 × secondary German adviser	1.0	Wattle Park Teachers Centre
1 × primary German/Indonesian adviser	1.0	Wattle Park Teachers Centre
1 × secondary Italian adviser	0.5	School-based
1 × primary Italian adviser	1.0	Languages and Multicultural Centre
1 × primary Italian adviser	1.0	Languages and Multicultural Centre
1 × secondary Greek adviser	0.5	School-based
1 × primary Greek adviser	1.0	Languages and Multicultural Centre
1 × primary Greek adviser	1.0	Languages and Multicultural Centre
1 × secondary French adviser	1.0	Wattle Park Teachers Centre
1 × Principal Education Officer (Acting)	1.0	Central office
Total	9.3	
Language advisory staff 1981		
1 × secondary German adviser	0.3	School-based
1 × secondary German adviser	1.0	Wattle Park Teachers Centre
1 × primary German/Indonesian adviser	1.0	Wattle Park Teachers Centre
1 × secondary Italian adviser	0.5	School-based
1 × primary Italian adviser	1.0	Languages and Multicultural Centre
1 × primary Italian adviser	1.0	Languages and Multicultural Centre
1 × secondary Greek adviser	0.5	School-based
1 × primary Greek adviser	1.0	Languages and Multicultural Centre
1 × primary Greek adviser	1.0	Languages and Multicultural Centre
1 × secondary French adviser	1.0	Wattle Park Teachers Centre
1 × Regional Education Officer	0.2	Region-based
Total	8.5	
Language advisory staff 1982		
1 × secondary German adviser	1.0	Languages and Multicultural Centre
1 × secondary Italian adviser	0.5	School-based
1 × primary Italian adviser	1.0	Languages and Multicultural Centre
1 × secondary Greek adviser	0.5	School-based
1 × primary Greek adviser	1.0	Languages and Multicultural Centre
1 × primary French adviser	0.3	School-based
1 × secondary French adviser	1.0	Languages and Multicultural Centre
1 × primary/secondary Chinese adviser	0.3	School-based
1 × primary/secondary Serbo-Croatian adviser	1.0	Languages and Multicultural Centre
1 × secondary Japanese adviser	0.2	School-based
1 × primary/secondary Vietnamese adviser	0.2	School-based
1 × primary/secondary Indonesian adviser	0.5	School-based
1 × Principal Education Officer	1.0	Central Office
1 × Regional Education Officer	0.5	Region-based
Total	9.0	

ENGLISH CLASSES

The Hon. C. J. SUMNER (on notice) asked the Minister of Local Government:

1. How many teachers are at present involved in teaching English as a second language?

2. Where are such classes conducted, how many students are involved and from what ethnic background do they come?

3. How many such teachers are permanent employees of the department?

4. What are the funding arrangements for the employment of these teachers and the conduct of courses?

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

1. Total 228. Total F.T.E. 184.

2. Classes are conducted at:

Second phase learners:			
Secondary			
Adelaide	Campbelltown	Coober Pedy	Christies Beach
Croydon	Daws Road	Enfield	Eyre
Findon	Glengowrie	Gepps Cross	Glenunga
Glossop	Gilles Plains	Ingle Farm	Kidman Park

Second phase learners:

Le Fevre	Marion/Mitchell Park	Marden	Nailsworth
Norwood	Plympton	Renmark	Seaton
Thebarton	The Parks	Unley	Underdale
West Lakes	Woodville	Languages and Multicultural Centre Library	

Primary

Andamooka	Alberton Junior Primary School	Alberton	Allenby
Angle Vale	Ascot Park Primary School and Junior Primary School	Barmera	Berri
Black Forest	Blair Athol	Brahma Lodge Primary School and Junior Primary School	Brompton
Camden	Campbelltown Junior Primary	Campbelltown	Challa Gardens
Coober Pedy	Cowandilla Junior Primary	Cowandilla	Croydon Junior Primary
Croydon	Croydon Park	East Adelaide Junior Primary	East Adelaide
East Marden	Enfield	Evanston Gardens	Ferryden Park
Forbes Junior Primary	Forbes	Findon	Fulham Gardens
Gepps Cross	Goodwood	Glossop	Hectorville
Hendon	Hincks Avenue Junior Primary	Hincks Avenue	Hindmarsh
Kidman Park	Kilkenny	Loxton	Loxton North
Mansfield Park Junior Primary	Mansfield Park Primary School	Marryatville	McRitchie Crescent Junior Primary and Primary
Modbury Junior Primary	Modbury	Monash	Nailsworth
Netley	Newton	Nicolson Avenue	Norwood
Parkside	Payneham	Pennington Junior Primary	Pennington
Port Adelaide	Prospect Junior Primary	Prospect	Renmark Junior Primary
Renmark	Renmark North	Richmond	Ridley Grove Primary School
Ridley Grove Junior Primary	Salisbury Junior Primary	Salisbury	Salisbury North Junior Primary
Salisbury North	Salisbury North West Junior Primary	Salisbury North West	Seaton Park Junior Primary
Seaton Park	Seaton North	Semaphore Park	St Morris
Stradbroke	Thebarton	Torrensville	Thorndon Park
Trinity Gardens	Two Wells	Unley	Virginia
Waikerie	Winkie	Languages and Multicultural Centre	

New Arrivals

Gilles Street Language Centre	Port Adelaide Language Centre
Sturt Street Primary School	Croydon High School
Pennington Primary School	Pennington Junior Primary School
Victor Harbor Primary School	Fremont High School
Renmark High School	Kirton Point Primary School
Nuriootpa Primary School	

The number of students constantly changes because of new arrival intakes and graduation of students from special English classes. Specific figures on the number of students from particular ethnic backgrounds are not available.

3. 139 teachers are permanent employees of the Education Department.

4. Salaries for teachers working in these programmes are funded from a Commonwealth Schools Commission recurrent grant. State funding covers administration of programmes, provision of classrooms and furniture and the bulk of teaching materials.

APARTHEID

The Hon. ANNE LEVY (on notice) asked the Attorney-General:

1. Has the Premier received a letter dated 24 March 1982 from the information counsellor at the South African Embassy in Canberra?

2. Does the Premier agree that the majority of the people of Australia do not derive from a common stock with the majority of the people of South Africa, contrary to what is stated in the letter?

3. Will the Premier join with the Prime Minister of Australia in roundly condemning the apartheid system which leads to a denial of basic human rights for the majority of the people of South Africa?

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

1. Yes—a circular letter has been received.

2. The term 'common stock' is not at all clear or defined.

3. The Prime Minister has adequately expressed the sentiments of the Australian people.

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Injuries Compensation Act, 1977-1979. Read a first time.

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

That this Bill be now read a second time.

It contains a miscellany of amendments to the Criminal Injuries Compensation Act, 1977-1978. A comprehensive examination of the operation of that Act provides the basis for these amendments. They seek to streamline administrative procedures, close up avenues for abuse of the system and ensure that the principal objective of the Act is achieved, that is, for the Government to provide, as a last resort, a monetary sum to a victim by way of contribution towards the cost of an injury sustained at the hands of an offender.

The definition of 'offence' has been clarified because of potential problems with the present definition. The effect of the amendment is to ensure that an amount will be

payable for injury arising out of conduct which would constitute an offence if it were not for the young age of the offender or the existence of a defence of insanity. In both of these cases, payment is warranted. The potential problems with the existing definition relate to certain situations where a jury finds an alleged offender not guilty; and in those situations the acquittal may have been because the accused lacked the necessary intention or that the accused had acted as an automaton; with the proposed definition, none of those matters will now cause a problem.

The definition of 'victim' has been revised to make it clear that it is only the person against whom the crime is actually committed who may claim compensation. This does not affect the right of dependants to claim for financial loss when a victim dies. Having examined the records of claimants under the existing legislation, it was found that, apart from relatives of murder victims, there has only been one successful claimant who was not the direct victim of the crime. (She was a witness to a bank robbery—she suffered mental shock). Although the offender may be liable for injury regardless of legislation, the State should not be liable to the same extent to persons other than the direct victims of crime, their dependant spouses and children.

At present, the jurisdiction conferred by the Act is exercised by various courts throughout the judicial system. The Bill proposes that, where the offender is brought to trial, unless the application is made before those proceedings are determined, the District Court should hear the matter. This will ensure more consistency in criminal injuries compensation awards and speed up proceedings.

The Act does not allow settlements of claims out of court. It is often the case that the Crown does not dispute the amount of compensation claimed by a victim of a crime. In such a case, it is both a waste of time and money for the parties to go before the court. The Bill allows the parties, provided that they all consent to an award, to seek certification by the court of the amount agreed on as the compensation payable to the victim. This will be done with appropriate administrative machinery ensuring that the Attorney-General consents to that award.

Instances have occurred where applications for monetary sums have been made by people who have either not reported an offence, or delayed in so doing. From the discussions which the Government has had it seems that unfortunately there have been an increasing number of dubious claims. The time and money involved in investigating and litigating such claims (which often have little chance of success) should be curtailed. The Bill provides that no compensation will be awarded where the victim had, without good reason, failed to report the crime to the police within a reasonable time after the commission of the offence or he has failed without good reason to co-operate with the police and thereby has prejudiced their inquiries.

The Act does not provide that medical examination of a claimant may be required by the other party and, accordingly, medical evidence has often been one-sided. The Bill provides a balance by providing that the examination may be required. At the moment, the Act provides that the claimant need only prove his claim on the balance of probabilities. The situation could arise where a person has been acquitted of an offence because the prosecution was unable to prove beyond reasonable doubt that the offence was committed, but a claimant under this Act, who was able to prove only on the balance of probabilities that an offence was committed, would be successful. The Bill provides that in these circumstances compensation will only be payable when the claimant has proved beyond reasonable doubt that an offence was committed.

As the Act now stands the Crown has only a limited right of appeal in these cases. The Bill will ensure that the Crown does have a general right of appeal against all orders made under the Act. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act on proclamation. Clause 3 provides a slightly narrower definition of 'offence'. Conduct that would have constituted an offence but for a defence of automatism, duress or drunkenness, and conduct that would have constituted rape but for a lack of guilty intention, no longer forms part of the definition of 'offence' and a claim cannot therefore be made against a person acquitted on such grounds. The definition of 'victim' is expressed so as to exclude mere 'bystanders' from the category of persons who may claim compensation under the Act. Thus a person who is merely an onlooker of a crime cannot claim, unless he himself is the direct target of an offence.

Clause 4 enables claims for injury that would be compensable under the Act as it now stands to continue to be made, where the injury occurred before this amending Act. Clause 5 provides that claims for compensation may be made either to the court before which an offender is brought to trial, or to a District Court. An application made to the court before which the offender is being tried must be made before the determination of the trial proceedings. Provision is made for consent orders. The court determining an application for compensation may refuse compensation where it appears that the applicant unduly delayed reporting the offence to the police, or was unduly unco-operative in assisting the police in their investigations. The court may make a separate order for costs.

Clause 6 provides that the offender or the Crown may require a claimant to undergo medical examination by a doctor nominated by the party requiring the examination. The claimant's costs in undergoing such examination must be borne by the party requiring the examination. Copies of the medical report must be furnished to each party.

Clause 7 provides that an order for compensation shall not be made (except by consent) unless it is proved beyond reasonable doubt by the claimant that an offence was committed, and that there was a direct link between the offence and the injury. Where no person has actually been brought to trial for the offence, the claimant's evidence must be corroborated by other evidence.

Clause 8 provides a right of appeal to the Supreme Court for all parties. The Full Court will hear an appeal against an order made by a single judge of the Supreme Court. All other appeals will be heard by a single Supreme Court judge. Clause 9 clarifies the position relating to legal costs. An order for costs must not exceed the scale prescribed by regulation. A lawyer is not permitted to charge costs in excess of the prescribed scale. Clause 10 extends the time in which the Attorney-General must satisfy a claim, so as to allow the time for an appeal to expire. The rest of the amendments in this clause are consequential.

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

FILM CLASSIFICATION ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Film Classification Act, 1971-1978. Read a first time.

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

That this Bill be now read a second time.

It is introduced chiefly to make unlawful the practice of showing unclassified films over closed-circuit television systems in motels, hotels and lodging houses, and also to provide that trailers containing material unsuitable for children are not shown unexpectedly on programmes classified less restrictively. It has come to the Government's attention that motels in this State and, more commonly in other States, have, on occasion, made available pornographic films on an unused channel of the television sets in their rooms.

Following a complaint, it was discovered that there was some doubt legally as to whether the owner of a motel 'exhibited' an unclassified film when in fact the act of producing the image in a motel room was undertaken by a client. To put the matter beyond doubt, this Act provides that it will be an offence to make available an unclassified film in such circumstances. It also creates an offence of making available a film classified as restricted under the Film Classification Act, if the hirer of the premises has not been made aware beforehand that a restricted film might be shown. Whilst it might be said that an adult may change to another channel if he or she is offended by such a film, the complaint which gave rise to consideration of this matter was related to young children who left their parents dining in the motel dining room and returned to the family room where they watched a pornographic film which was being shown over a closed circuit. This section will also prevent unclassified films being made available in coin-in-slot machines; that has been a problem in some States.

The matter of 'M' and 'NRC' trailers being shown to children attending programmes of 'G' films has been raised perhaps 10 or more times in the last seven years. Whilst theatre proprietors have generally complied with requests to cease the practice, the proposed amendment will create an offence in this regard. Films classified 'M' nowadays, would, have, 10 years ago, been classified 'R' in many cases. They may contain brief scenes of sexual intercourse and significant violence.

The Commonwealth Film Censorship Board classifies trailers in accordance with the classification given to the main film. The Board endeavours to see that trailers do not consist only of the most titillating scenes, but, nevertheless, parental wrath is sometimes provoked in circumstances where it is discovered that children have seen unsuitable excerpts. The classification 'R' given to trailers relating to 'R' films prevents them being shown in association with programmes not otherwise containing an 'R' film.

The proposed amendment lists classifications in order of restriction and the Bill provides that if a trailer is shown unannounced on a programme devoted to films of lesser restriction, then an offence will be committed, unless the fact has been advertised.

Since 1971, money values have changed so that the original penalties should be increased by at least 170 per cent to maintain their impact. However, Government policy regarding censorship and breaches of classification laws is to strengthen provisions, and a tenfold increase is suggested where penalties have not been altered since 1971. There are lesser increases in relation to penalties fixed in 1977. There are also clauses which will eliminate certain difficulties which have been experienced in prosecutions for breaches of the Act. I seek leave to have the detailed explanation of clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 corrects a cross reference in the definition of restricted classification. Clauses 4, 5 and 6 increase penalties for offences set out in sections 4, 5 and 6 respectively of the principal Act.

Clause 7 amends section 8 of the principal Act. Subclause *(a)* increases penalties prescribed by section 8 (2). Subclause *(b)* inserts a new subsection (2a) that provides that where a newspaper advertisement publishes details of some only of the films to be shown at a particular programme the advertisement must include the rating of the most restricted of the films to be shown. This is not to apply if all the films are classified for general exhibition or not recommended for children. Subclause *(c)* makes a drafting change consequential on the enactment of new subsection (3a). This new subsection, which is enacted by subclause *(d)*, removes the obligation, which would otherwise apply under subsection (3), to exhibit to patrons of a theatre the classification of all trailers to be shown where those trailers are of the same restriction or less restricted than the most restricted film to be included in that programme.

A patron, having been given notice of the film carrying the most restricted classification should not complain of trailers from other films carrying the same or a less restricted classification. Subclause *(e)* increases the penalty applying under subsection (4) of section 8. Subclause *(f)* inserts new subsections (5) and (6) into section 8. Subsection (5) provides that the classifications in section 4 (1) are set out in that subsection in order of increasing restriction and that classifications prescribed under paragraph *(e)* shall fit into that order as prescribed. Subsection (6) provides a definition of the word 'trailer'.

Clause 8 increases penalties provided by section 9 of the principal Act. The clause also narrows the scope of subsection (1) so that it is clear that the prohibition of advertisements relating to unclassified films only applies in relation to the exhibition of such films as opposed to their sale which is regulated under the Classification of Publications Act. Clause 9 enacts new section 9a. This section is designed to prohibit the showing of unclassified films and control the showing of restricted classification films in motels, hotels and other premises providing accommodation to the public for a fee. Subsection (2) provides the limited circumstances in which a restricted classification film may be shown. Subsection (3) defines terms used in the section.

Clauses 10 and 11 increase penalties provided by sections 11 and 11b respectively. Clause 12 inserts new sections 13 and 13a into the principal Act. New section 13 allows a prosecution for an offence against the principal Act to be commenced within two years of the alleged date of the offence. Section 13a replaces existing section 13. This section deals with liability of officers of a corporation for offences committed by the corporation under the principal Act. The new provision has the same effect as the old except that members of the governing body of a corporation are liable for offences committed by it under the Act unless they can prove that they exercised reasonable diligence to prevent the offence.

The present provision requires the prosecution to show that a director, etc., knowingly permitted the commission of the offence and the change therefore puts a greater onus on people in control of corporations to ensure that offences are not committed. Any other person, such as an employee of the corporation, who knowingly participates in an offence is liable to prosecution as a principal offender or as an accessory without the enactment of a specific provision in the principal Act to that effect.

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

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Classification of Publications Act, 1973-1978. Read a first time.

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

That this Bill be now read a second time.

Following the success of the Government at the last election, a general expectation was raised to the effect that the availability of pornography would be somewhat more restricted. To a certain extent, since then standards have been tightened but the general provisions of the Classification of Publications Act have remained the same.

The Government has received representations from various bodies suggesting amendments to the Act, and there have also been ongoing negotiations with censorship authorities in the other States and Canberra regarding the possibility of standardising procedures and decisions in relation to the censorship and classification of publications. Whilst maintaining the structure of the Act, this Bill is designed to tighten the method of sale of classified publications and to increase penalties under the Act.

During most of 1981, South Australia pressed for an Australian conference of censorship Ministers. This meeting was sought to discuss proposals put forward at an officer level resulting in recommendations being made for consideration of Ministers. As a result of this State's pressure a conference was finally held in Sydney on 16 October 1981. At that meeting, it was agreed that the recommendations should proceed to a draft Bill, and when the South Australian Act is amended in accordance with this Bill, the amended Act will be a model for consideration by other Governments in Australia.

At present, the South Australian Classification of Publications Board has a range of five restrictions that it may impose on publications which it classifies as restricted publications. These restrictions may be imposed in any combination, but chiefly they are imposed in combinations of:

(A) Not to be sold to minors; or

(A) Not to be sold to minors and (B) Not to be displayed in public areas; or

(A) Not to be sold to minors.
(B) Not to be displayed publicly.
(C) Not to be sold except to adults making a direct request.
(D) To be delivered only to the purchaser who requests the publication whilst he is at the place at which the publication is for sale and takes delivery at that place.

In practice, those classified (A) only—not to be sold to a minor—are sold in transparent plastic bags which may be put out on shelves to which minors have access along with other members of the public. They are sold in delicatessens, newsagents and many other places. Those which are restricted not only in relation to sale to minors, but also from public display, are sold either in opaque bags in these locations plus restricted publication areas (nowadays confined to sex shops rather than book shops as well) or, alternatively, they are kept under the counter and are wrapped before delivery to the customer. Those classified (A), (B), (C) and (D), as mentioned earlier, are sold chiefly in sex shops, although it is not illegal for them to be sold from under the counter elsewhere.

The new Act, when amended by this Bill, will provide for two categories of restricted publication, in addition to the unrestricted classification and the proviso to refuse to classify books at all, thus rendering any vendor liable to prosecution under the Police Offences Act. This reduction from five restrictions in various combinations to two categories—category 1 and category 2—is essential if an Australian standardisation is to take place. The Commonwealth has long used a system with only two classes of restriction.

The proposed category 1 classification will be allocated to those publications which are commonly classified (A) (not available to minors), although, of course, the actual decisions will still be made by the Classification of Publications Board. Magazines in this class will be sold in sealed packages. Material in category 2, which will contain the remainder of the publications thought suitable by the board for sale, will not be permitted to be sold or displayed anywhere except in restricted publications areas. Nowadays, such areas are confined to sex shops but there is provision in the regulations for such areas to be established in premises selling books.

I have outlined the most obvious changes proposed. There are other provisions which will become apparent on reading the explanations for each clause. There is a provision for the board to have due regard to the views of the Minister. That is not to say that the board must do as the Minister wishes. There is already provision in section 12 (3) for the board to have due regard to decisions made by other authorities of the Commonwealth and the States relevant to the performance of its functions and to have due regard to the nature of the publication and all other relevant factors. Nevertheless, the amendment goes some way towards meeting the view that the Minister should have responsibility for the board decisions.

There is a wider provision for the board to refuse to classify publications. The Bill provides that restricted publications and any sealed package in which they are contained, must be marked in the prescribed manner with the appropriate symbol and warning. This is proposed in the expectation that at least some of the restricted publications will continue to bear the warning on the cover after they have been removed from the package. It will be of assistance to subsequent readers and to secondhand book sellers who, of course, have to observe the Act in any case.

There is an important provision that retailers may have the option of refusing to carry publications, not only those which have been refused classification (at present provided in the regulations) but also publications which have been classed as restricted.

It is quite common for proprietors of delicatessens to say that they would rather not carry certain material, but that they are bound by their contract with the wholesaler or distributor to carry a complete range of the products available. Some retailers place such material out of sight to avoid selling it but this is a stratagem which places them in some jeopardy for breach of contract. The Bill authorises retailers to refuse to receive, exhibit or sell such publications without penalty under a contract. Penalties throughout the Act are increased and these variations take into account changes in money values since the Act was first passed.

There is also a wider provision for regulations which may be required, chiefly because of the need in a model Bill to cover situations which apply only in some other States. However, it should be said that it is not proposed at this stage to make regulations in South Australia prescribing the form of applications for classification and the registration of restricted publications areas.

I seek leave to have the detailed explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 amends section 4 of the principal Act, the interpretation section. The clause inserts definitions of 'category 1 restricted publications' and 'category 2 restricted publications'. Under amendments proposed by clause 6 a restricted publication will automatically attract

one of two sets of conditions according to whether it is classified as a category 1 or category 2 restricted publication. Clause 3 also inserts a definition of 'restricted publications area' being any premises or part of any premises established, constructed and managed in accordance with the regulations.

Clause 4 amends section 12 of the principal Act which sets out the criteria to be applied by the board in determining the classification to be assigned to a publication. The clause provides that the board is to have regard to the views of the Minister, in addition to the matters to which it is presently to have regard, in determining the classification of a publication.

Clause 5 amends section 13 of the principal Act which provides that the board is to classify a publication that is offensive according to the terms of the section as a restricted classification publication. Subclause *(a)* widens the category dealing with drugs to include drug misuse as well as drug addiction. Subclause *(b)* provides for the two categories of restricted publication. Subclause *(c)* replaces subsection (3) of section 13 of the principal Act. Paragraph *(a)* of the new subsection preserves the effect of the existing subsection (3) and paragraph *(b)* gives the board the right to refuse classification where the publication is particularly offensive.

Clause 6 replaces section 14 of the principal Act. The new section imposes conditions on restricted publications instead of merely providing the board with a discretion to impose conditions as the present section does. The conditions are to be those applying to category 1 restricted publications or category 2 restricted publications. A category 1 restricted publication is to be subject to two conditions, one being that the publication is not to be sold, delivered or displayed to a minor (except by the minor's parent or guardian or with his authority) and the other requiring the publication to be contained in a sealed package if it is displayed in a place to which the public has access other than a restricted publications area.

A category 2 restricted publication is to be subject to five conditions. These are to be: first, a condition that the publication is not to be sold, delivered or displayed to a minor (except by the minor's parent or guardian or with his authority); secondly, a condition that the publication is not to be sold by retail or displayed or delivered for or on sale by retail except in a restricted publications area; thirdly, a condition that the publication is not to be delivered to a person who has not made a direct request for it; fourthly, a condition that the publication shall not be delivered to a person unless wrapped in opaque material; and, fifthly, a condition that the publication shall not be advertised except in a restricted publications area or by way of printed or written material delivered to a person at the written request of the person.

Clause 7 by subclause *(a)* replaces subsection (1) of section 15 of the principal Act. Under the new subsection the board no longer has power to vary conditions attached to a publication as these will now be fixed under section 14. Subclause *(b)* makes a consequential amendment to section 15 (2) for the same reason.

Clause 8 makes consequential amendments to section 17 of the principal Act. Clause 9 amends section 18 of the principal Act. Subclauses *(a)*, *(b)* and *(e)* increase penalties provided by section 18. New subsection (3) replaces existing subsection (3). Under new subsection (3) the information to be marked on restricted publications is to be prescribed by regulation. Existing subsection (4) is struck out by the clause as the requirement for the wrapping of restricted publications is now to be dealt with by the conditions that apply as a result of classification. The clause also makes a drafting amendment to subsection (5) designed to make it clear that the restricted classification referred to in the subsection is classification as a restricted publication under the principal Act and not a restricted classification under the Film Classification Act. New subsection (6) is an evidentiary provision.

Clause 10 inserts a new section 19a which provides that a party to a contract for the sale, delivery, exhibition or display of, or any other dealing with, a publication may refuse to proceed with the contract if the board refrains from assigning a classification to the publication or classifies it as a restricted publication.

Clause 11 makes amendments to section 20 that are of a consequential nature. The clause also inserts a new subsection (3) designed to reverse the effect of the Supreme Court decision of *Dunsmore v Tiley, 18 SASR 259*. The clause provides that the protection afforded by subsections (1) and (2) from liability for offences relating to obscenity or indecency does not remove the obligation to comply with the provisions of the Film Classification Act.. That is, the clause is designed to make it clear that where a film has been classified under the principal Act as a restricted publication, but is not classified under the Film Classification Act, it will be an offence under section 4 of the Film Classification Act to exhibit the film in a theatre and an offence against proposed new section 9a of that Act to make the film available for viewing in the circumstances prescribed by that provision.

Clause 12 amends section 22 of the principal Act which provides for the making of regulations. The clause provides for the fixing of a fee for applications for the classification of publications. The clause provides for the making of regulations regulating the establishment, construction and management of restricted publications areas, including the prevention of access by minors, and for the registration of such areas. The clause also authorises an increase in penalties for offences against the regulations from the present maximum of $200 to a new maximum of $1 000.

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

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES

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

That the Select Committee on Local Government Boundaries on the District Councils of Balaklava and Owen have leave to sit during the recess and report on the first day of the next session.

Motion carried.

The Hon. C. M. HILL: I move:

That Standing Orders be so far suspended as to enable me to move forthwith for the election, by motion, of a member to be a member of the Select Committee on Local Government Boundaries of the District Councils of Balaklava and Owen in place of the late Hon. J. E. Dunford.

Motion carried.

The Hon. C. M. HILL: I move:

That the Hon. M. S. Feleppa be a member of the Select Committtee on Local Government Boundaries of the District Councils of Balaklava and Owen in place of the late Hon. J. E. Dunford.

Motion carried.

FISHERIES BILL

Adjourned debate on second reading.

(Continued from 6 April. Page 4058.)

The Hon. B. A. CHATTERTON: This Bill completely rewrites the present Fisheries Act. This has become necessary because of the rapid rate of change within fisheries management in this State and the need to bring the Act up to date with the current fisheries management policies. What

is disappointing is that the future difficulties of the fishing industry—obvious as they are to any disinterested observer—are not anticipated in any way by the Government.

When the present Act was passed by Parliament in 1971, fisheries management in terms of licence limitation was new indeed. The Act was based on the assumption that there was a general common property fishery available to anyone who paid a fee to the Fisheries Department. The Act provided the means by which specific fisheries could be separated from the common fish stock and managed by regulation, proclamation and policies. The major management tool was the limitation of the entry of fishermen into the fishery. There was a specific number of fishermen who could participate in commerical fishing. The recreational fishery remained freely available, and a truly common property resource, but commercial fisheries with limited entry management rules ceased to be a common property resource. It is surprising that this point is so poorly understood and that the Minister should still talk about 'common property resource' in the second reading speech when that has ceased to exist and when he really means something quite different that is a 'community resource'.

What is confusing is that those with privileged access to a specified stock of fish, for example prawn or rock lobster, harvest their returns from a common fish stock. Within the privileged group there is a common property with all its peculiar problems. It is these problems of interaction between the activities of individual fishermen that makes the freehold ownership of licences to harvest the resource inappropriate. Freehold ownership implies a freedom to exploit the resource that would create havoc within fisheries management regimes. Yet it is freehold ownership and the financial pressure to over-exploit the resource that goes with it that is the Government's avowed policy.

The fishing industry is at present going through a period of unusual prosperity—unusual because in a historical sense the normal condition for a fishery is poverty, depression and bare subsistence. If we start with a primitive fishery, management is not necessary because the technology is so poor that the fishermen cannot hope to harvest anything like the sustainable yield of the fishery. The fish stock is safe from a conservation point of view, but the standard of living for the fisherman is extremely low. A good example of this was the prawn fishing off the Keralo coast, harvested for probably thousand of years using simple wooden vessels and primitive nets. The harvest was small and the Keralan fishermen were the poorest and most under-nourished sector of society. In the early 1950s a Norwegian aid programme helped to develop the prawn fishery which, with an annual harvest of 200 000 tonnes, is now one of the largest in the world.

With the introduction of new technology, the position of fishermen at first improves but comparatively rapidly the new technology becomes so efficient that the sustainable harvest of the fishery is exceeded, the breeding stock of the fishery is depleted and the fishery collapses. Of course, there are plenty of examples in the North Atlantic of fisheries going through this cycle.

Fisheries management attempts to prevent the destructive collapse of the fishery that is inevitable when individual fishermen compete for a common property resource. The first phase of fisheries management was the introduction of conservation measures that tried to protect the breeding stock. These regulations controlled the equipment used for fishing in an attempt to protect fish from capture before they grew to breeding size, the release of breeding females and other such mechanisms that tried to ensure only a sustainable harvest was taken from the fishery. However, the fishery was open to all within these rules.

Even if the measures could be made to work effectively they would do nothing to help the prosperity of the fishing industry. Let us assume, for example, that a fishery can sustain a yield of 1 000 tonnes and this can be a profitable fishery for 10 fishermen. The track record is that more and more fishermen will enter the fishery as long as there is any profit in it at all. In fact, the new entrants will optimistically believe that they can make a profit in spite of the fact that the majority of fishermen are not doing so. Of course, the conservation measures are likely to collapse under this sustained pressure from a large group of desperate fishermen and the fishery will be over-fished. Even if this does not happen, the yield will be distributed among such a large group that few will be able to make a profit.

The second phase of fisheries management attempted to overcome this problem by limiting the total number of fishermen allowed to harvest the resource. It was anticipated that this would do two things: first, it would be a more effective method of keeping the harvest from the fishery to a level that could be sustained and, secondly, it would allow fishermen to make a profit by preventing the expansion of the fishing fleet to a size where profits disappeared. It is important to understand this point. The expansion of the fishing fleet beyond the optimum level does not merely distribute the profits more widely among the fishing community; it actually destroys them. The profits made by the fishermen in my example who caught 1 000 tonnes between them are not halved when 20 fishermen are harvesting the same amount. The costs of the 20 fishermen are likely to be double the costs of 10 fishermen, so the profits of the large group are likely to be nil.

This second phase began in South Australia in 1967 with the rock lobster fishery, then extended to the prawn and abalone fishermen, and during the 1970s extended to other fishermen. Licence limitation has been successful in conserving the stock where it has been introduced before the fishery has entered the downward spiral of low profits and over-fishing.

We are now entering the third phase of fisheries management in which the profits for individual fishermen which were a major objective of licence limitation are again going to disappear. The profits are disappearing because they are being capitalised into licence premiums and are no longer available to practising fishermen. Once the process of generation transfer is complete, we will have a situation in which there is a group of outside investors who were the first generation of fishermen to benefit from licence limitation who draw off the profits from the fishery, and a group of practising fishermen who will be in the same situation as fishermen who were never protected by licence limitation. In the case of an open fishery, profits are dissipated by wasteful costs associated with an excessive number of fishing units harvesting a limited resource. In the case of a limited entry fishery, the profits are just as effectively dissipated by wasteful costs associated with excessively high capital value for each fishing unit. This does not happen immediately but happens over a period of years as each licence is transferred and a new completely artificial capital cost is built into the fishing unit and eventually the fishery as a whole.

Experience elsewhere in the world has shown that new entrants to a limited-entry fishery tend to pay excessive and often speculative premiums for these licences. It is difficult to judge profits. The early entrants who often harvest a virgin stock show signs of conspicuous affluence which encourage new entrants to pay premiums that are higher than their profits can effectively sustain. The result is that the new fishermen try to increase their effort in order to repay the premiums on their licence and make profits for themselves. The objectives of fisheries management are gradually but steadily undermined. The extra effort puts

pressure on the fish stock and the premium pay-out syphons off the profits from practising fishermen to outside investors.

The simple solution to the problem is to make licences not transferable. In other words, they are available to practising fishermen and are handed in when they retire and reallocated to new fishermen. This system would ensure that practising fishermen continued to make good profits while they fished but would not allow them to take the future profits from the fishery when they retire.

This approach is favoured by the Labor Party and vigorously opposed by the Liberal Party and by the fishermen who will receive a substantial windfall profit from the sale of their licence. Our opponents favour the sale of licences. Our opponents try to paint a picture of ideological conflict in which the Labor Party is opposed to private profits. As I have already explained, we are not opposed to private profits: in fact, we wish to maintain them for those involved in the fishing industry.

As far as the resource itself is concerned, there is not any ideological conflict, either. The Labor Party believes that the resource belongs to the community as a whole and should not be sold. The Liberal Party policy at the last election (and I quote from Mr Rodda's policy statement of August 1979) was as follows:

> The Liberal Party recognises the overall public ownership of the national fish resource and will allow all sections of the community to have reasonable but controlled access to the fish stock of the seas and inland waters.

The Labor Party agrees wholeheartedly with that Liberal Party statement of philosophy. What we oppose is the action which has been carried out by the Liberal Government and which does the exact opposite of their avowed policy. The overall public ownership of the abalone fishery has been given to the divers, who are now reselling it for $150 000 to $200 000 per unit. The overall public ownership of the scale fishery will be given to the present generation of fishermen, who will then be able to resell it for windfall profits.

While the Labor Party favours a 'profits to practising fishermen policy' through non-saleable licenses, we are well aware of the problems that can occur when the licence goes with the fisherman, not the vessel. If the fisherman is forced to leave the industry through ill health or accident, he says it might be difficult for him to realise on his investment.

It is this argument that was put forward so strongly by the abalone divers and their unthinking apologists to support saleable authorities as a means of gaining 'security'. Any rational analysis will show that this security, when it attaches to the authority, is only provided to the first generation of fishermen, who get their licences free from the Government. After that the ownership of the authority as such provides no security whatsoever. The second generation diver or other fisherman who buys the authority and is forced to make an unplanned exit from the fishery gets a premium for his licence which only pays off the debt he incurred when he bought the licence in the first place. There is no security—only additional and unnecessary capital costs. Security can be provided only through a superannuation or insurance scheme which is formed from the contribution of real money by fishermen. Such a scheme would provide real security for all fishermen, not just those who were lucky enough to be the first privileged entrants to a limited-entry fishery.

Besides the false comparison with superannuation, some people have tried to justify the granting of freehold tenure to fishermen through saleable licences, with the freehold tenure enjoyed by farmers. The difference is that farmers can invest in new technology and other improvements on their land without affecting the income of their neighbours, while a fisherman who expands his fishing effort either by working more days or introducing new technology is taking the catch from his neighbours and forcing them to expand their effort also. High and often speculative premiums put financial pressure on a fisherman to expand his effort and on other fishermen, who have not even paid the premium, just to stay in the same place. A better comparison could be made with hen licences. In this case the community has closed a common property resource, the egg market, and allowed a few privileged entrants to make good profits. The licences are saleable and premiums are paid. However, the fishing industry should be aware that there is a growing feeling that these premiums are excessive. In fact, the whole system of hen licence is under severe pressure in Victoria and New South Wales and could well be abolished unless the industry is able to organise itself in a way which prevents huge windfall profits accruing to a few fortunate individuals who were lucky enough to be the first entrants to a closed community resource.

Of course, the community also spends considerable sums on defending these closed community resources from poaching in order that they should be profitable for those people participating in them. The Labor Party is not prepared to devote scarce Government resources to protecting the profits of those people who have left the fishery but who are trying to rake off their share of the future profits through licence premiums.

Besides the failure of the Bill and of Government policy to tackle the real problems of fisheries management as they are now emerging through the growth of licence premium, the Bill has disturbing implications in its objectives. The objectives for the Minister and the Director are to ensure the proper conservation of the fish resource and to achieve optimum utilisation of those resources. It is extraordinary that a Bill about the fishing industry and about controls on fishermen does not place any obligation on the Minister or the Director to consider the effects of these policies on fishing communities or fishermen. It is another example of the Liberal Government's approach to legislation. Trumpet one thing in your policy and do the opposite in Government.

The two objectives within the legislation are not sufficient. There should be a third objective which requires the Minister and the Director to consider the effects of their administration on the distribution of the resource among fishermen and fishing communities. To give an example in the prawn fishery, it may be that a large processor or investor decides to buy up a large part of the prawn fleet and replace it with one or two large factory ships. Under the Bill, the Minister would have to give his wholehearted approval to such a project if it could be shown that it more efficiently utilised the resource. The legislation does not oblige the Minister to balance the demands of economic efficiency against the social effects on fishing ommunities and existing patterns of exploitation of the resource. The Labor Party believes that this is a grave deficiency in the legislation.

Now I want to turn to the new arrangements with the Commonwealth for the management of fisheries. I am glad the Government has corrected the errors in the second reading speech that occurred in the House of Assembly and has provided a few other tiny crumbs of information. However, as far as the major matters of principle relating to the new joint authorities are concerned, we are still in the dark. The Government has admitted that the Commonwealth Government has complete veto powers over the decision of the joint authorities—the Canberra octopus at work again. The States are handing over their powers to these joint authorities, which are hardly models of the 'co-operative Federalism' much promoted by Mr Fraser in the mid 1970s.

The Government has not told us how the new joint authorities will work, nor does this Bill or the Commonwealth Act. We do know that the authorities will remove the powers

of Parliament to question the Government on its policies because these policies will now be determined by a new executive body—the joint authority. Will the joint authority be open to public scrutiny? Will the agenda be available? Will the *Hansard* record be available to the public? How will the decisions of the joint authorities be recorded? None of these questions have been explained, yet they are crucial in understanding what sort of an animal we are handing over our constitutional powers to.

I am concerned that the joint authorities will follow the pattern of the Ministerial meeting—the Fisheries Council from which they have grown. These meetings are unsatisfactory because their decisions and deliberations are known only to those who attend them. For example, the agenda and the *Hansard* record is not publicly available. The decisions are recorded in *Hansard*, which is frequently altered by the Federal Minister when he realises the implication of the commitments that he has given.

In conclusion, I support the Bill at the second reading as it tidies up the fisheries legislation and brings it up to date with current fisheries management. I am disappointed that the Government has failed to tackle or even to realise the danger of the growth of premiums on fishing licences. I am also concerned that the continued existence of fishing communities is not considered by the Government as even worthy of mention within the objectives of the Bill. It is a tough Bill: one that stacks all the cards in the favour of the Minister and his department but I believe the fishing industry—or at least AFIC—is happy with this concentration of authority.

They do not see the need to place any obligation on the department as well as the fishermen. They are content with a situation where authority can be exercised in a quite arbitrary fashion with virtually no chance of appeal. I understand this is based on the present cosy relationship between AFIC and its former employee, the now Director of Fisheries. I must point out to the fishing industry as a whole that there are considerable dangers in assuming that such arrangements will go on forever. The new legislation is an extremely powerful tool in the hands of any Administration and could be on the Statute Books for a long time to come.

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

OFFENDERS PROBATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 April. Page 4074.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill, which simply changes the title of 'Director' in all the appropriate places to 'Departmental Head'. We agree to that small change which, in effect, means that the Government obviously intends to create an office of Executive Director within the Department of Correctional Services. I will not go into all the reasons why the Government has found this action necessary. Those reasons have been extensively canvassed and, over the past few years, we have all become aware of the problems that the department has had and the way in which the reorganisation is intended to rectify those problems.

We agree that the change should be made and is in line with the Touche Ross Report. The Opposition, without necessarily agreeing with every specific point in that report, agrees with it to a large extent. This Bill gives effect to one of those recommendations. We hope in supporting this Bill that, when the position is created, there will be an improvement in the functions and operations of the department. For some time there have been problems in that sensitive area, problems that the whole community could well do without. The Opposition is happy to see the Bill proceed as speedily as possible.

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

PASTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 March. Page 3578.)

The Hon. B. A. CHATTERTON: Since I began this contribution to the debate on this Bill in the earlier part of this session, I have been able to extend my knowledge and experience of the subject in two ways. I attended an Australian Conservation Foundation Conference in Broken Hill for a week in May at which scientists, administrators, pastoralists and others with specific interests in the arid zones of Australia presented papers and opinions on the state of these zones. At the same time, field trips were undertaken to actually see the evidence to either prove or disprove the theses and opinions presented at the conference.

When the conference ended, I travelled down from Broken Hill through the North-East pastoral zone of South Australia, accompanied by rangeland management officers of the South Australian Department of Lands. On this journey we spent a great deal of time out of our vehicles looking, talking and generally testing the validity of the arguments about the effect of pastoralism on arid zones and the responsibility of pastoralists towards the land which they lease from the Crown. My experience and inspection of these areas of the State's pastoral zone convinced me that the generalised comments of experts I quote from on the state of degradation of the arid zone in Australia apply very specifically to South Australia. I have seen pastoral properties in this State which are showing severe signs of degradation.

There is no excuse for this. The present Pastoral Act has provision for action to be taken (with compensation to ensure that no-one is financially disadvantaged) but never has any action been taken, and this in spite of concern from officers of the Department of Lands, and concerted opinion from other pastoralists. Ministers alone are not to blame. There have been Ministers of Lands who were quite happy to sign whatever their senior officers put in front of them, but nothing to constrain irresponsible pastoralists ever has been done.

Dr Bob Lange has for some time drawn attention to the severe erosion on Strathearn Station. That property remains in the hands (under lease) of the pastoralist who has contributed to its state. I was able to inspect the disgraceful condition of the Wiawera lease on the Broken Hill road. This lease has been so severely overgrazed that there is hardly a bush, a tree, or a blade of dry grass left outside the creek lines. It is the best piece of desert I have seen since I was in the Libyan Sahara. Obviously the land is now extremely vulnerable to erosion of the topsoil.

If this occurs, permanent desertification is possible as regeneration is extremely difficult when the seeds and fertility of the top few centimetres of soil are blown or washed away. Perhaps the worst aspect of this lease and one that demonstrates the inadequacy of the present administration is that these severely degraded areas are still stocked with sheep. The cause of the degradation on Wiawera is undoubtedly the appalling bad management over many years. If permanent tenure were granted in this case, I cannot see a sudden sense of responsibility emerging—certainly not sufficient to cause the lessee to invest the sums needed to

restore this particular portion of the arid zone of South Australia to some sort of normalcy.

The Hon. C. J. Sumner: Why has it been allowed to get like that?

The Hon. B. A. CHATTERTON: Because of the lack of responsibility. In contrast to Wiawera, a neighbouring lease, Eringa Park, run by a husband-and-wife team, is an example of what is possible in the way of good management—even under the present lease system which so many pastoralists use as an excuse to explain their degraded leaseholdings. Intelligent management on Eringa Park has resulted in the property (in spite of a two-year drought) showing a good cover of perennial bush, a freedom from water and wind erosion, good seed banks of ephemerals in disc-pitted areas, and sensible plantings of native trees to keep dust at bay and provide pleasant variety to the landscape.

Unfortunately, there appear to be more areas like Wiawera than Eringa Park in the North-East pastoral zone. Paratoo (which is held on a mix of pastoral lease and perpetual tenure) surpasses Wiawera in degradation and is no advertisement for giving pastoralists more permanent tenure—rather, it is a call to Governments to enforce the covenants that currently apply and to do it without fear or favor.

The critical state of the pastoral zone in this State can be further illustrated by quoting from a paper written by Professor T. O. Browning of the Waite Agricultural Research Institute. Entitled 'On the Ecology of the Sheep Population of South Australia and the Future of Arid Rangelands' it makes the point that the vast grazing resource in this State is deteriorating and will not be able to sustain the present stock numbers unless management is substantially improved. Professor Browning has been involved in the agriculture of this State for many years and cannot be dismissed as simply an academic with no knowledge of the subject. The tendency of the Minister of Lands and Aboriginal Affairs to dismiss scornfully anyone who is not a member of the United Farmers and Stockowners when they put forward views on this subject, is symptomatic of the Government's intransigence in this whole matter.

Professor Browning's views are considered conclusions based on an intelligent study of the region. They are not, as the Minister would have us believe all opposition to be, the ill-considered emotional ravings of a conservation nut. Nor, I might say, are they the result of machinations designed to forward the Goldsworthy conspiracy theory that the Conservation Foundation has infiltrated the Labor Party and the trade union movement to defeat the Roxby Downs Indenture Bill. Professor Browning reviews past work done on the arid zone in this State and concludes that:

> These detailed and quantitative studies leave little room for doubt that in South Australia's arid grazing lands, a profitable density of sheep can be maintained only at the expense of a deteriorating flora, and that this deterioration, if continued, will lead to the land becoming unable to sustain a profitable level of stocking in the future.

On page 15, under 'Conclusions', he states:

> The aim of any well grounded pastoral industry should be to maximise the sustainable yield of land used for grazing, commensurate with demand for the product and its cost of production, This study has shown that there is doubt that the yield of sheep and cattle from the more arid grazing areas is indeed sustainable; that slowly the natural fodder available is being depleted and replaced by weedy ephemerals and unpalatable or poisonous shrubs, and that the larger shrubs and trees are unlikely to persist in the long term. Furthermore, because the majority of the plant nutrients are present in the top few millimetres of soil and in the plants themselves (Charley and Cowling, 1968), overstocking, that is bound to occur at least early in a long drought, and that results in erosion of the top soil, also results in a loss of most of the available nutrients that may take many years to be replaced by natural phenomena (Crisp, 1975).

Finally, he stated on page 17:

> Although this study was undertaken as a contribution to the understanding of the ecology of a domesticated animal population, the economic consequences of its results should not be ignored, for sheep are maintained only for economic reasons. There is little doubt that the maintenance of sheep in the arid regions of South Australia will, in the long term, result in the inability of the land to carry sheep.
>
> In other districts the carrying capacity has steadily increased and there is no reason to support that this increase will cease over the short term (less than 20 years). The removal of all domestic stock (for what has been said of sheep applies also to cattle) from the arid regions, accompanied by a closing down of all artificial watering places, and investment in the higher, more reliable rain-fall areas, need not reduce the numbers of stock in South Australia and would ensure that, in the long term, the arid regions would escape the possibility of becoming desert. Furthermore, such a policy would not preclude the future opening up of some of the arid areas for further grazing. There are stations on the fringe of the arid zone that show little deterioration of their flora except close to watering points. These stations, as a result of wise management from the time of their first occupation, have been very lightly stocked and did not suffer the overgrazing that occurred elsewhere at the end of the 19th century. They now carry more sheep per unit area than the surrounding stations, with a much greater return of invested capital. If, after a period of no grazing (and this period might well have to last for 100 years, judging from the results obtained on OVR) further exploitation was deemed desirable, it seems likely that this could be accomplished economically using the knowledge that has been, and will be accumulated. To continue the present practice of grazing large areas of arid land for such a small return per unit area risks the development of desert, and the resultant degradation of bordering sustainable farming and grazing land, a risk unjustifiable on ecological and economic grounds.

Professor Browning's work and that of Professor C. M. Donald and Dr M. Gibbs (already on record in *Hansard*) is disinterested scientific evidence. That the Minister of Lands and Aboriginal Affairs has refused to listen to disinterested judgments on this matter indicates that his role in introducing this Bill is that of agent in a political pay-off on behalf of the Liberal Party in pursuit of funds.

The Minister has tried to tell us that the problems of the arid zone in this State have been solved. He is trying to convince the public that we have a stable and well cared for pastoral zone in this State. He is telling us that, because this stability and fine management has been achieved, it is possible to grant permanent tenure to the people who have been leasing and grazing this land.

Even the Pastoral Board cannot sustain that and have made it clear in its advice (contained in the Vickery Report) that at least five years should pass and an amount of work done before any change in tenure takes place. Two members of the Vickery Committee cannot even countenance that and said quite adamantly that there should be no change of tenure at all.

I believe that the Minister, by his selective presentation of the situation in the arid zone of this State, has shown himself to be unworthy to hold the portfolio of lands or the portfolio of Aboriginal affairs.

Scientific evidence, the evidence of the very inquiry he himself set up, and the evidence of anyone who has eyes to see, provide ample proof that the problems of the zone have not been solved, that we do not have a stable, well cared for pastoral zone, and that we have a great deal to learn about benign management of the land and vegetation in the zone.

It is undeniable (except to those who have a clear interest not to see and deny) that the vegetation cover in the zone is slowly and steadily degenerating. Under the present management, the regeneration of the perennial bushes and trees is almost non-existent. We are living on borrowed time.

The stock in the zone are grazing on vegetation that has taken hundreds of years to grow. It was established before the invasion of domestic stock into the zone. The growth of hundreds of years is being eaten or is dying, but, with few exceptions, is not regenerating. New vegetation will not

grow while the present management regime remains unchanged.

It is the very people to whom the Minister is determined to give permanent tenure of this land who will suffer first in direct economic terms if something is not done to reverse the situation. In view of the lack of action to inhibit their activities over the past 50 or so years and the lack of any determination to cancel or resume leases, means security of tenure has been a fact. The argument that permanent tenure is necessary for financial backing has been proved to be a misrepresentation of the situation.

If the Government ignores the evidence put forward by those qualified to speak with authority on the long-term trend concerning this South Australian resource, then the vegetation will be destroyed and the zone will become a desert.

It is ironic that this Bill is being put forward at a time when the South Australian Government is sending agriculturalists over to North Africa and the Middle East and they are reporting back their personal experience of the desertification from over grazing in the areas on the fringe of deserts such as the Sahara.

In these countries, with their ecological resemblance to this State, arid areas that have been over grazed during the past 50 to 80 years have literally turned into desert. It is a chilling sight to travel for miles in regions with soils and climates strikingly similar to Burra, Yunta, Broken Hill, Blanchetown and the Flinders Ranges and not to see a tree or an edible bush. Nothing remains. The soil has blown away and erosion is everywhere.

The South Australian Government has been trying to establish a project in Algeria at Ksar Chellala which has an annual rainfall of between 150 and 255 mm with the objective of restoring some pasture to this over-exploited region. If the project is successful and a stable pastoral industy is established, it will be much less productive than the pastoral industry that was maintained in the region 100 years ago. The reason is simply that the rate of erosion during the period of overexploitation has been so high that most of the basic soil resource has been washed or blown away.

The Minister of Lands and Aboriginal Affairs has, on a number of occasions, given the impression that he believes that our arid zone will respond to regenerative agricultural technology in much the same way that the 90 mile desert responded to trace elements, or the rapidly eroding South Australian wheatlands responded to medic pastures. Those who know can tell him that he should not believe that we can, whenever we choose, restore our arid zone by using modern technology. On economic grounds alone, it is doubtful if we can afford to do so.

Many of the pastoralists who graze sheep in the zone at the moment are complaining of the economic returns they receive. In fact, it is their complaints of low economic return that is one of the major justifications they offer for their leases to be turned into permanent tenure.

Yet, in asking for more, they neglect to tell us that at present they can only pay one cent per hectare for their right to the vegetation and soil of the arid zone. That works out roughly at ten cents per sheep, and that is the lowest cost per sheep anywhere in South Australia.

What they pay to each other when they exchange leases is another matter, and relates to housing improvement and plant. What they pay for access to the resource is ten cents per sheep. In most farming districts, council rates are more than that alone.

If pastoralists were faced with the costs of regeneration of their presently degrading areas in the way the Minister envisages, their capital investment in the land would need to be higher than it is now for ordinary farming land, and yet the productivity they would obtain would be less than it is now.

Anyone who doubts this should go to Libya and study the handplanting of large areas with saltbush and other edible perennial plants. They should understand that during the time this programme takes place (for a number of years) all stock must be kept off the land entirely. The South Australian team in Ksar Chellala in Algeria has begun to report on the assessments of what is happening there in the pastoral region. The state of desertification that has been mapped is reported by Mr K. R. Woodward who recently reported on the economic aspects of the project as follows:

> The cereal and sheep industries in the project area provide attractive returns to those engaged in them. Unfortunately they result in steady degeneration of the productive capacity of the land through loss of topsoil and the destruction of perennial plants.

Mr Woodward in his report predicts that the present annual loss of production is about 8 per cent and he has assumed from that as follows:

> that the rural population of the project area is faced with the likelihood of a 29 per cent drop in income per head within four years. Within eight years, average incomes would be only 40 per cent of present levels.

In South Australia our agricultural scientists have identified in our pastoral areas:

> A steady degeneration of the productive capacity of the land through loss of topsoil and the destruction of perennial plants.

They have not been able to estimate the rate of decline in production. I doubt that this would be as great as the 8 per cent loss per year charted by Mr Woodward, but it has been suggested that it is around 2 per cent per year, and that does not provide us with any grounds for complacency.

Granting permanent tenure to pastoralists to provide them with an incentive to manage the land better is not a realistic way of reversing the present situation in the South Australian pastoral regions. On economic grounds alone it is highly unlikely that anything will be done to change the present management regime. From what I have recently seen of perpetual lease tenure in pastoral lands in this State, it seems to be a licence to completely thrash the land in an even more ruthless fashion. Obviously, the first step for developing a management programme for the arid zone is the collection of relevant information. The Vickery Report makes this point. The collection of such data through the use of LANDSAT photography and computer analysis is now possible at reasonable cost.

Simultaneously with a study of the quantitative rate of decline, more research effort should be devoted to studies of methods of conservation and regeneration of the arid areas. Research already completed should be implemented. A great deal of regenerative research is sitting locked up in journals and research centres and this should be transferred to the environment to which it is related. Tentative strategies put forward should also be tested. Prof. Browning, for instance, has put forward a concept of 'long rotations' where leased areas would be closed to stock for considerable periods of time to allow regeneration of perennial vegetation. This 'long rotation' is only long by the standards of agriculture based on annual cropping, but is comparable with rotations used in forestry.

Apart from the attempt to entrench doubtful management practices in our fragile pastoral zone, this Bill is also disturbing in the manner in which it will restrict access by the public and groups with special interests. I believe that this is completely unjustified and is yet another example of the way in which the Minister of Lands and Aboriginal Affairs has refused to listen to the wider community and has restricted his interest to one group only in a manner which is strange to say the least.

The previous Labor Government was very aware that there are problems associated with the improvement of roads and the increasing use of four-wheel drive vehicles in northern areas. We were involved in many discussions and consultations with people requiring off-road access in these areas and were attempting to arrive at a consensus where the interests of the off-road vehicle owners and the pastoralists could both be met. In the case of the Liberal Government, the point of view that is being deferred to is that of the pastoral leaseholder—not 'owner' but 'leaseholder'. There have been no discussions or attempts to consult with other groups in the community.

I will not canvass in depth the matter of Aboriginal rights in the arid zone because it has been done elsewhere, but the lack of consultation with Aboriginal representatives has been one of the most appalling aspects of the Government's determination to get this Bill through in indecent haste. I quote from Professor David Kelly of the Adelaide University Law Department who has written to me in relation to consultation as follows:

> The preface to the Working Party's report clearly indicates that the Minister did not wish to have full public consultation:
>
> > The group was limited to consulting relevant authorities and industry and community groups and *was not permitted to advertise its terms of reference.* [Emphasis added]
>
> Moreover, such consultation as was permitted was seriously inhibited by time constraints:
>
> > Our enquiries were held over the Christmas period and under considerable pressure ... It is a matter of regret that *severe time constraints on the Group's deliberations did not allow investigation by the full membership on all aspects covered in the report.* [Emphasis added]
>
> For these reasons, the Working Group recommended that the report be released for public comment and consideration. The kindest remark that can be made on what followed is that there was neither expansive publicity about the report nor a serious attempt to provoke informed public discussion.

The Minister (who as I point out is also Minister for Aboriginal Affairs) has shown a curious reluctance to consult the constituency that that portfolio represents. Many traditional rights of access will be proscribed under the proposed amendments to the Act. For those who transgress, the Government intends to institute a penalty of $1 000 as a warning to those who think that pastoral lands are a community heritage. This penalty, I should point out, is far in excess of any that presently applies for trespass on farming lands. This matter of removing traditional rights of access and fining transgressors $1 000 has not received the publicity it deserves due to secrecy surrounding the drafting of the Bill, but I urge members in this place to take it into account when voting on this Bill.

In summary, the sole purpose of this Bill appears to be to give permanent tenure to pastoralists who now lease the right to graze the arid zone of this State. As Professor Kelly says, there is no sign that other interests have been recognised or taken into account. When accused of partisanship the Minister has claimed that community interest is being safeguarded by the requirement for management plans, seven year reviews of rent, and an appeal provision. Mr K. M. Sawer, the Chairman of the Pastoral Land Committee of the United Farmers & Stockowners, has revealed just how the Minister intends to use these provisions if they become law. In the *Farmer and Stockowner* (March 1982) Mr Sawer says:

> If a pastoralist desires, he can submit a management plan with the application, giving him the opportunity to put his case on the type of covenants needed on the lease.

How can anyone expect that such a management plan (if the leaseholder exercises the desire to submit one) will reflect any interest other than the immediate economic goal of the pastoralist? To allow him to put his own covenants on the lease is like putting Dracula in charge of the blood bank. The duplicity of the Government's safeguards is further exposed by what Mr Sawer says about the rental provision of the new Bill, as follows:

> Rentals will be reviewed once every seven years which is the case now for the great majority of leases ...

Just to make sure that pastoral leaseholders are not disaffected to the slightest degree, any one of them who has a qualm about what the Minister is doing may, according to Mr Sawer, take advantage of 'appeal procedures available to the leaseholder if he wished to dispute the Minister's decision'. There is no appeal provision for community groups who believe the Minister's decisions to be too lenient. It is no wonder that the March article concludes that:

> 'The UFS is also pleased with new access laws proposed by the Government'.

These, it goes on to say, were essential as leaseholders were constantly being plagued by travellers and their demands. Now, the problem of vandalism is a vexing one and no-one can expect pastoral leaseholders to be unpaid policemen for offences against the law, but the matter of provision of adequate enforcement officers in isolated areas is not a reason for handing over ownership of a community heritage to several hundred persons who lease the right to graze it. The pastoralists' attitude to the whole matter is further outlined by Mr Sawer in the *Farmer and Stockowner* of April. Here he says:

> It is quite obvious that there is entrenched opposition to the amendments from people who have been mis-informed or who, because of political doctrines, are opposed to giving Europeans security of land tenure, whether it be in pastoral areas or elsewhere. I would like to serve a warning to these people that South Australian pastoralists will not stand idly by and see perpetual lease become the norm in other States while they are expected to run their leases on an antiquated terminating tenure system. They have enough to endure without having to put up with some of the tripe that has been dished up by politicians and others, in the past few weeks.

Perhaps the Liberal Government and the United Farmers and Stockowners should realise that many people in the community are rather tired of being constantly plagued by the vociferous demands of pastoral leaseholders backed by a Government that appears to be dedicated to destroying the fragile pastoral zone of this State. I oppose the Bill.

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

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 March. Page 3757.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is prepared to support this Bill. It is not a Bill of great significance in principle but, as the second reading explanation indicates, it is basically a tidying up Bill following the passage of the new Children's Protection and Young Offenders Act in 1979, which was amended for the first time in 1980. As the second reading explanation states, these are sundry amendments that have arisen as a result of the Children's Court Advisory Committee's continuing role as monitor of the operation of the Act.

It is in relation to that that I wish to make my first comment. In the annual report of the Children's Court Advisory Committee for the year ended 30 June 1981, there is absolutely no discussion of the need for these amendments and the previous amendment introduced by the Government in 1980. Although I think they were said to be based on the consideration given to the Act by the Children's Court Advisory Committee, for some reason the annual reports of that committee do not contain any discussion on the operation of the Act itself, and that seems to me to be defeating the purpose that the Parliament had in requiring this committee to report to it.

The report is, to say the least, a very sketchy document of 1½ pages of written material and then a series of tables. I am sure that the statistical tables are very useful but I should have thought that, had the Children's Court Advisory Committee felt that some amendments to the Act were needed, those amendments would be canvassed in this report. However, they are not, and we find the Government coming along with a number of sundry amendments to the Act.

The point I make to the Attorney and to Parliament is that the Children's Court Advisory Committee report should be a proper report. It should canvass the problems in administration of the court or the Act that may need legislative consideration. It is, frankly, not a report in the manner that Parliament envisaged. None of these matters now before us was canvassed, and I ask the Attorney-General to say whether he is satisfied with the adequacy of this report or whether he will take up with the Chairman of the Children's Court Advisory Committee the nature of the report to see that, when there are clearly matters of concern to the committee, those matters are included in the report. If the Government is not prepared to approach the committee on that basis, it may be that the Parliament, having said that a report of this kind ought to be tabled, should take some action to ensure that the report is adequate.

Clause 7 is the first clause on which I wish to comment. It enables a child remanded in custody in a remote country area to be detained in a police prison, police station, or lock-up. When the amendments to this Act were introduced by the Government in 1980, there was a similar amendment that enabled a child who had not actually come before the court but who had been apprehended to be detained in an approved police prison, watchhouse, or a lock-up until the child was brought before the court.

The amendment in clause 7 places a child remanded in custody on the same basis as a child apprehended with respect to the custodial procedures for a child in a remote area. In 1980, the Opposition opposed the proposition that a child should, in some circumstances, find himself in an adult prison. The argument for that is simple. In virtually all respects, juveniles are treated differently from adults in the criminal justice system and it is utterly obnoxious that a juvenile should be in an institution that is reserved for adult offenders.

Indeed, I believe that international covenants in this area require not only a separation of prisoners who are in different categories as between remandees and sentenced prisoners but also require that juveniles be separated from adult prisoners. I think that any member of this community would agree that that is an enlightened and appropriate principle to adopt, namely, that juveniles should not be placed in prison with adult offenders.

In 1980 that principle was altered in the case of remote country areas. Clause 7 of this Bill again seeks to alter that principle. We opposed the alteration in 1980 and we are still opposed to it. As the Parliament accepted this proposition some two years ago, rather than oppose the clause outright I am suggesting that it be amended to make the situation somewhat more palatable. I suggest to the Government an appropriate amendment to clause 7 to provide that, if a juvenile is remanded in custody and detained in a police prison, police station or lock-up, that child should be separated from adult offenders in those situations.

The second amendment which we suggest is that the maximum time within which a juvenile can be held in those circumstances should be three days. We would seek to have an amendment to clause 7 along those lines. At the same time, an amendment would be made to section 42 in the same terms as we are now suggesting as an amendment to section 44.

The other clause to which I wish to direct the Attorney-General's attention is clause 8, which amends the section dealing with applications by the Attorney-General for a child to be tried in an adult court because of the seriousness of the offence or because the child has repeatedly offended. The second reading explanation states that this amendment makes clear that copies of the prosecution witnesses' statements are only to be made available to the child and guardian for the purposes of the proceedings if the court so directs. That explanation leaves me in some confusion as to why this proposition is necessary. I merely ask the Attorney-General for the clarification of the need for clause 8, and I will consider my position in the Committee stages following his response. With those comments, I support the Bill.

The Hon. K. T. GRIFFIN (Attorney-General): I appreciate the indication from the Leader that he will support the second reading of the Bill. I will first respond to his observations about the 1981 annual report of the Children's Court Advisory Committee. I will certainly refer his observations to the Chairman of that committee for consideration in the context of the preparation of the 1982 report. I have personally not been concerned about the brevity of the report. I suppose that that is so largely because there have been other communications between the Chairman of the committee and myself on various issues which the committee has felt have warranted some comment to me as Minister responsible for the Act. I realise that that presents a difficulty for the Opposition and other people in the community who might not have direct access to that sort of information. I will certainly take up the matter with the Chairman and explore the possibility of a report containing more information than did the 1981 report.

The Hon. C. J. Sumner: In regard to the problems there may be in the Act or administration.

The Hon. K. T. GRIFFIN: I will take it up with the Chairman in the context of the observations made by the Leader of the Opposition. I am not prepared to give unqualified support to them but I can see that it is a matter of concern to the Leader. I would certainly want to explore any way of overcoming what he sees as a difficulty in subsequent reports.

Clause 7 is designed to overcome a practical problem. I recognise the sensitivity of the amendment. All that I can say at the moment is that I will carefully consider any proposal which the Leader may want to move by way of amendment and respond at that stage to the amendment. I will consider it because I certainly recognise the sensitivity of imprisonment of young offenders in a police prison, even in the limited circumstances of section 44 of the principal Act. However, I am also sensitive to the real practical difficulty in some outlying areas that do not have a secure venue or location for young offenders after arrest and before appearance in court. During the Committee stages I am prepared to consider any proposal that the Leader wants to suggest.

The other amendment to which the Leader has referred relates to the presentation or service of all witnesses' statements, including the statement of a victim of an offence, on the young offender and his or her guardian. Section 47 of the Act presently provides that when I, as Attorney-General, make any application to the Supreme Court for a young offender to be tried in an adult court I have to serve an application which sets out the facts. That must be served on the child and each guardian of the child whose whereabouts is known to the Attorney-General.

There is some uncertainty whether those facts include the full statement of all witnesses. The interpretation which my advisers have placed on it and the interpretation which has

been carried out in practice is that all statements are made available with the application. An unfortunate incident has prompted this amendment. An application was served on a young offender with all the statements of witnesses for the prosecution, including the victim, who was a rape victim. She was a young person, a minor. We found that those statements of the victim were being circulated widely in the community in which she moves. There was some suggestion that they were being made available at $1.50 a copy. I think that that sort of distribution of a rape victim's statement is particularly disgraceful.

With this amendment, I am seeking to provide that only the application be served on the young offender and the guardians, unless the judge of the Supreme Court, before whom the application is made, directs otherwise. It is within the province of the judge to give directions to counsel for the Attorney-General to serve the statements, in addition to the application. The application will contain, and already does contain, the basic facts on which the charge is laid. It is not a final hearing where innocence or guilt is determined. It is in the nature of an interlocutory proceeding and it is made only in certain circumstances where either the offence is a particularly serious one, warranting trial in an adult court, or the offender has been previously convicted of a serious criminal offence and this subsequent offence is of such a nature as to warrant that young offender's being tried in an adult court.

I suggest to the Leader of the Opposition that there are safeguards for the young offender. There is no attempt to impinge on his or her rights at the trial. It is an attempt to ensure that there is some protection for the victim, in the disgraceful circumstances to which I have referred. I would hope that, having heard that explanation, the Leader and members opposite would now feel more disposed to support the amendment because I believe it is in the interests of the victim and does not militate against the rights of the accused young offender. I thank the Leader for the indication of support.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

DAIRY INDUSTRY ACT AMENDMENT BILL

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

ADJOURNMENT

At 6.6 p.m. the Council adjourned until Wednesday 2 June at 2.15 p.m.