LEGISLATIVE COUNCIL

Tuesday 30 August 1983

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

ASSENT TO BILLS

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

Business Franchise (Petroleum Products) Act Amendment,

Business Franchise (Tobacco) Act Amendment.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Police Offences Act, 1953—Regulations—Traffic Infringement Notice—Fees.

By the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

The Committee Appointed to Examine and Report on Abortions Notified in South Australia—Report, 1982.

Planning Act, 1982—Crown Development Report by South Australian Planning Commission on Proposed Development at Yacka.

Racing Act, 1976—Rules of Trotting—

Cancellation of Races.

Races.

Scratchings.

Real Property Act, 1886—

Fees.

Strata Titles.

Land Division.

City of Campbelltown—By-law No. 40—Traffic.

City of Port Adelaide—By-law No. 35—Port Adelaide and Suburban Cemetery, Cheltenham.

City of Salisbury—By-law No. 7—Control of Vehicles.

City of Whyalla—By-law No. 36—Omnibuses.

District Council of East Torrens—By-law No. 5—Traffic.

District Council of Kimba—By-law No. 25—Nuisances.

District Council of Tanunda—By-law No. 30—Repeal of By-laws.

District Council of Tumby Bay—By-law No. 38—Reserves and Foreshores.

By the Minister of Agriculture (Hon. Frank Blevins):

Pursuant to Statute—

Road Traffic Act, 1961—Regulations—Traffic Prohibition—Mount Gambier.

By the Minister of Fisheries (Hon. Frank Blevins):

Pursuant to Statute—

Fisheries Act, 1971—Regulations—Dual Licences.

By the Minister of Forests (Hon. Frank Blevins):

Pursuant to State—

South Australian Timber Corporation—

Report, 1980-81.

Report, 1981-82.

GLENSIDE HOSPITAL

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

Glenside Hospital—Organic Dementia Unit and Infirmary (Revised Proposal).

QUESTIONS

COUNTRY FIRE SERVICES

The Hon. M.B. CAMERON: Will the Minister of Agriculture say, in regard to use of motor vehicles by Country Fire Services:

1. What is the policy of the C.F.S. regarding the use of headquarters' vehicles by staff?

2. How many staff have a vehicle provided?

3. Can the vehicle be used for private purposes?

4. Are passengers other than C.F.S. personnel or volunteers allowed to be carried?

5. What instructions are issued concerning the use of C.F.S. headquarters' vehicles?

The Hon. FRANK BLEVINS: I do not have answers to those questions with me. However, I am sure that the Hon. Mr Cameron appreciates that. I assure him that I will have those answers delivered to him as soon as practicable.

While on this subject, the Hon. Mr Cameron asked me a question about the C.F.S. on 17 August. The answer to the question on whether C.F.S. units have been directed to purchase only new fire trucks is 'No'. An examination of correspondence has revealed that the question of buying secondhand trucks has been raised at times with individual C.F.S. units. Nevertheless, the present regulations allow approval of use of secondhand equipment. Further, I agree with the comments made by the Hon. Mr Cameron that the important point is not the age of trucks but whether or not they are sound.

COURTS SYSTEM

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation prior to asking the Attorney-General a question about the new courts system.

Leave granted.

The Hon. K.T. GRIFFIN: Over the past year or so there has been public discussion about integration of the courts system in Australia—integrating the Federal system and the systems of the various States. The proposals which were considered by the Australian Constitutional Convention earlier this year are continuing to be examined by a committee of that convention. Since that time, the Federal Attorney-General is reported to have proposed an interim measure dealing with some of the overlap in jurisdictions between Federal courts and State courts. He is reported as having proposed a model which would allow the Federal court to remit matters to State courts; the State Supreme Courts to have jurisdiction under the Trade Practices Act; and the Federal Court to accept jurisdiction conferred on it by State laws.

He is also reported as saying that a major question arising from this proposal, which will need further consideration, is that of the determination of appeals. As far as it goes, the proposal seems to offer a useful interim solution. It is common knowledge that there are jurisdictional difficulties and that in the long term it will be the State Supreme Courts that will lose if an integrated system is not developed that recognises the integrity of the State Supreme Courts and also opens up opportunities for them to participate in other jurisdictions.

My questions in relation to the report on Senator Evans' proposal are as follows:

1. What is the detail of Senator Evans' proposal (does the Attorney have any more information which has not been reported)?

2. Has the proposal been presented to the Standing Committee of Attorneys-General and, if so, to what extent and with what result?

3. What is the State Attorney-General's view on the proposal?

4. Has there been consultation on the interim proposal with the State Supreme Court judges and, if so, what is their reaction?

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

1. I do not know.

2. No.

3. I support the proposal as an interim measure.

4. No consultation has taken place as far as I am aware. I support the proposal for an integrated courts system, which was debated during the Australian Constitutional Convention, and the Hon. Mr Griffin has already mentioned that. I understand that the proposal has become somewhat bogged down as a result of certain entrenched interests, particularly amongst the Australian Judiciary and I think that is a great pity. The proposal is innovative and I believe necessary for Australia to overcome jurisdictional problems on the one hand (which need to be addressed), and on the other hand still retain State Government autonomy and authority in relation to the question of State Supreme Courts. I have not seen the details of the proposal, apart from what appeared in the press, although there certainly have been informal discussions with Senator Evans over a considerable period.

The Hon. K.T. Griffin: He said that it had been referred to the standing committee.

The Hon. C.J. SUMNER: The matter has not been formally raised in the standing committee, except that the question of an integrated courts system has been raised in the standing committee. I imagine that the proposal will be considered at the standing committee meeting which is due to take place on Thursday. As I have said, I support Senator Evans' interim proposals—I regard them as interim proposals. I think it is disappointing that there seems to be so much resistance to a properly integrated courts system in the Commonwealth of Australia.

PENALTY RATES

The Hon. DIANA LAIDLAW: I seek leave to make a statement before asking the Attorney-General, representing the Minister of Labour, a question about penalty rates.

Leave granted.

The Hon. DIANA LAIDLAW: A Gallup poll in the *Advertiser* yesterday reported that 54 per cent of Australians agreed that penalty rates for weekend work and night shifts should be reduced to create more jobs, 41 per cent disagreed and 5 per cent did not know. An article by Mr Des Colquhoun in this morning's *Advertiser* suggested that Australian penalty rates are uniquely high in contrast to those of the United States and other industrial countries. Under most Federal and State awards in Australia people are employed for five periods during an ordinary working week of between 35 and 38 hours.

If required to work for longer periods or periods outside the ordinary working hours, they receive time and a half and, on special days, they receive double time. This requirement is an enormous burden on many small businesses and, in particular, on businesses associated with tourism and the restaurant and hotel trade. Does the Minister agree that a simple solution with merit would be to amend awards so that people are employed over five periods of a seven-day week rather than the present five-day week and that work undertaken in excess of any five periods over seven days would warrant time and a half payment? In this way, double time would be removed, but people would maintain the right to earn overtime and to work the basic 35-hour to 38-hour week, which unions have worked so hard to achieve in recent years.

The Hon. C.J. SUMNER: I will obtain a report from my colleague and bring back a reply.

CHEESE

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Health a question about cheese.

Leave granted.

The Hon. ANNE LEVY: In the *News* of last Thursday appeared a report of a discussion on Australian *versus* imported cheeses. My attention was drawn particularly to the statement that the South Australian Health Commission had indicated that cheeses, I presume both imported and local, were being tested for fat levels, moisture content, and antibiotic additives. Will the Minister make available the results of those tests so that people who are interested can ascertain the fat levels, moisture content and antibiotic additives in the cheeses that they are eating?

The Hon. J.R. CORNWALL: My attention was drawn to that article, and I have had correspondence with various interested bodies. The exact substance of those indications is not immediately available within my memory bank. However, the information that the honourable member seeks is essentially of a tabular or statistical nature, and I will be pleased to have my officers provide it. I will bring back a reply as soon as possible.

WELFARE COMPLEX

The Hon. R.I. LUCAS: Has the Minister of Health a reply to a question I asked on 4 August about a Central Eyre Peninsula emergency services/community welfare complex at Wudinna?

The Hon. J.R. CORNWALL: The proposal by the District Council of Le Hunte to establish an emergency services/community welfare complex at Wudinna was first brought to the attention of the South Australian Health Commission in late April 1983. The commission was presented with plans for the complex, together with a request to contribute $30 000 to the construction costs.

Unfortunately, it would appear that in its enthusiasm to bring this project to fruition the council did not consult either the commission or the State headquarters of several other bodies, for which facilities were to be built, about their need for such facilities. I understand that the consultation that did take place occurred only at a local level and thus the plans for the complex necessarily reflect only local perceptions of the types of facilities required at Wudinna.

In fact, it appears that this proposal is, to a large extent, the district council's response to the prospect of gaining access to Government funds through the job creation scheme. Whilst this type of initiative is commendable, the council is asking the Government to commit, through several departments or agencies, a very substantial amount of money to construct a complex which has been conceived and designed without any of the considered and careful planning that the Government rightly insists should accompany departmental bids for similar capital works projects.

The South Australian Health Commission already expends a very substantial amount of money each year to provide health services at Wudinna through the Central Eyre Peninsula Hospital. In stating this, I do not wish to be taken to be ruling out the construction of some form of community

health facility at Wudinna at any stage in the future. I am aware that the commission's western sector has just concluded a very detailed study intended to identify community health needs on Eyre Peninsula, and this may well indicate an expanded need for such services at Wudinna. However, to construct a facility now, without the benefit of a proper understanding of what services are required, would be most unwise.

I am not persuaded, therefore, that at a time of economic stringency there are any grounds for the expenditure of the limited development funds available for health purposes on the construction of the proposed complex.

It may well be that the council believed that the provision of funds for the complex through the Government's job creation scheme necessarily obliged other Government departments and instrumentalites to contribute funds for its construction. However, Government authorities are not bound in this way and, in fact, must make decisions regarding the expenditure of their funds based on a proper assessment of the need to do so and of the competing demands for such funds.

The Hon. R.I. LUCAS: I would like to ask a supplementary question. Will the Minister make available to the Le Hunte council a copy of the Health Commission's western sector's very detailed study to which he referred?

The Hon. J.R. CORNWALL: It is my impression that it has not yet been completed.

The Hon. R.I. Lucas: Your statement was that it had just been concluded.

The Hon. J.R. CORNWALL: Certainly, I have not seen it myself, but there is no reason why it should be a secret document. In the fullness of time, when I have had a chance to see it myself, I will certainly consider making it available, not only to the Le Hunte council but also to other interested councils on the peninsula.

STATE ECONOMIC SUMMIT

The Hon. K.L. MILNE: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question on the South Australian economic summit.

Leave granted.

The Hon. K.L. MILNE: First, may I congratulate the Premier and the Government on having the courage to call an economic summit for the State. South Australia is in trouble—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.L. MILNE: —and the sooner we all get together to fix it, the better. I can think of no better way than to call a State summit meeting and, as the Premier knows, I have been asking him to consider doing so for some time. It is a great pity that the Opposition has chosen to criticise this initiative.

Members interjecting:

The PRESIDENT: Order! The honourable member must explain his question.

The Hon. K.L. MILNE: To my mind, it is probably one of the most important positive moves taken in South Australia. I believe that the success of it is vital to the State and, although the kind of summit announced by the Premier is not entirely what I had in mind, I can assure him of our support.

The Hon. C.M. Hill: You are still giving opinions.

The Hon. K.L. MILNE: I know that you do not want the summit.

The PRESIDENT: Order! The Hon. Mr Milne must frame his explanation so that it is seeking information and not expressing his opinion.

The Hon. K.L. MILNE: Part of my explanation was that I had hoped that the summit would be between us as South Australians. I see that the Federal Finance Minister (Mr Dawkins) has been invited, and I hope that that will not confuse the issues, because he is from the central Government and has different priorities from us.

In the *News* last night, there was a brief statement about Mr Bannon's announcement, and it referred to invitations to be sent to representatives of industry, commerce and trade unions. I ask the Attorney-General:

1. Will representatives of political Parties other than the Government be invited? Naturally, I have a special interest in the Australian Democrats.

2. If so, will the Premier agree for us to be participants and not merely observers.

3. Will the same apply to the Public Service, because much of the answer to our problems will depend on it?

The Hon. C.J. SUMNER: I thank the honourable member for his comments on the economic summit, which I also believe is a very well worthwhile initiative for the State Government to engage in. Indeed, I thank the honourable member for his participation in the suggestion to the Premier of such a summit, a suggestion which I know the Government respected and took seriously—so seriously as to agree that a summit was a good idea.

The question of representation is still being determined. I will refer the honourable member's question to the Premier and ensure that a statement is made tomorrow on the question of representation, both from the private sector and other interests in South Australia.

ROXBY MANAGEMENT SERVICES

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation before asking the Attorney-General a question about Roxby Management Services newspaper advertisements.

Leave granted.

The Hon. H.P.K. DUNN: When being interviewed on A.B.C. radio yesterday morning, Dr John Coulter, a member of the Australian Conservation Foundation, accused Roxby Management Services of inserting unfair, untrue and misleading advertisements in the daily newspapers. He went on to say that he was writing to the Attorney-General and would ask him to take action against Roxby Management Services and the papers involved under the Trade Practices Act.

Has the Minister received a letter from Dr Coulter asking that action be taken against Roxby Management Services and the newspapers? If so, what unfair, untrue and misleading advertising did Dr Coulter cite in his letter? Also, is it the Attorney's intention to take action against Roxby Management Services and the newspapers involved?

The Hon. C.J. SUMNER: As far as I am personally concerned, I have not received or sighted the correspondence. Because of the way in which the system operates, it may be that the correspondence has been received in my office, but I have not yet sighted it. I am not therefore in a position to comment on the matters raised by the honourable member. However, if the letter is received, I will give it my attention.

HEALTH COMMISSION ADMINISTRATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Health a question about Health Commission administration.

Leave granted.

The Hon. L.H. DAVIS: In response to several questions in recent weeks, the Minister of Health has admitted that the Health Commission has been understating staff numbers by some 300. This has resulted in the Minister's initially boasting about the expansion of health sector staff under his administration. However, there remains at least two serious grounds for concern in the administration of the commission.

First, I understand that although the health sector pay-roll is on a computer, personnel numbers are manually calculated, making difficult a check of pay-roll against employee levels. Secondly, and of rather greater concern, is the fact that the commission has not yet reported for the 1981-82 financial year. I am reliably informed that the report is not expected to be available before October 1983, over 16 months after the end of the 1981-82 financial year.

It is worth noting that public companies listed on the Stock Exchange must observe strict requirements in reporting financial results. For example, B.H.P., with 70 000 employees and 178 000 shareholders, must issue half-yearly reports no later than three months after the end of the financial period concerned, and must issue a printed annual report to the company's shareholders within four months of the end of the financial year.

First, does the Minister of Health believe that the present reporting systems for employees in the health system are adequate, and is there in the commission sufficient linkage between employee recording systems and pay-roll systems? Secondly, does the Minister believe that it is acceptable to this Parliament and the community at large that the commission, employing only 20 000 employees as against B.H.P.'s 70 000 employees, has not yet reported, given that it is 16 months since the end of the 1981-82 financial year?

The Hon. J.R. CORNWALL: I will answer the second question first. The honourable member says that the Health Commission employs, as he puts it, only 20 000 employees. It is an enormous industry and in 1983-84 will have a budget approaching $600 000 000. Even by the honourable member's standards, that is a pretty big sort of organisation. Without any disrespect, I would hate to think that we were not as efficient as B.H.P. It is well known that upper and middle management at B.H.P. for a long time has been somewhat less than efficient.

The commission, when I inherited it, was not as efficient as it could have been, and I immediately set about doing several quite dramatic things about it. The first was to establish the Alexander Committee of Inquiry into the internal administration and efficiency of the commission.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: As a result of that inquiry, several things are happening and, if the honourable member is just a little patient, I will have legislation introduced into this Council soon to amend the South Australian Health Commission Act and, among other things, to change the structure and nature of the commissioners themselves. We will go to a smaller, much tighter and much more business-oriented situation, where we will choose people specifically for their skills in administrative and financial areas.

At the moment, what I have inherited from the previous Government, with its much vaunted talk about its business expertise, is a situation where we have a full-time Chairman and seven part-time commissioners who come in once a fortnight for two or three hours and talk about policy and a number of matters which, quite frankly, on the odd occasion borders on the esoteric.

That is not the way to run a business which has a turnover of $600 000 000 and which, as the honourable member rightly says, employs about 20 000 people. That is one of a number of things that I have done. Also, in the first nine months that I have been Minister there has been a very marked improvement in the reporting of statistics. Frankly, without adequate statistics we cannot possibly have adequate management, be it financial or otherwise. It has taken quite some time to get statistical reporting up to the sort of levels reached currently. That is a significant management tool, which will be available to us from now on.

In regard to the reporting of employees from the multi-function pay-roll system, I explained to the Council in some detail the other day how, in the first instance, in October 1981 (about mid-term of the Tonkin Government), this error occurred. The mistake has since been corrected, and the number of employees *versus* the fortnightly pays now tallies. It is now possible to get monthly accurate returns of employees on the multi-function payroll system, and those returns are coming in monthly. They are produced monthly for the commission.

With respect to the commission's annual report, obviously it is quite unsatisfactory that it is not in Parliamant, as required under the Act, within a matter of a few short months after the close of the financial year. Most certainly, that matter causes me no joy. I am quite dissatisfied, but I assure the honourable member the report will be tabled in this place as soon as it is humanly possible to do so.

GROWERS MARKET

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about growers markets.

Leave granted.

The Hon. I. GILFILLAN: Following the Government's commitment to assist in the establishment of growers markets, the brickworks market at Thebarton recently began operation. Unfortunately, virtually at the same time the Adelaide Sunday market on East Terrace also began. This market is not permitted by Adelaide City Council to have fruit and vegetable stalls. However, members of the public are unaware of this policy, and many people attending the Adelaide Sunday market are disappointed to find no fruit and vegetables for sale. Is the Government negotiating with Adelaide City Council to allow growers markets to be established as part of the Adelaide Sunday market? If it is not, will the Government ensure that sufficient advertising is undertaken so that the public will know where growers markets operate?

The Hon. FRANK BLEVINS: The answer to the first question is: 'Not as far as I know.' The answer to the second question is that the Adelaide City Council probably has the authority in its own right to decide what is sold at the Sunday market and that it is really not up to the Government to make that decision. I will certainly have the Hon. Mr Gilfillan's question investigated and have discussions with the Adelaide City Council to ascertain whether or not there is anything that the Government can do to ensure that a full range of products is sold at the Sunday market to which he has referred.

The Hon. I. GILFILLAN: Does the Minister recognise that the Government has a policy committed to establishing growers markets and, if so, where is any action occurring to ensure that that policy is implemented?

The Hon. FRANK BLEVINS: The answer is 'Yes', I am aware that the Government has a policy of encouraging

growers markets. A considerable amount of co-operation has been given by one officer of my department in attempting to establish a growers market in the Salisbury area. I suppose that this matter depends on what degree of commitment the Government ought properly to enter into to establish a commercial operation. Apart from the financial constraints upon the Government and my department, I have some very real doubts as to the level of financial commitment that should be given to establishing growers markets. As I stated earlier, we have given some departmental assistance in this matter, but there has been a request for the Government to put up money, which I am reluctant to do for reasons quite apart from the fact that I do not have any money to give them. For instance, I an not sure how viable such operations will be.

It seems to me that, if growers markets are to be viable, the amount of money required to establish them should more properly be found by the people who will benefit most from those markets. I think that the Hon. Mr Gilfillan should be aware that there is in South Australia a large range of organisations selling fruit and vegetables. Therefore, if the Government was to put money into one sector, it could be construed by other sections of the industry (for instance, supermarkets, greengrocers shops and small businesses) as unfair competition. I am not persuaded that at this stage it is proper for the Government to invest Government funds in what is, essentially, a commercial operation competing against other commercial operations.

I am aware of the policy involved in this matter and have during the past four months had a lot of discussions on it regarding where we can give some low level departmental assistance to help growers start these markets. I have done that, and am prepared to carry on doing it. However, I have some grave reservations about financing a commercial organisation that is in competition with other commercial organisations.

The Hon. I. GILFILLAN: Is it a statement of A.L.P. policy that the Government will ensure the introduction of growers markets on a trial basis and, following assessment of those trials, an A.L.P. Government would assist groups of growers to form co-operative markets where appropriate?

The Hon. FRANK BLEVINS: Yes, but I do not think that there is anything in the A.L.P. policy from which the Hon. Mr Gilfillan has just read that contradicts anything I have said. I have stated that we are assisting these people, at a very low level, with departmental people. The people who are involved in trying to get growers markets started were assisted as much as possible to get their act together.

The Hon. I. Gilfillan: Where are the trials?

The Hon. FRANK BLEVINS: We are still working on them. Is the Hon. Mr Gilfillan saying (and if he is, let him state quite clearly) that he wants the Government to invest money in these markets?

The Hon. C.M. Hill: No, he wants you to carry out your policy.

The Hon. FRANK BLEVINS: I am carrying out policy.

The Hon. C.M. Hill: You haven't made much progress.

The Hon. FRANK BLEVINS: We have made a great deal of progress.

The PRESIDENT: Order!

The Hon. C.M. Hill: Where are the markets?

The Hon. FRANK BLEVINS: The markets will appear; I can assure the Hon. Mr Hill of that. I am saying that, if the honourable member wants the markets to appear overnight at taxpayers expense, he should stand up and say so.

The Hon. C.M. Hill: Eight months is not overnight.

The Hon. FRANK BLEVINS: We are trying to do this with no funds. I am not sure, anyway, that that is the proper way to be going about things. If growers markets are not going to be viable, and if growers cannot find the initial capital to establish the markets (and it is not a great deal of capital), I wonder what role the Government should play in financing them. I have not been persuaded, in the short time that I have been Minister, that the Government has a role at all to play in this matter. I can assure the Hon. Mr Hill that we are still working on this matter. Because we do not have a large amount of money to dish out, and because of the hesitancy that I have about the propriety of the matter, anyway, it will take a little time to work out, and will probably be none the worse for that.

DIVING STANDARDS

The Hon. R.J. RITSON: Has the Attorney-General an answer to the question I asked on 9 August about diving standards?

The Hon. C.J. SUMNER: On 18 July 1983 Cabinet approved amendments to the construction safety regulations under the Industrial Safety, Health and Welfare Act. These amendments included alteration of those regulations dealing with compressed air work such that:

> All compressed air work and under water air breathing operations shall be carried out in accordance with the requirements of Australian Standards CA12 'SAA Compressed Air Code' and 2299 'Underwater Air Breathing Operations'.

The regulations are currently being drafted.

The Hon. R.J. RITSON: Given that the standards have been upgraded, or are being upgraded, in relation to construction workers, will the Attorney-General consult with his colleague in another place and ask that Minister whether he believes that all divers employed in the Public Service, and divers operating on Government construction work deserve, and should have, the protection of the Act?

The Hon. C.J. SUMNER: I will obtain that information for the honourable member.

ALICE SPRINGS TO DARWIN RAILWAY

The Hon. K.L. MILNE: Has the Attorney-General an answer to the question I asked on 17 August about the Alice Springs to Darwin railway?

The Hon. C.J. SUMNER: I indicate to the Council that this is also the answer to the question asked by the Hon. Mr DeGaris on the same topic. In my opinion there are difficulties involved in any legal action against the Commonwealth in respect of the Northern Territory rail link, highlighted by the proceedings taken by South Australia in 1962 in an attempt to enforce the Railway Standardisation Agreement of 1949. The State was unsuccessful in those proceedings. In any event, the Government is of the view that the most appropriate means of ensuring that the Northern Territory rail link is completed is by making the strongest possible representations to the Commonwealth Government emphasising not only its obligations to complete the rail link but also the economic and social importance of doing so.

The Government has made and is continuing to make these representations. The South Australian Government has considered the question of a High Court action on the Northern Territory rail link but prefers to pursue the matter by negotiation with the Commonwealth at this stage.

MIGRANT VOTING

The Hon. C.M. HILL: Has the Minister of Ethnic Affairs an answer to the question I asked on 11 August about migrant voting?

The Hon. C.J. SUMNER: I have now received information from the Commonwealth Government in relation to the change in the nationality qualification for Commonwealth and State electoral enrolment from British subject status to Australian citizenship. I am informed that the necessary legislation is in place in all States except Western Australia, where the relevant Bill has just been introduced.

The Commonwealth is anxious to proclaim Australia Day 1984 as the day on which the new citizenship provisions will come into effect. I have recently written to the Special Minister of State indicating that South Australia has no objection to this proposal. I am now awaiting further advice from the Commonwealth before proceeding with the proclamation of the legislation.

SALES TAX

The Hon. H.P.K. DUNN: Has the Minister of Health a reply to the question I asked on 24 August about sales tax on sunscreen lotions?

The Hon. J.R. CORNWALL: The honourable member will be aware that on the same day he raised the matter in the Council the Australian Minister of Health, Dr Blewett, issued a statement to the effect that block-outs, ultra-violet lotions and the general range of products sold for the prevention of sunburn and to guard against skin cancer will continue to be exempt from sales tax. In his statement Dr Blewett pointed out that the Federal Treasurer's intention was solely to impose sales tax on a range of items including moisturising creams which are sold as cosmetics but, because the products also include sunscreen agents, they have been previously exempt from sales tax.

FREEDOM OF INFORMATION LEGISLATION

The Hon. R.I. LUCAS: My questions are directed to the Attorney-General and are as follows:

1. Is there any chance that the Attorney-General will introduce the promised Bill to provide freedom of information legislation in South Australia during the present session of Parliament?

2. Has the Government encountered any problems in relation to the drafting of the legislation which are delaying its introduction?

3. Have the Attorney-General or his officers followed up my earlier call for consultation with the Commonwealth Attorney-General to ensure that State legislation and Commonwealth legislation, as it will apply in South Australia, are compatible in so far as that is possible?

The Hon. C.J. SUMNER: As the honourable member knows, freedom of information legislation is being considered by the Government. An officer of the Attorney-General's Department is conducting a review as chairman of a committee on freedom of information legislation. She has visited both Melbourne and Canberra to view the operation of freedom of information legislation. There are no particular problems with the drafting of the legislation. In fact, at this stage policy questions are still being determined as a result of the inquiry that was instituted by the Government following the last election. I cannot say specifically whether the officer concerned has raised the question of compatibility with the Attorney-General's office in Canberra, but I assume that that was part of the inquiry. However, I will certainly refer that matter to her again.

The Hon. R.I. Lucas: We will not be seeing it during this session?

The Hon. C.J. SUMNER: The honourable member will have to wait and see about that. The question of when he will see the legislation is for the Government—not the honourable member. In September 1979, under the previous Labor Government, a discussion paper had been prepared on freedom of information. A working party was established and it had proceeded a considerable way down the track towards the formulation of proposals for freedom of information legislation, or at least administrative practices in this State. In 1979, following the election, that initiative was simply cancelled and nothing more was done for three years.

Following the election in November last year, I revived the project. The honourable member expects me to catch up in eight months the 3½ years of lost time under the Liberal Government. The Government has a number of pressing priorities. The officers in the Attorney-General's Department who are involved with what I might call 'law reform policy' have an exceptionally heavy workload. This is one of the projects that have been revived. The officer concerned has already carried out substantial investigations interstate in relation to what has happened with freedom of information legislation in Victoria and the Commonwealth. That investigation will proceed and I will obtain a report, which will then be referred to the Government, and legislation will be considered. Indeed, there was a suggestion that the matter could be dealt with at an administrative level by administrative instructions from the Government. Several options are currently being considered. The project is proceeding with the speed available, depending on the resources that we have.

ROXBY DOWNS

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

Leave granted.

The Hon. L.H. DAVIS: In the *Age* of Thursday 25 August 1983 the following advertisement appeared:

> Tomorrow . . . show Mr Hawke how you feel about uranium mining. Join the rally Friday, August 26, 4.30 p.m. onwards outside the Prime Minister's Electoral Office.
>
> We demand of the Federal Government:
>
> - No development of the Roxby Downs uranium mine
> - Close Northern Territory mines
> - Stop all exports of uranium to France
>
> Organised by: Movement Against Uranium Mining, Friends of the Earth, People for Nuclear Disarmament, Women for a Nuclear Free Australia and Women for a Nuclear Free World.

The advertisement concludes with the statement 'Uranium unleashes nuclear war'. The advertisement was authorised by Jean Melzer of 285 Little Lonsdale Street, Melbourne, on behalf of the organisations named in the advertisement. I understand that Jean Melzer is a Senator in the Australian Labor Party.

The Hon. Anne Levy: I wish she were.

The Hon. Frank Blevins: Sorry, you blew it, Legh.

The PRESIDENT: Order!

The Hon. L.H. DAVIS: I understand that Ms Melzer was a Senator in the Australian Labor Party.

The Hon. C.M. Hill: They knocked her off.

The Hon. L.H. DAVIS: That is correct; she was beaten. I understand that Ms Melzer is still a member of the Australian Labor Party. Does the Labor Government in South Australia support the advertisement authorised by Senator Jean Melzer?

The Hon. J.R. Cornwall: Ex Senator.

The Hon. L.H. DAVIS: Yes, ex Senator Melzer. Does the Minister believe that this advertisement is another public example of the deep divisions within the Australian Labor Party? Finally, will the Labor Government seek to have Ms

Melzer reprimanded, as a member of the Labor Party, for breaching the A.L.P. uranium policy which purports to pursue the development at Roxby Downs?

The Hon. C.J. SUMNER: The honourable member's question is not worth referring to the Premier, so I will not do that on this occasion. Ms Melzer is entitled to express an opinion, just as the Hon. Mr Davis is entitled to express an opinion.

The Hon. Frank Blevins: I hope that she is a little more accurate than the Hon. Mr Davis.

The Hon. C.J. SUMNER: As the Hon. Mr Blevins says, one would hope that Ms Melzer's expressions of opinion are a little more accurate than the opinions expressed by the Hon. Mr Davis in this Council today. The Hon. Mr Davis and the Council know the attitude that the State Government has adopted in relation to the Roxby Downs development: it was made clear at the last election, and that is still the position. That does not mean that Ms Melzer or anyone else in the Australian community is not entitled to their views about uranium mining or any other issues in the community. I believe that I have adequately answered the honourable member's question.

TRUST ACCOUNTS

The Hon. K.T. GRIFFIN: Has the Attorney-General an answer to a question I asked on 23 August about lawyers' trust accounts?

The Hon. C.J. SUMNER: I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

Reply to Question

The current position in respect of banks agreeing to pay interest on lawyers' trust accounts in as follows:

Bank	Interest Rate Per Cent	Date of Payment	Commencement Date	Comment
Westpac Banking Corporation	7.5	31 December	1 August 1983	Agreed
Commonwealth Banking Corporation	7.65	30 November 30 May	1 July 1983	Agreed
State Bank	7.5	31 December 30 June	1 September 1983	Agreed
Savings Bank of South Australia	7.5	31 December 30 June	31 October 1983*	*The commencing date subject to negotiation. Bank is considering 1 September 1983
ANZ Bank	7.5	31 March 30 September	1 September 1983*	*ANZ has imposed an additional term concerning investment of Combined Trust Account still to be formally approved by Law Society
National Australia Bank	7.5	31 December 30 June	1 October 1983*	*Commencing date subject to negotiation. Bank is considering 1 September 1983
Bank of New Zealand	7.5	31 March	1 August 1983	Agreed

Notes: 1. All banks above have agreed to make payment based on the minimum monthly balance of the Solicitors General Trust Cheque Account.
2. All banks agree that there will be no interference with the existing banker-solicitor relationship, that is, existing rebates on bank charges will continue.
3. Payment will be made to the Law Society immediately following the 'Dates of Payment' which are accounting dates adopted by the banks.

CRUTCHES

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about crutches.

Leave granted.

The Hon. R.J. RITSON: I have received representations from a concerned constituent who has the interests of the public hospital system and the public purse at heart. It was explained to me that public hospitals provide crutches as a matter of expediency, particularly on weekends, in casualty departments so that people who suffer lower leg injuries may return home. A deposit is collected in an attempt to ensure the return of crutches, but in many cases the crutches are not returned and, apparently, there is great difficulty in recovering the true cost of the crutches, which generally exceeds the deposit.

It was suggested to me that, if the cost of the crutches could be brought down to the point where the deposit was full cover for the value of the crutches, some of the losses incurred by public hospitals would cease. It was also put to me that, if sufficient unification of buying crutches could be achieved within all public hospitals, a suitable crutch could be found, and it would be far cheaper if a suitable contract was let for the manufacture of standard hospital crutches. Will the Minister investigate the matter of the loss of crutches and consider whether anything can be done along the lines suggested to me by my constituent?

The Hon. J.R. CORNWALL: Yes, Mr President.

TOBACCO SPONSORSHIP

The Hon. DIANA LAIDLAW: Has the Minister of Health a reply to a question I asked on 10 August about tobacco company sponsorship?

The Hon. J.R. CORNWALL: In May of this year a letter outlining the South Australian Government's position concerning tobacco sponsorship and seeking assistance in determining, accurately, the amount of money involved in sponsorship was sent to sport and recreation clubs and associations and a number of arts organisations. Some 282 letters were sent, a copy of which appeared in the *Advertiser* on 25 May 1983.

The letter sought information on the precise amount of money involved in sponsorship for each organisation approached during the past two calendar years. Replies were sought before 30 June. As at 25 August a total of 90 replies had been received in my office. This represents no more than 30 per cent response and as such is disappointing. Of the replies received the largest receivers of sponsorship were: South Australian National Football League, Adelaide Festival of Arts, Adelaide International Raceway (which also noted that it was anticipating a significant increase in the 1983-84 year), South Australian Yacht Racing Association, and Lighthouse, State Theatre Co.

Annual total for the calendar year 1982 was $556 000—in regard to those who responded. The remainder of replies indicated amounts ranging from $1 000 to $14 000—in regard to those who received any sponsorship at all. The total amount of sponsorship as indicated by the respondents is

$778 806. Almost 20 per cent of the respondents indicated that they deliberately avoid tobacco sponsorship and fully supported the Government's initiatives in this area.

A number of major sporting associations indicated that they considered it a breach of confidentiality to disclose the amount of sponsorship. These organisations include the South Australian Soccer Federation, the South Australian Trotting Club, South Australian Rugby Union Incorporated, South Australian Golf Association, South Australian Jockey Club, and the South Australian Basketball Association. Significant organisations that did not respond include: South Australian Netball Association, Confederation of Australian Motor Sport, South Australian Womens Hockey, South Australian Womens Softball, Adelaide Greyhound Racing Club, Lawn Tennis Association, South Australian Amateur Swimming Association, and South Australian Cricket Association.

CONSTRUCTION PROJECTS

The Hon. L.H. DAVIS (on notice) asked the Attorney-General: In view of the State Government's policy of allocating a greater share of construction projects to the Public Buildings Department at the expense of private contractors, will the Minister advise—

1. The value of tenders called from private contractors in each month for the period January 1982 to July 1983 inclusive?

2. The value of tenders let to private contractors in each month for the period January 1982 to July 1983 inclusive?

3. The value of work done by the Public Buildings Department in each month for the period January 1982 to July 1983 inclusive?

4. Estimates of the value of tenders to be called from private contractors in each month for the period August 1983 to December 1983 inclusive?

5. Estimates of the value of work to be done by the Public Buildings Department in each month for the period August 1983 to December 1983 inclusive?

The Hon. C.J. SUMNER: There are a number of matters dealt with in the question, and I seek leave to have the reply inserted in *Hansard* without my reading it.

The PRESIDENT: Are the matters of a statistical nature?

The Hon. C.J. SUMNER: They are. It would be most inconvenient to have to read them.

Leave granted.

Reply to Question:

In response to the member's request, five schedules have been prepared.

The following points about this information should be noted:

1. All figures relate to major and minor works included in capital budgets. Maintenance projects have been excluded.

2. The tenders called/contracts let figures include tenders/contracts handled by operational services as part of major projects.

3. The values of tenders called are based on the departmental estimates applying at the time.

4. The value of contracts let includes the contingency provision for major projects. Contingencies do not apply for regional operations and operational services contracts.

5. The cost of design, supervision, furniture and escalation are not included in the value of contracts let.

6. The value of work done by Public Buildings Department covers only work done by 'Construction Division' in operational services. Some minor works are carried out by departmental labour in regional operations and 'Central Workshops' but these amounts are not readily identified.

7. The value of work done by the Public Buildings Department includes payments to private contractors for operational services contracts. These figures could not be extracted in the time available.

8. The value of work done by Public Buildings Department is derived from expenditure by operational services. This expenditure is a product of the departmental accounting system and, to some degree, this accounts for the signified monthly fluctuations.

9. The estimated value of tender calls from August to December 1983 is based on the best available information but includes only nominal figures for regional operations and operational services.

10. It is important to point out that the reduction in tender calls is also a function of the carryover commitment and the restriction in the funds allocation as well as any allocation of a greater share to P.B.D. resources.

PUBLIC BUILDINGS DEPARTMENT
VALUE OF TENDERS CALLED FROM PRIVATE CONTRACTORS
JANUARY 1982 TO JULY 1983

	$
January 1982	3 139 540
February	2 909 658
March	8 947 585
April	3 471 403
May	1 584 753
June	5 422 520
July	9 442 910
August	3 702 381
September	2 749 875
October	7 059 195
November	8 974 290
December	14 788 680
January 1983	1 139 155
February	1 749 220
March	4 534 350
April	2 254 400
May	4 941 000
June	6 108 190
July	1 284 300

PUBLIC BUILDINGS DEPARTMENT
VALUE OF CONTRACTS LET TO PRIVATE CONTRACTORS
JANUARY 1982 TO JULY 1983

	$
January 1982	5 244 399
February	3 800 826
March	3 325 806
April	7 707 220
May	5 737 448
June	1 885 640
July	10 268 549
August	4 876 895
September	4 553 660
October	4 459 528
November	5 694 076
December	9 808 358
January 1983	4 635 885
February	5 454 852
March	4 071 220
April	1 875 019
May	3 676 383
June	5 974 209
July	1 099 140

PUBLIC BUILDINGS DEPARTMENT
VALUE TO WORK DONE BY PUBLIC BUILDINGS DEPARTMENT
JANUARY 1982 TO JULY 1983

	$
January 1982	468 571
February	830 541
March	1 019 705
April	501 591
May	799 947
June	1 093 839
July	1 123 112
August	1 077 896
September	1 588 419
October	989 545
November	922 641
December	860 506
January 1983	610 849
February	967 056
March	651 497
April	516 152
May	936 418
June	795 410
July	895 800

PUBLIC BUILDINGS DEPARTMENT
ESTIMATES OF TENDERS TO BE CALLED FROM PRIVATE CONTRACTORS
AUGUST 1983 TO DECEMBER 1983

	$M
August	12.3
September	1.1
October	3.6
November	2.9
December	1.1

PUBLIC BUILDINGS DEPARTMENT
ESTIMATES OF VALUE OF WORK TO BE DONE BY PUBLIC BUILDINGS DEPARTMENT
AUGUST 1983 TO DECEMBER 1983

	$M
August	1.2
September	1.2
October	1.2
November	1.2
December	1.0

OPAL

The Hon. C.M. HILL (on notice) asked the Minister of Health: Did the Minister of Local Government recently give his consent to the Adelaide City Council to give away a large opal, the property of the Adelaide City Council, to a city in the United States of America? If so:

1. What was the approximate value of the opal?
2. What was the approximate loss in value of the jewellery piece from which the opal was removed?
3. What were the reasons which influenced the Minister's decision?
4. What was the text of the Minister's consent?
5. Did the Minister refer the matter to Cabinet before giving his consent?

The Hon. J.R. CORNWALL: Yes.

1. I am advised that the value was $3 011 at purchase.
2. I understand that no assessment has been made of the residual value of the jewellery piece.
3. My sole responsibility, pursuant to section 382 (2) of the Local Government Act, was to ensure that all of the items proposed for disposal were disposed of for an appropriate purpose, to an appropriate class of recipients, and were not affecting the financial viability of the council.
4. The letter of consent and its schedule are attached.
5. No.

Letter of Consent

The Town Clerk,
Corporation of the City of Adelaide,
GPO Box 2252,
Adelaide 5001

Dear Mr Llewellyn-Smith,

I refer to your letter of 30 June 1983, relating to proposed gifts to be presented by the Lord Mayor, Lady Mayoress and Town Clerk to appropriate recipients in Malaya and the United States, and particularly in relation to the establishment of a 'sister-city' relationship with the City of Austin, Texas.

I hereby approve, pursuant to section 382 (2) of the Local Government Act, 1934-1982, that you may dispose of the property in the schedule attached to your letter, a copy of which is attached to this reply, by way of gift.

Yours sincerely,
Terry Hemmings, M.P., Minister of Local Government

Schedule

VISIT BY LORD MAYOR, LADY MAYORESS AND TOWN CLERK TO AUSTIN, TEXAS, TO COMPLETE ARRANGEMENTS FOR SISTER-CITY RELATIONSHIP—SCHEDULE OF GIFTS

	Required	Spare	Total
Corporation Cuff Links	10	3	13
Corporation Ties	10	3	13
Corporation Plaque	4	2	2
Koala Pins	5	3	8
Corporation Badge	1	—	1
Opals—triplets	3	—	3
History of Adelaide	3	—	3
Towels—Australian Flag	3	—	3
History of South Australia	1	—	1
Gould's Mammals (Book)	1	—	1
Bronze Kangaroo	1	—	1
Bronze Wombat	1	1	2
Bronze Koala	—	1	1
Bookmarks	6	—	6
Gourmet Cakes	2	—	2
Box Chocolates	2	—	2
Mounted Opal	1	—	1
South Australian Flag Stick Pins	18	—	18
City of Adelaide Plan	1	—	1

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 25 August. Page 516.)

The Hon. C.J. SUMNER (Attorney-General): I support the motion, and in doing so I support the comments made about the late John Coumbe, whose service has been lauded in this place by all honourable members during the Address in Reply debate and also, more specifically, at the commencement of this session. Members opposite dealt with many issues during the Address in Reply debate, many of which related to the Budget. The Budget will be presented in the House of Assembly on Thursday this week, so it would be quite futile for me to debate many of the issues of a financial nature raised by honourable members.

However, I feel that I should briefly contradict some of the more preposterous propositions put forward by some

members opposite. The Leader of the Opposition, who I thought would have researched this issue somewhat more carefully than he apparently did, made the fairly dramatic assertion that 2 000 extra jobs had been added to the public pay-roll during the short period of this Labor Government at an extra cost to the Government of $45 000 000.

That is just preposterous nonsense, and the Budget papers will show that to be the case. One can only assume that it is a figment of the Leader's very vivid imagination or of that of his advisers. The fact is that what the honourable member has probably done, as a lot of other honourable members have done, is, first, to take the Australian Bureau of Statistics figures and confuse part-time employment with full-time employment, and also to compare different periods. I pointed out to the Council before that there is little point in comparing one month in a financial year with a different month in that financial year. Indeed, it is difficult to get accurate comparisons between the same months in different years. I have asked honourable members to await the Budget before commenting further on the increase in public sector employment.

My information is that there was an increase in full-time equivalents of 395.6 from 1 July 1982 to 30 June 1983. That is a far cry from the 2 000 suggested by the Hon. Mr Cameron. The major areas of increase of this staff were in the areas of natural disasters, police, correctional services and education; that is, only a certain number of these people were added as a result of certain Government initiatives. A number were required in the Woods and Forests Department to salvage burnt timber following the bush fires. A number of social workers were required in the Department for Community Welfare to assess claims as a result of the natural disasters and to provide counselling. These figures will be fully outlined in the Budget, but I merely indicate to the Council that the honourable member's assertions were wild and very far from the mark.

The election commitment which the Bannon Government made prior to the last election was to maintain public sector employment levels as they were at 1 July 1982. This did not imply that the levels would be maintained at the 1 July 1982 figure for all departments; the commitment was that across the board in the public sector those levels would be maintained, but the Government reserved (and reserves) the right to adjust those levels within the Government sector as a whole. The Budget papers will show that there has been some increase over the 1 July 1982 figure in public sector employment, but a considerable amount of that can be attributed to factors which were beyond the Government's control. I will leave further comment on that to the Budget debate, which we will have in this Council certainly before the end of October.

The Hon. Mr Hill also produced some fairly wild and woolly figures out of the hat in his fairly erratic contribution. It is a pity that he, too, had not more carefully done his homework. The Hon. Mr Hill made certain accusations about the Government and the level of taxation in this State. His allegations were that South Australians had been hit with an increase of $86 000 000 in taxation and an increase of $90 000 000 in charges. That again represents a preposterous exaggeration of the taxing measures introduced by the Bannon Government. The fact is that the need to introduce these taxation measures and increased charges in advance of the proposed review of the State's revenue base is a direct consequence of the State's most difficult Budget situation. The State's reserves have been depleted by deficits in the recurrent account. It would have been irresponsible to allow those reserves to continue to run down and run the risk of their being exhausted in a short space of time. That, as the Council will realise, would be a consequence of continuing without revenue raising measures being placed in hand.

I should also indicate that any Government in office at this point of time would have been faced with raising revenue in order to overcome that difficulty. The Hon. Mr Hill, in addition to including these exaggerated claims in his speech, also praised the Tonkin Government, of which he was a member, for its record of cutting taxes and public sector jobs. All that one can say about that is that the Liberal Government did cut some taxes, but did it in an irresponsible way by sleight of hand—in effect, a fraud on the public of South Australia—by not indicating the importance of what it was doing in transferring capital funds to prop up the recurrent side of the South Australian Budget. That is all that happened in terms of its so-called reduction in tax. I do not see how any responsible members of this Council can claim credit for the reduction of taxation when that reduction has been paid for by the transfer of capital moneys to recurrent account. As I said, it was a sleight of hand and a fraud on the public of this State.

The revenue imposts and the increases in charges that will result from the taxation decisions of the Bannon Government will be fully aired in the Budget, but I can assure the Council that the figures given by the Hon. Mr Hill are quite exaggerated and do not represent anything like the true position. In fact, the taxation increase, as opposed to the $86 000 000 suggested by the Hon. Mr Hill, as properly calculated will bring in an additional $40 000 000 in this financial year and $57 000 000 in a full financial year.

The Hon. Mr Lucas referred to the financial institutions duty and gave a reasonably considered analysis of it. Certainly, the impression that I got from him was that he was not completely opposed to it. He certainly quoted sections of the Campbell Report, which argued for a broadly-based financial tax to take over eventually from a myriad of other financial taxes which currently exist throughout Australia.

One step in that direction would be a financial institutions duty. Certainly, there is no unanimity of opposition in the business community to a tax of this kind which, it is argued, spreads the burden of taxation and which could be used to produce a degree of uniformity in regard to these taxes throughout Australia. It could also be used to replace the large number of taxation measures of an individual kind that currently exist such as stamp duty.

The Hon. Miss Laidlaw also referred to increased taxes and made the rather astonishing proposition that they were necessary to offset decisions taken in relation to Honeymoon and the loss of revenue that would be caused to the State as a result of that decision. Obviously, the Hon. Miss Laidlaw has not studied the Budget figures and the sorts of amounts that we are talking about that have to be made up in order to cover the deficit and get to a position where it is no longer necessary to transfer large amounts of capital funds in comparison with the small amount of revenue forgone in the Honeymoon decision. The Hon. Miss Laidlaw also criticised job creation schemes, and I suppose that one could have an argument about their efficacy. However, what she did not mention surprisingly, because she spoke after the introduction of the Federal Budget, was that the Federal Budget is clearly an expansionary Budget, being much more expansionary (and one hopes that it will stimulate economic activity in this country to a much greater extent) than would have occurred had a Liberal Government been in office.

The fact is that Liberal Governments federally have operated on a monetarist theory of restricting the money supply and attempting to reduce inflation, thereby indirectly creating jobs. That policy has not been successful in recent times and, indeed, it led to a substantial Budget deficit last year at the Federal level of several billion dollars.

The Hawke strategy, which is worth a try, is to attempt, within the framework of a prices and incomes policy, to provide some money for expansion of the economy; that is, placing money into the economy which should have a multiplier effect throughout a whole range of activities, including the building industry. Clearly, that was an objective of the Hawke Budget, and it will be an objective of the Bannon Government as well. In criticising job creation schemes, the Hon. Miss Laidlaw apparently overlooked the considerable stimulus that the Federal Government's Budget should provide to economic activity in this country, provided that there can be some restraint on the inflation rate through a proper prices and incomes policy.

The Hon. Mr Griffin addressed himself to the question of policy in regard to the disabled. He advocated certain things, and one recognises his interest in this area as a former Minister and a member now in Opposition. I point out to him that the present Government has not countermanded or cancelled any of the projects that were in train in November last year, except that the proposal for an advisory committee has not been proceeded with at this stage. However, that will be further considered once an adviser to the Premier on the disabled has been appointed. That commitment has been made by the Government and reaffirmed on a number of occasions.

Apart from that, a Cabinet committee has been established and an inter-departmental committee will be established to co-ordinate policies in this area. It will rely on the adviser for advice on the policies developed. The resource centre is also proceeding in the same way, up to this point of time, as was envisaged by the previous Government. That is an area of bipartisan policy, substantially, although there may be differences of emphasis. Nevertheless, there will be substantial initiatives taken by the Bannon Government in this area in addition to those already proceeded with.

The Hon. Mr DeGaris addressed himself to Parliamentary reform and made an assertion that the declining power of Parliament in our community was the direct result for some obscure reason of democratic socialist philosophy. I found that argument hard to follow, particularly when one considers that the only significant areas in which reforms have been proposed and implemented in relation to the power of Parliament have been areas highlighted by Labor members of Parliament. I refer particularly to Senator Murphy, who was responsible largely for the promotion of the system of Senate committees when he was Leader of the Opposition in the Senate. I refer to the situation in Victoria where it was the Labor Government recently which established a number of joint Parliamentary committees; indeed, the initiative in this State occurred following the election of a Labor Government. It is a little hard to see the logic in the Hon. Mr DeGaris's contribution in regard to Parliamentary reform, at least on this occasion.

The Hon. Miss Wiese addressed herself to the question of the reform of the law relating to transexuals and suggested, I think, that no action had taken place because politicians were afraid of an electoral backlash. I do not believe that that is the reason, at least not now.

The Hon. K.T. Griffin: It was not before.

The Hon. C.J. SUMNER: Not much happened before. The problem before was that the Federal Government was not willing to accept that psychological sex was a factor in the determination of sex, and not just biological sex. Without the co-operation of the Federal Government, whatever the State Government does is very limited because there are issues relating to marriage and passports and the like which have to be considered. I appreciate the remarks that the Hon. Miss Wiese made to the Council as a result of her inquiries overseas, and I am sure that they will be considered when this matter is further debated by the Standing Committee of Attorneys-General, which I hope will be before the end of this year.

I support the motion and look forward in some weeks to further considering many of the issues which honourable members have raised, more particularly those relating to the financial state of this Government and the policies that it is pursuing.

Motion carried.

The PRESIDENT: I have to inform the Council that His Excellency the Governor has appointed 4.30 p.m. today as the time for the presentation of the Address in Reply to His Excellency's Opening Speech.

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 August. Page 337.)

The Hon. M.B. CAMERON (Leader of the Opposition): This Bill appears to be in some difficulty because, on information we have received, some of the information provided in the second reading speech is not correct. The Minister said the following in his second reading speech:

> Extensive consultation has taken place with the Australian Fishing Industry Council, representing industry, and the South Australian Recreational Fishing Advisory Council, representing recreational fishing interests. These bodies and the Department of Fisheries—

and I emphasise these words—

> strongly support the concept of Ministerial notices.

It continues later to indicate which sections of the Act will be undone if the Bill passes in its present form. Extensive consultation has taken place between the Opposition and members of the recreational and fishing industry. We have found that this is not the case and that, first, there has been little or no consultation with the recreational fishing bodies and, secondly, that they are opposed to the changes foreshadowed. I do not therefore understand where the Minister received his information, or whether the advice he received was incorrect.

In the past, matters associated with bag limits, declaring what species are under-sized, noxious fish and similar matters have been aptly handled by proclamation, and very few difficulties have been experienced in fisheries management, either through delays or for any other reason (except, perhaps, in the case of under-sized prawns, and even there, I understand, if it is necessary for a proclamation to be issued in a hurry that can be done). I am sure that the Hon. Mr Griffin, who has experience in these matters, will give further details about this matter later.

It would appear that information is not getting to the Minister in relation to the attitude of other bodies. We have consulted with people and associations involved with the South Australian Recreational Fishing Advisory Council, with which a number of fishing bodies are involved. Not all those bodies have been contacted, but we have contacted the South Australian Amateur Fishermen's Association, the South Australian Piscatorial Council, and the Australian Anglers Association, all of which are opposed to this change.

I will now read the following letter that I received from the Australian Anglers Association, because I think it clarifies the situation and, I understand, is indicative of the attitude taken by other members of this body:

> Dear Sir,
>
> The above association is extremely concerned with the introduction into the Legislative Council last week of the Bill for an Act to amend the Fisheries Act of 1971. In his statement to the Council on 18 August, the Minister of Fisheries claimed that 'extensive consultation' had taken place with the South Australian Recreational Fishing Advisory Council as the representative of

recreational anglers and that the concept of management by Ministerial notice had their support. This statement does not accurately represent the situation.

About three years ago a brief discussion on the concept of management of the prawn fishery per medium of notices gazetted by the Minister as opposed to the normal system leading to proclamation by the Governor occurred during a meeting between two representatives of SARFAC and a research officer from the Department of Fisheries. At the time they were working towards a draft of the Fisheries Act, 1982. The discussion referred to the prawn fishery only and had no bearing on any other fishery.

At that time the SARFAC representatives agreed that the concept was acceptable within the ambit of the prawn fishery and to our knowledge this has been the only 'consultation' on the subject of Ministerial notices involving any recreational body. Other SARFAC members contacted in the past week are also directly opposed to management of the scale fishery by Ministerial notice.

The example provided by the Minister in his explanation is accepted as a valid reason for providing a more efficient management tool in that particular case. There may also be other cases pertaining to particular 'commercial only' fisheries.

The average recreational fisherman's interest and contact is with the scalefish fisheries only and in those areas we cannot envisage any situation in which management decisions need such instant actions. Hence there is no case for abandoning the established processes of implementing fisheries management measures as applied to scale fisheries.

It goes on to indicate those sections to which it is opposed, and then continues:

It is the association's contention that amendments to these sections should only be undertaken on proven biological grounds and using the proper consultative processes.

The other members of the advisory council opposed to this change are the Scuba Divers Association of South Australia, the Game Fishing Club of South Australia, and the South Australian Fly Fishers Association.

There are only three other bodies of which I know that we have not been able to contact, but I know of no reason why they should hold a different view. Therefore, I find it difficult to accept the Minister's proposition. For that reason, I intend to move amendments to the Bill to remove these areas where it is quite clear that there is not the support or the necessity that the Minister has indicated for these changes. I do not believe that we should take steps which diminish the power of Cabinet and which really put the matter back into the hands of not only the Minister but also his department. It may be that they can argue that in fisheries other than scale fisheries there is a need for change, but I do not believe that that is the case, either.

Any decisions made about changes in bag limits, pot limits, size of nets or anything at all are automatically made on the basis of research, which does not have to be done overnight. The prawn fishery is the only one where there is any justification for this, and I do not really believe that there is justification there. AFIC has reported to us that it supports the amendments that relate to its industry. I assume that, because it represents professional fishermen, it is not concerned where those amendments relate to other parts of the fishing industry, because what happens in the recreational areas is not of great concern to that body. The other bodies should be left to make their own decisions.

I indicate that I will move amendments to take recreational fishing bodies out of the Act and to take out certain other sections of the Act where it is not necessary for snap decisions to be made. I trust that those amendments will receive support. If the Minister wishes to consult with these bodies, I am quite happy to await investigations that he may want to make concerning this matter.

I believe that, now it has been pointed out that the indications of strong support are not there, perhaps the Minister may well accept that there is no necessity for that part of the Bill. If the Opposition's amendments are not accepted, we will oppose the Bill at its third reading. It is not clear in my mind that these changes are absolutely necessary. Certainly, they are not necessary from the point of view of the recreational fishing industry.

The Hon. K.T. GRIFFIN: I have some difficulty with the principle of this Bill. I generally have grave reservations about Ministers affecting a person's livelihood with the stroke of a Ministerial pen. If there is to be a mechanism for making administrative changes, I prefer for it to be done by proclamation, especially where the livelihoods of people are affected.

I know that the Fisheries Department is keen to make changes to a variety of areas affecting the fishing industry by using Ministerial direction or Ministerial notice rather than doing it by proclamation. That procedure is easier than the formal process of Cabinet submission followed by a formal proclamation by the Governor-in-Council.

With a proclamation, a Minister makes a submission to Cabinet recommending a particular course of action. The submission is considered by all 13 Ministers and, if they approve the recommendation, a proclamation is drafted which goes before the Governor-in-Council for formal signing and sealing. The proclamation is then notified in the *Government Gazette* on the day on which the proclamation is made. There are certain safeguards in that procedure, because a Minister must give particular attention to the submission that he signs, knowing that it will be considered by his Cabinet colleagues. The Minister's Cabinet colleagues consider the submission and, with the background of their own experience and information, are able to make a contribution as to whether or not a change should be made, and it is then forwarded to the Governor-in-Council. Therefore, there are a number of checks on the exercise of governmental power in respect of those matters affected by this Bill.

If Ministerial notice is to be given by which changes are made (some of them quite significant), a piece of paper goes up to the Minister; the Minister may sign it as a matter of course based on the advice that it is formal; and it is then advertised in the *Government Gazette*. I am not saying that that is done deliberately; it may be that that occurs because of the daily pressures of Ministerial business.

When a Minister goes through his bags at night or on the weekends it can be a particularly onerous duty, especially if a significant amount of work is to be done. Whilst what I have described may not happen, there is a much greater prospect that something can slip through or that a Minister may not fully appreciate all the ramifications, whereas with the Cabinet process there is much closer scrutiny.

There is a suggestion that matters can be resolved more quickly by Ministerial notice than by proclamation. Ordinarily, that is so. However, if a matter is so urgent and pressing that it cannot wait until the next day, and one needs a proclamation to deal with it, it can be resolved in a day. Generally speaking, one needs the approval of the Premier, but the approval of two Ministers is sufficient for a Cabinet submission, which can then be accompanied by formal proclamation to the Governor-in-Council with two Ministers constituting a special Executive Council meeting. Therefore, urgent matters can be resolved in one day with a special edition of the *Government Gazette*. That procedure involves some work but, once again, it contains some safeguards.

It may be irksome for public servants and Ministers to go through the procedure that I have described, but the fact is that it can be done and it has been done by many Governments in South Australia without any problem at all. I suggest that there are more safeguards for the community in that procedure and, in this case, more particularly, for both recreational and professional fishermen, than to allow some of the significant changes proposed in the Bill,

to be undertaken by Ministerial notice or direction. As I have said, I have grave reservations about the principle of this Bill. At this stage, I support the second reading, but I will be looking carefully at the Minister's response to the matters that I have raised and to the amendment, which will be considered in Committee.

The Hon. R.J. RITSON: I support the second reading of this Bill. I support some of the remarks of the Hon. Mr Cameron and the Hon. Mr Griffin in relation to the question of where the discretionary power should reside. An important principle is involved in this legislation.

It has been said that modern Parliaments have given away more and more *quasi* legislative power to the Administration over the years. I believe that is true. In many cases it is a matter of expediency. I certainly do not wish to take this question out of the hands of the government of the day. The question of preserving democracy arises because, increasingly, the administrative arm of Government does have power to act with and through a Minister of the Crown in a way that might not reflect the attitude of the Government as the elected body.

Several years ago the Hon. Mr Blevins came out strongly in defence of the principle that we should resist trends to devolve all the power to the administrative branch and that Parliament should insist that this power resides with and close to the elected representatives of the people. When the Hon. Mr Blevins was debating amendments to shop trading hours legislation about three years ago, he referred to provisions to give Ministerial direction, as follows:

> Clause 4 gives the Minister the right to issue a certificate of exemption to a shopkeeper in relation to a shop specified in the certificate. In other words, at his whim, the Minister can exempt any shop from this trading hours legislation. The abuse that that power is open to is absolutely enormous. The Minister can, on a grace and favour basis—

At that point the Hon. Mr Blevins was interrupted by an interjection. Later, when referring to a clause of the Shop Trading Hours Bill, the Hon. Mr Blevins said:

> This clause, which is quite definite and specific, gives the Minister the right to virtually tear up the Act . . .

The Hon. Mr Blevins was quite strongly opposed to isolated Ministerial discretion at that time. I would not even go as far as the Minister: I thought that the Minister was being rather over-cautious on that occasion, but certainly he has espoused a policy of trying to place the power a little higher than that of the Minister's acting alone, certainly in that case. There have been other occasions in this Parliament where the A.L.P. has argued that power in the Administration has devoluted. I remember that amendments relating to, I think, the Boating Act were introduced in this Council; the then Labor Opposition proposed an amendment to alter a provision that shifted power from the Minister to the Director.

The Hon. Frank Blevins: It was vice versa. We moved an amendment to shift power to the Minister.

The Hon. R.J. RITSON: That is what I said.

The Hon. Frank Blevins: You said that it was the other way around.

The Hon. R.J. RITSON: I said that the Labor Party moved an amendment to a provision moving the power from the Minister to the Director. The Bill proposed to shift power from the Minister to the Director, and the A.L.P. moved an amendment opposing that. We, in our wisdom, saw the point of the amendment and did not divide.

It is quite clear that the Opposition of the day was a jealous guardian of these democratic rights in terms of the provision of power not only between the Minister and the Director but also between the Minister and the higher levels of government. All we are doing on this occasion is asking the Government of the day to be consistent, to preserve that principle, and to accept any amendments which we should move and which make the elected Government as a whole and the Cabinet, not merely the Minister, responsible.

It has been pointed out that there is no practical reason for the Minister's having an extremely expeditious amount of discretion, because all the changes that are likely to be recommended will be the result of scientific research. The Minister would be aware of the research, and he would be in receipt of reports and recommendations, certainly in plenty of time to take recommendations to Cabinet so that they could be dealt with in the way that the Hon. Mr Griffin has said they should be dealt with.

For those reasons, I support the second reading, but I hope that the Government will consider any amendments that we put forward. If the Government is not prepared to consider those amendments, perhaps members of other Parties in this Council will do so. I support the second reading.

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

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 August. Page 338.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports this Bill, which proposes three principal changes in relation to, first, the basis of rating for local government of SAMCOR land; secondly, payments that will be made from the deficit fund to the new Government Financing Authority instead of to lenders to the corporation; and, thirdly, stock and meat that will be able to be held by SAMCOR for all charges owed to it and not just for slaughtering or delivery charges.

The amendment to section 33 regarding ratings on SAMCOR properties is acceptable, because it ensures that local government bodies maintain their rate income from SAMCOR. That has been a difficulty due to the rating system in that area, and the amendment ensures that the rate income to the local government area is maintained. Changes to the Land Valuation Act and the Local Government Act in 1981 caused a drop in rates payable by SAMCOR to the relevant councils, and it seems only fair that councils not be penalised by changes to the capital values on which rates are charged.

Legislation establishing the new South Australian Government Financing Authority was introduced in December 1982. That legislation was almost identical to the Tonkin Government's Bill to establish a centralised borrowing authority for semi-government authorities. As a consequence, it is necessary, I understand, to amend section 55, which was introduced by the Tonkin Liberal Government in 1981 to set up the SAMCOR deficit fund under the administration of the Minister. The Minister, under section 54, can assume any liabilities of SAMCOR. Payments can be made at present out of the deficit fund for liabilities assumed by the Minister.

With the Government Financing Authority now set up, payments should be paid to the authority rather than directly to the lenders to SAMCOR. It is important that the conditions under which borrowings may be made at present be maintained, and that is the principle under which SAMCOR determines its own time for the repayment of a loan. This is necessary and essential for many reasons but mainly to allow SAMCOR flexibility in its borrowings and payments.

The third amendment is essential because it ensures that SAMCOR can hold stock and meat in relation to all charges owed to it by a client and not just in relation to slaughtering and delivery charges. That is essential. It is the normal and accepted commercial practice that this takes place. I will direct questions to the Minister in Committee, the most important of which will relate to the rate of interest paid by SAMCOR on loans from the central lending authority. I would be interested to know what will be the difference between that rate and the rates that are presently paid by SAMCOR. The Opposition supports the second reading.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank the honourable member for his contribution, and I thank the Opposition for ensuring the speedy passage of this Bill through the Council.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'The SAMCOR Deficit Fund.'

The Hon. M.B. CAMERON: What rate will be paid by SAMCOR to the central lending authority for borrowings, and what was the previous rate paid by SAMCOR to the previous lenders?

The Hon. FRANK BLEVINS: As I do not have that information at present, I ask that progress be reported.

Progress reported; Committee to sit again.

[Sitting suspended from 4.10 to 4.15 p.m.]

ADDRESS IN REPLY

The PRESIDENT: Order! I remind honourable members that His Excellency the Governor will receive the President and members of the Council at 4.30 p.m. for the presentation of the Address in Reply. I ask all honourable members to accompany me to Government House.

[Sitting suspended from 4.16 to 5.8 p.m.]

The PRESIDENT: I have to inform the Council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's Opening Speech adopted by this Council, to which His Excellency was pleased to make the following reply:

I thank you for your Address in Reply to the Speech with which I opened the second session of the Forty-fifth Parliament. I am confident that you will give your best attention to all matters placed before you. I pray for God's blessing on your deliberations.

JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 August. Page 383.)

The Hon. K.T. GRIFFIN: The Opposition is prepared to support the second reading of this Bill, which seeks to deal with three matters: first, the power of justices of the peace to imprison; secondly, the establishment of a procedure by which accurate records relating to justices of the peace are maintained; and, thirdly, some new procedures to be adopted by a justice upon the completion of evidence for the prosecution at a preliminary examination of an accused person.

I will deal first with the power of a justice of the peace to imprison. The Liberal Government accepted the principle that we ought to move to the point where justices do not impose sentences of imprisonment. In a Justices Act Amendment Act passed last year we provided for the implementation of that policy, but in that amending Act we also provided that the Act come into effect on a date to be fixed by proclamation and that any particular section of the amending Act could be suspended. A proclamation was passed which brought the Act into effect on 31 July, but in that process there was an oversight within the administration in respect of the provision which dealt with the power of justices to impose prison sentences.

A subsequent proclamation was made which purported to suspend the operation of that section. Now, the Attorney-General has informed the Council that he has advice that that was not valid. My recollection is that the advice of the time was that it was valid and that on previous occasions had been adopted in other legislative measures. Whatever the position may be, the then Government acted in good faith with a view to suspending the operation of that section which dealt with the power of justices.

The Hon. C.J. Sumner: How could you suspend a section after it had been proclaimed?

The Hon. K.T. GRIFFIN: It had not come into effect. The Attorney-General obviously does not understand it, but the fact is that it had not at the date of the subsequent proclamation come into effect. All that was happening was that a proclamation was being made to suspend the operation of that section before it came into operation, and the advice which was received was that it was valid.

I have clear recollections, also, that this sort of procedure had been adopted on previous occasions. If the Attorney-General now has advice that it was not valid, I am prepared to support legislation which rectifies it and puts it beyond doubt, but at the time the Liberal Government acted in good faith to deal with this matter. I recognise that to prohibit justices of the peace from imposing any prison sentences would place a considerable burden on the magistrates and that extra magistrates might be required and extra administrative costs incurred. So, I am prepared to support the principle of this part of the Bill to allow justices of the peace to impose sentences of imprisonment up to seven days.

I would like the Attorney-General to say whether or not any assessment has been made of the cost of that proposal. How many extra magistrates, if any, are needed and, generally, how is it likely to affect the administration of the courts?

I want to raise several other points in respect of this matter. First, the Bill is not clear as to procedure to be followed by a magistrate when the justice of the peace believes that an accused person is likely to be sentenced to more than seven days and remands that person for sentence. Does the accused then have a right to make fresh submissions to the magistrate? Does the Crown have a right to make fresh submissions to the magistrate? In effect, is there to be a re-hearing on the question of sentence?

If the offender is remanded in custody, what time is likely to expire between that remand by the justices of the peace and the appearance of the offender before a magistrate? The Bill provides that the appearance before the magistrate take place as soon as reasonably practicable. However, some concern has been raised with me by members of the legal profession that, whilst they can accept that it may be difficult in country areas to fix a maximum time on the period between remand by justices and appearance before a magistrate, they would hope that the period of remand will not exceed one or two days.

If it is likely to be seven or more days, then the question of some limit on that period of remand (when remanded in custody) ought to be seriously considered by the Attorney. So, with those reservations, the Opposition is willing to support the clarification of the powers of justices of the

peace and to limit the period of imprisonment which they may impose to a period of seven days.

The next matter is one of greater difficulty and relates to the maintenance of accurate records relating to justices of the peace. I initiated a review of all justices of the peace when I was Attorney-General, and I understand that there were about 7 500 of them.

The information that I had was that the records in relation to justices of the peace were totally inadequate. Often, it was not known whether a justice of the peace was dead or where, if alive, he resided or whether the justice wanted to continue the responsibilities of office or desired to resign his or her commitments. We initiated a programme of trying to up-date the records in respect of justices of the peace. The justices of the peace provide a very valuable community service, both in sitting in courts, which they do for no fee or reward (they receive $3 to cover their travelling or out-of-pocket expenses, but that does not go far), and in being available to members of the community for the purpose of witnessing documents under the State and Commonwealth Oaths Acts and the Statutory Declarations Act—

The Hon. K.L. Milne: For 24 hours a day.

The Hon. K.T. GRIFFIN: Yes, 24 hours a day, seven days a week, 52 weeks a year. Periodically, members of the community say that they cannot find a justice of the peace in their area, and one of the objectives in up-dating records was to try to identify where the justices live and then make that information available to police stations, local councils and even provide it in the local media, so that members of the community could be informed as to where they could find justices of the peace.

If justices were not willing to undertake the responsibilities of their commission, they were to be offered the option of voluntarily resigning their commissions. The difficulty of the proposal is basically in respect of the payment of a fee. It is rough to expect that justices of the peace, who provide a valuable community service and a substantial subsidy to the Government in the administration of justice, should be required to pay a fee each time they file their return. I have an amendment on file to deal with that. The Government ought to be willing to fund that process of up-dating records of justices of the peace from time to time.

The other matter of importance is of an administrative nature. This Bill provides for biennial returns, but I suggest that, with 7 500 justices, it could provide a significant burden on administrative officers every two years. My amendment, which we will consider in more detail in Committee, provides that the records be up-dated on a triennial basis and that there should be some flexibility for the Attorney of the day in regard to the date when that return is required. Therefore, rather than having all 7 500 returns falling due on a particular day once every three years the Attorney will be able to stagger the requirement for returns so that there is a steady flow of work rather than a peak of 7 500 returns all needing to be processed at once, whether it be once every two years or once every three years. I propose that it be triennial; that the Attorney have flexibility so that, if he so wishes, he can introduce a staggered system of requiring returns; that the fee ought not to be required, and that that provision be removed from the Bill.

The other matter is in respect of the procedures to be adopted by a justice upon completion of evidence by the prosecution on preliminary examination of an accused person. Again, I support this proposal, but it needs some clarification. Although the provision in the Bill is somewhat circuitous (I do not say that critically, but as a passing comment as it certainly meets the need), I would have thought that the present subsection (1) is probably adequate with an additional subsection which merely provides that, where a person has committed a minor indictable offence, a plea of guilty can be accepted and the matter can be proceeded with summarily without going through the various matters referred to in the amendment.

Notwithstanding that, the principle is there and I am willing to support it. Also, I draw to the Attorney's attention a matter that a private practitioner has drawn to my attention. Although I am not expecting it to be included in the Bill by way of an amendment, I ask the Attorney to consider it for a future amending Bill to the Justices Act. Old section 125 made quite clear that, where a person wished to plead guilty to a minor indictable offence without the evidence being called the accused person could intimate a plea of guilty and ask for the matter to be dealt with immediately. I understand that that is a practice that magistrates follow. Several magistrates are a little uneasy about that, because their authority to proceed in that way is not clearly expressed in the Justices Act. At some future time I hope that the Attorney may address this question and perhaps consult with magistrates with a view to rectifying that problem if, in fact, it is as real as has been suggested to me. I support the second reading.

The Hon. J.C. BURDETT: I support the second reading of this Bill. I wish to address myself briefly to the question of justices of the peace being required to file a return and, more particularly, to their being required to pay a fee; also, to the fact that if they do not lodge that return and pay the fee they are in default. The Hon. Trevor Griffin addressed himself to this question, but I would like to make a few more remarks about it. Justices give a great deal of time and talent without pay in serving the community. They are part of the judicial system and have a great deal of responsibility.

The system of justices of the peace in the British judicial system goes back many hundred of years. Justices incur many expenses, such as travelling expenses, for which they are not adequately reimbursed. As the Hon. Trevor Griffin has said, they receive a minimal amount in recompense for that. I think that it is reasonable to require appropriate information from justices for the reasons which the Hon. Trevor Griffin has stated and which were set out in the Minister's second reading explanation. However, to require justices to pay a fee is quite disgraceful. These men and women are undertaking important and responsible service on behalf of the community, not only without pay but also at their own expense. To then ask them to pay a fee for lodging a return is preposterous. It is a disgrace for the Government to introduce this fee.

To be kind to the Government, the most charitable thing I can say about this matter is that apparently justices have been lumped in with those persons paying fees for occupational licences. It is reasonable to make the persons involved in an occupation meet administrative costs, but what we are dealing with here is the administration of justice, so these costs should not be borne by members of the judicial system but by the State, as are other costs of the administration of justice. I shall certainly look with interest at amendments put forward by the Hon. Trevor Griffin during the Committee stages of this Bill.

The Hon. C.J. Sumner: The Royal Association of Justices is happy about this fee.

The Hon. J.C. BURDETT: Irrespective of what the Royal Association of Justices says, I say that it is quite disgraceful to expect any judicial officer (be it a justice of the peace or the Chief Justice) to pay a fee in connection with the lodging of a return connected with the judicial duties that that person performs. This is part of the cost of the administration of justice to be paid by the State. I support the second reading.

The Hon. K.L. MILNE: I support what has been said about this fee by other speakers. It is not a big matter, but it causes confusion between a fee for an occupational licence and a fee paid when one is giving one's time, night and day, year after year, for virtually nothing. I think that this fee is misplaced and I support what the Hon. Mr Burdett and the Hon. Mr Griffin have said about it.

The Hon. C.W. CREEDON secured the adjournment of the debate.

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 August. Page 393.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill, which seeks to do two things: first, to vary the provisions for police bail; and, secondly, to remove the penalty of imprisonment for being drunk in a public place. It has always been the position that when a person is arrested and police bail is granted, a condition is that the defendant appear before a court on the next day. That provision is particularly restrictive, although it has been accepted over many years.

The proposal contained in this Bill is to provide that police bail may be granted on the basis of requiring a person's appearance at some time within the next 28 days. This would enable the police prosecutor, in particular, and the accused person to sort out their respective positions and then to have the matter dealt with in court on the date set after police bail was granted. I hope that this will mean that more cases will be disposed of at the first court appearance than has been the case in the past. Often, of course, when police bail is granted and the accused person appears the next day the court is not ready to hear the matter, so it is put off to some other time within a fortnight or thereabouts, which is inconvenient for the accused, the police prosecutor, and for everybody else. This provision may result in one less court appearance and for that reason, and because it does not impinge upon the liberty or rights of the subject, I am prepared to support it.

The other provision of the Bill is to remove the penalty of imprisonment for being drunk in a public place. The present penalty (I think under section 9 of the Police Offences Act) for being drunk in a public place is $10 and one month's imprisonment. The same penalty applies for both first and second offences. Third and subsequent offences bring a penalty of $20 and a maximum of three months in gaol. What usually happens is that someone who is drunk in a public place is picked up by the police and put in the cells overnight to sober up. He is brought before the court the next day and, if that person is an habitual offender, receives a period of imprisonment, which that person in many instances welcomes because it is providing food and shelter which is not provided by other agencies, either Government or private.

In 1976 section 9 of the Police Offences Act was repealed, but that amending Act was never proclaimed and did not come into effect. Concurrent with that, legislation was passed which sought to provide that police stations would, in fact, become sobering up centres, and a mechanism was provided whereby a person who was drunk in a public place could be picked up, taken to a sobering up centre and held for a certain period until he or she sobered up. There was a progressive series of periods of detention to cope with the need for sobering up. That raised a few questions about civil liberties. I was not in the Parliament at the time, but I can remember that there was some debate about that matter, because it was merely replacing police apprehension and detention with some other form of detention within what were called sobering up centres; in some cases, as I said before, police stations and in other cases alcohol assessment centres operated by the Alcoholics and Drug Addicts Treatment Board.

The Liberal Government considered proclaiming the 1976 amendment to the Police Offences Act to abolish the offence of public drunkenness. In fact, it developed a programme through the Health Commission which would have involved agencies such as the Central Mission having responsibility for collecting persons who were drunk in public places and taking them to sobering up centres which were not, generally speaking, police stations. The system of holding a person until he or she sobered up was maintained. I recollect that the procedure was costed at about $180 000 a couple of years ago. It was because of the cost and other work priorities within the Health Commission budget that it was not possible to give that programme a higher priority. Regrettably, it was never implemented.

The review confirmed that the police had grave concerns about the 1976 proposal, particularly in relation to police stations being used as sobering up centres and in relation to police officers becoming almost 'minders' rather than law enforcers. I can understand that concern and hesitation in participating in that programme, although they would have had to participate if the law had been so amended.

I see some difficulty with the Bill, although I am not going to oppose it. It seeks to remove the power of a court to impose a penalty of imprisonment for the offence of being drunk in a public place while at the same time retaining the imposition of a fine. Police officers will still have the power of arrest under, I think, section 75 of the Police Offences Act. They will then take the offenders to the cells where they will be held overnight, brought before the court the following morning and many of them, if not all of them, will plead guilty. The court will then impose a fine of anything up to $10 for a first offence and anything up to $20 for a third or subsequent offence. In default of payment of a fine the court will impose a one-day period of imprisonment under the current rates, and it will probably give the offender time to pay. However, a court may not allow time to pay in relation to a persistent offender and in that situation the offender will be imprisoned for the day and then released.

If an offender is given time to pay and the fine is not paid within the time allowed, the police will take steps to issue a warrant. Police officers are then sent out to execute the warrant and the defaulter is brought into the prison system, processed and released within a day. One day is the maximum period of imprisonment that can be imposed for default of payment of the fine. I think many administrative burdens will be placed on police officers which do not currently exist. I believe that a fine will be probably less effective than the present provision which allows some detention in a prison for habitual offenders in particular.

Can the Attorney-General inform the Council when the Government intends to proclaim the legislation which establishes sobering up centres, what arrangements are being made to identify sobering up centres and what arrangements are being made for the alternative of the police being involved in this process? I think it is important to know what administrative costs are likely to be incurred in any alternative to arrest and imprisonment, and to know whether or not the Government has developed an alternative and is going to give it priority in its Budget to ensure that the offence of public drunkenness is repealed and that proper attention is given to people with drinking problems who find themselves being arrested on the charge of public drunkenness.

The Liberal Party is committed to the abolition of the offence of public drunkenness and believes that proper programmes should be available for treating the issue of public drunkenness. I hope that in his response the Attorney-General will give the Council some details of the Government's programme to complement the half-way and half-hearted measure presently before the Council.

The Hon. J.R. CORNWALL secured the adjournment of the debate.

PRISONS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 August. Page 393.)

The Hon. K.T. GRIFFIN: This Bill is very much consequential on the Justices Act Amendment Bill, because it seeks to amend the Prisons Act to ensure that justices of the peace when constituting a visiting tribunal are able to impose a maximum period of seven days imprisonment for a breach of prison regulations and other offences. To be consistent with the principles of the Justices Act this amendment is necessary, although I would like to take this matter somewhat further in relation to the Correctional Services Act Amendment Bill. Because this Bill is consistent with my attitude to the Justices Act Amendment Bill I support the second reading.

The Hon. J.R. CORNWALL secured the adjournment of the debate.

CORRECTIONAL SERVICES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 August. Page 393.)

The Hon. K.T. GRIFFIN: To some extent this Bill is also consequential on the provisions of the Justices Act Amendment Bill. When that legislation is proclaimed, justices of the peace constituting a visiting tribunal will be able to order imprisonment for a maximum period of seven days, leaving magistrates with the opportunity, for appropriate offences, of imposing longer periods of imprisonment for a breach of the regulations and for other offences under the Correctional Services Act. The curious thing about this Bill is that it relates to an Act which has not yet been proclaimed, although Parliament passed it over 12 months ago. There has been some public comment about that fact and the Government has been criticised, quite rightly, for not proclaiming the Correctional Services Act, 1982, to come into effect as one of the initiatives that will assist the administration when dealing with unrest in the prison system.

When the Correctional Services Act Amendment Bill was before Parliament we provided for justices of the peace, as a visiting tribunal, to impose periods of 28 days imprisonment. I accept that a period of 28 days imprisonment is inconsistent with the stand that we have taken in relation to earlier Bills. I support a period of seven days imprisonment. I hope that the Government will proclaim the Prisons Act to come into effect at the earliest opportunity rather than delaying its implementation any longer. There are many issues that can be raised in relation to the Correctional Services Act, 1982, but I do not intend to canvass them here. I may well have an opportunity to canvass those issues if the Government is seriously proposing significant amendments to the parole system.

That would be the most appropriate occasion on which to debate the principles of the Act, the question of parole and related issues, including the way in which the Government has been dealing with prison unrest. Accordingly, the Council will be pleased to know that I do not intend to pursue those matters in respect of this Bill. I intend to support the Bill for the sake of consistency.

The Hon. J.R. CORNWALL secured the adjournment of the debate.

INHERITANCE (FAMILY PROVISION) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 24 August. Page 449.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill, which seeks to amend the Inheritance (Family Provision) Act, 1972, to provide another class of persons who are entitled to claim the benefit of the principal Act. The present categories include the spouse of the deceased, a person who has been divorced from the deceased, a child of the deceased, a child of the spouse of the deceased for whose maintenance the deceased was responsible, a grandchild of the deceased, or a parent who cared for the deceased during his or her lifetime.

The additional category is a brother or sister of the deceased person who satisfies the court that he or she cared for or contributed to the maintenance of the deceased person during his or her lifetime. That does not mean that automatically those persons will be able to claim a share of a deceased estate. It means only that they have *locus standi* to make a claim but they also have to establish the ingredients of their contribution to the maintenance of or care for the deceased during the deceased's lifetime and that they personally need to be maintained by the estate of the deceased person. Then it is a matter for the court, having determined those two questions, to determine what, if any, provision ought to be made out of the estate of the deceased. So, the Opposition supports the extension of classes of persons who are entitled to claim in order that they may overcome some injustices in circumstances which may be rare but nevertheless are appropriate for remedy under this Act.

I point out to the Attorney-General an error in his second reading explanation. He related an example brought to the Government's attention in which there might have been injustice. He referred to the fact that a person died without having made a will and that that person (a woman) was survived by a brother and half-sister, and that the half-sister had died previously, leaving two children. There is an inconsistency in that, and I think it important for Ministers, when giving second reading explanations, to ensure that they are accurate and that, either innocently or otherwise, they do not mislead the Council about any aspect of the matters on which they base their claim for a Bill to be supported. I hope that the Attorney-General will report to the Council what the real situation was in the case to which he referred in his second reading explanation. I support the second reading.

The Hon. J.R. CORNWALL secured the adjournment of the debate.

ADJOURNMENT

At 5.50 p.m. the Council adjourned until Wednesday 31 August at 2.15 p.m.