LEGISLATIVE COUNCIL

Tuesday 13 September 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:

Senior Secondary Assessment Board of South Australia Act Amendment,

Supply (No. 2).

PUBLIC WORKS COMMITTEE REPORTS

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

Chaffey Irrigation Area—Ral Ral Division (Completion of Rehabilitation and Headworks),

Northfield Low-Security Accommodation.

AUDITOR-GENERAL'S REPORT

The PRESIDENT laid on the table the Auditor-General's Report for the financial year ended 30 June 1983.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Audit Act, 1921—Regulations—Tender Levels.

Firearms Act, 1977—Regulations—Fees.

Industrial and Commercial Training Act, 1981—Regulations—Automotive Parts Interpreting Specialist.

Parliamentary Standing Committee on Public Works—Fifty-sixth General Report.

Real Property Act, 1886—Regulations—Solicitors and Land Brokers Charges.

The Savings Bank of South Australia—Balance Sheet, 1982-83.

By the Minister of Consumer Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Births, Deaths and Marriages Registration Act, 1966—Regulations—Fees.

Builders Licensing Act, 1967—Regulations—Fees.

Commercial and Private Agents Act, 1972—Regulations—Licence Fees.

Consumer Credit Act, 1972—Regulations—Fees.

Consumer Transactions Act, 1972—Regulations—Fees.

Fees Regulation Act, 1927—Regulations—Cremation Permit Fees.

Land and Business Agents Act, 1973—Regulations—Land Brokers Licence Fees.

Land Agents Licence Fees.

Land Valuers Licensing Act, 1969—Regulations—Licence Fees.

Places of Public Entertainment Act, 1913—Regulations—Fees.

Trade Measurements Act, 1971—Regulations—Fees.

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

Pursuant to Statute—

Chiropractors Act, 1979—Regulations—Prescribed Institution.

Planning Act, 1982—

Crown Development Reports by South Australian Planning Commission on—

Proposed Erection of Single Unit Transportable Classroom at Clare by Public Buildings Department.

Minor Public Service Depot for North-east Busway Depot.

Proposed Sundry Buildings within Bashams Beach Regional Park, Port Elliot.

New Mezzanine Offices and Other Alterations at the Naracoorte College of Technical and Further Education.

Proposed Division of Land in Perpetual Lease 86692.

Racing Act, 1976—

Racecourses Development Board—Report, 1982-83.

Betting Control Board—Report, 1982-83.

City of Adelaide—By-laws—

No. 16—The Central Market.

No. 31—Cleaning of Footpaths.

No. 32—Caravans.

No. 77—Repeal of By-laws.

City of Tea Tree Gully—By-law No. 16—Ice Cream and Produce Carts.

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

Pursuant to Statute—

Fisheries Act, 1971—Regulations—Abalone Licence Fees.

BUDGET PAPERS

The Hon. C.J. SUMNER (Attorney-General) laid on the table the following papers:

By command:

Estimates of Payments of the Government of South Australia, 1983-84.

Estimates of Receipts of the Government of South Australia, 1983-84.

Financial Statement of the Premier and Treasurer on the Estimates with Appendices.

The South Australian Economy.

QUESTIONS

WASTE MANAGEMENT COMMISSION

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Health, representing the Minister of Local Government, a question about the Waste Management Commission.

Leave granted.

The Hon. M.B. CAMERON: For some time now residents of Waterloo Corner have expressed concern about waste dumps in the area. Their concern relates to a number of matters. There have been allegations that when the most recent dump was established the proper notification of the intention to establish the dump was not given and that, in fact, the wrong street and suburb were recorded in the public notices. The Waterloo Corner area is one where horsebreeding and training—mostly trotting—are major activities. It has been alleged that horses have been injured or killed as a result of papers and plastic blowing around the area and spooking them during training either on roads or in the areas set aside by owners. Recently the problem of improperly disposed of asbestos was drawn to the attention of the Waste Management Commission. It has only been today that the Minister of Local Government, who is responsible for the Commission, has decided, following local pressure, to ensure that the asbestos (which it has been alleged yesterday or the day before has even been spread over a nearby trotting track) will be properly disposed of.

Will the Government ensure that more effective policing of existing dumps is carried out and that operators meet all the requirements placed on them?

Will the Government act to prevent the extension of the area committed to waste dumps, particularly in view of the

mounds of up to 30 to 40 feet which are likely to result, because of the rural nature of the area and the need to protect the important underground water resource from liquid disposal which is also carried out in this area without proper supervision?

The Hon. J.R. CORNWALL: I will refer that question to the Minister of Local Government and bring down a reply.

BARMES REPORT

The Hon. J.C. BURDETT: Has the Minister of Health a reply to the question I asked on 16 August about the Barmes Report?

The Hon. J.R. CORNWALL: The answers to the honourable member's two specific questions are as follows:

1. The South Australian Dental Service provided access to Dr David Barmes to conduct the clinical study to which you refer in conjunction with Dr Donald Heffron, C.B.E., as co-examiner, but did not participate in the study and has not had access to the information you require. Therefore, I am unable to provide the honourable member with that information.

2. For the same reason, I am unable to provide the honourable member with that information.

HOSPITAL ACCOUNTING

The Hon. J.C. BURDETT: Has the Minister of Health a reply to the question that I asked on 25 August about hospital accounting?

The Hon. J.R. CORNWALL: I thank the honourable member for drawing my attention to this matter. I am advised that transactions similar to those referred to in the honourable member's questions occurred at three small country hospitals. The total amount of the three transactions was $4 494.90. In each case the entries were made with the knowledge of the hospital's Board of Management. A similar process was started at a fourth hospital but the entries were cancelled when the Commission agreed to fund the potential over-expenditure. In this case the sum involved was $11 482.00 The effect of these entries was to carry forward minor 1982-83 over-runs (which were not being funded by the Commission) as a first charge against 1983-84 Commission funding.

I have asked the Commission to investigate this matter and, while that investigation is not quite complete, I have been assured:

- no undertaking was given by the Commission to provide additional funds to meet this expenditure in 1983-84, but that the transactions were viewed as providing an opportunity for the hospitals to make offsetting savings in 1983-84;
- there was no intention to present a misleading view of the financial operations of the hospitals. It has been put to me that, through a sense of inter-sector rivalry, officers of one sector were over-zealous in their pursuit of a balanced budget. While such action cannot be condoned, their concern to ensure that hospitals operate within tight budgetary restraints should be viewed against the Health Commission's firm policy on the need for efficient management.

Transactions of this kind are not usual practice and I would be very concerned if the amounts involved had been more significant. While I understand the frustration hospitals experience from the inflexibility of cash accounting and the undue significance it places on 30 June in budgeting and accounting processes, I do not believe book transactions of this kind are an acceptable solution because of their implications in respect to proper disclosure. I have directed that such transactions are not to occur in future.

The Hon. J.C. BURDETT: Can the Minister say whether book transactions and transfers of funds in accounts in order to offset over-runs at 30 June 1983 also occurred by direction of the Health Commission at the Lyell McEwin Hospital and, if so, can he say what the amount was?

The Hon. J.R. CORNWALL: I have no knowledge of that, and it certainly has not come to light in the investigations that have been proceeding.

The Hon. L.H. Davis: One would have thought the Minister would check it out while he was looking at the other one.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: If my information is accurate (and I have no reason to doubt its accuracy), then there are only three hospitals in which this has occurred. The Executive Directors of all sectors were asked to contact all hospitals about this matter. There were three small country hospitals involved in these book transfers.

The fourth hospital to which the honourable member is probably referring (and on which perhaps he obtained his information in a somewhat circuitous manner from the member for Light) is the Hutchison Hospital. That is the hospital to which I referred and which received some attention in relation to a journal entry on an amount of $11 000. That was not necessary when the Commission decided to fund the additional sum.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: No, to the best of my knowledge it was a journal entry. If the hospital chose to take money from its capital account and use it to top up its recurrent account, that is rather different from a journal entry where money is transferred and then retransferred. Use of the capital account to balance or top up budgets has been done in a number of hospitals over a number of years.

HOPE ROYAL COMMISSION

The Hon. K.T. GRIFFIN: My questions, directed to the Attorney-General, are as follows:

1. Is the Attorney-General attending the Hope Royal Commission both to give character evidence for Mr Combe and to present the South Australian Government submission on ASIO?

2. If so, what will be the Government's position in relation to ASIO?

3. If the Attorney is not presenting the Government's position on ASIO, does the Attorney have any more up-to-date information about when the submission will be presented?

4. Has the Attorney discussed with Mr Combe the nature of the evidence that he will give to the Royal Commission?

5. Does the Government support the Attorney-General giving character evidence for Mr Combe?

The Hon. C.J. SUMNER: The answer to the honourable member's first question is 'No'. I am only giving character evidence for Mr Combe tomorrow. The question of the Government's submission to the inquiry is still being considered. As I indicated to the Council recently, in response to an earlier question from the honourable member, the South Australian Government's submission will be made at the conclusion of the current inquiry being conducted by the Hope Royal Commission. The current issue is the relationship between Mr Ivanov and Mr Combe and the events that flowed from that relationship. Once that term of reference has been dealt with, I understand that the Hope

Royal Commission will proceed to deal with the more general issues into which it has been directed to inquire.

The purpose of my attendance before the Royal Commission tomorrow is to give evidence in relation to the term of reference dealing with Mr Combe. The answer that I gave on a previous occasion (I think it was only two weeks ago) in relation to the South Australian Government's submission still stands; that is, when the South Australian Government submission is presented to the Hope Royal Commission I am sure that the honourable member and other honourable members of this Council will be made aware of it.

The Hon. K.T. GRIFFIN: The Attorney-General has not answered my final two questions: has the Attorney discussed with Mr Combe the nature of the evidence that he will give to the Commission, and does the Government support the Attorney-General giving character evidence for Mr Combe?

The Hon. C.J. SUMNER: I am appearing before the Royal Commission because I have known Mr Combe for some 22 years. We first met when we were studying Politics I together at Adelaide University in 1961. Since that time we have had a reasonably close association, at least, up until Mr Combe left Adelaide in 1973 to take up the important post of Secretary of the Australian Labor Party in Canberra. So, my attendance to give character evidence for Mr Combe is based on that association of some 22 years. As that is the capacity in which I am giving evidence, the Government's attitude is irrelevant.

SAFETY OFFICERS

The Hon. K.L. MILNE: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about safety officers.

Leave granted.

The Hon. K.L. MILNE: The Department of Agriculture's safety officer resigned about 18 months ago. He was a person of some national and international reputation, and, as far as I know, his position has not been filled. An acting safety officer has taken on this job along with his other tasks, but the feeling is that the rural safety question demands a higher priority. I believe that there has not been a full-time, practising, trained, professional safety officer in the Department of Agriculture since April last year, despite statutory obligations that there should be one. Therefore, it seems to some people in the agriculture field and to departmental officers that farmers' safety is being put at risk.

Full-time work in this area would probably require at least two safety officers, because the work is much more complicated and sophisticated these days than it was some years ago. We must understand that the injury rate of farmers is quite alarming: in fact, based on man hours worked and the severity of injuries, the rate is greatly in excess of the rate for industrial accidents. Pesticide poisoning is a growing problem: many farmers are being affected. A great deal more research is required and advice should be available to farmers in that regard. There are also noise induced hearing losses from tractors, chain saws, work machinery, maintenance equipment, and so on, and, apparently, one-third of farmers from the age of about 18 years have significant hearing loss. Will the Minister investigate the situation and, if it is as I have indicated, will he use his influence to have the matter rectified as a matter of some urgency?

The Hon. FRANK BLEVINS: In answer to the first part of the question, 'Yes, I will have the matter investigated'. I will give the answer to the second part of the question when I have the answer to the first part.

HOPE ROYAL COMMISSION

The Hon. C.J. SUMNER: I seek leave to conclude my answer to the question asked by the Hon. Mr Griffin. On reflection, I did not answer one question among the many matters raised.

Leave granted.

The Hon. C.J. SUMNER: Among his five questions, the Hon. Mr Griffin asked whether I had had any discussions with Mr Combe in regard to the evidence that I will give. I have not had personal discussions with Mr Combe but, obviously, I have discussed the matter with his legal advisers.

LANGUAGE CONGRESS

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question about a language congress.

Leave granted.

The Hon. M.S. FELEPPA: Undoubtedly, the Minister would be aware of the Eighth Annual National Congress of the Applied Linguistics Association of Australia that was held at the La Trobe University on 29, 30 and 31 August on 'Language: Australia's great resource'. About 200 participants from all States and the Northern Territory attended the congress. Considering the importance, relevance, and enormous implications of such a congress, the benefit of attending it cannot be easily measured in particular in regard to the contribution to the general area of ethnic affairs in this State and interpreting and translating activities. My questions are as follows:

1. Did the Minister send an observer to that congress?
2. Will the Minister advise this Council whether the congress was attended by representatives of the Departments of Education and Technical and Further Education?
3. Was the South Australian Ethnic Affairs Commission represented and by whom? If so, how soon can we expect a detailed report from the Commission's representative?
4. Will the Minister consider suggesting to the Ethnic Affairs Commission or other appropriate bodies that they plan and conduct a preliminary meeting of interested people in South Australia in preparation for and close to next year's congress, which will be held in Alice Springs?

The Hon. C.J. SUMNER: I did not personaly send an observer to that congress, important as I am sure that it was. I will obtain the other information that the honourable member has requested regarding the Departments of Education and Technical and Further Education and the Ethnic Affairs Commission. I will also obtain the views of the Ethnic Affairs Commission on the meeting, as the honourable member has suggested, and bring back a reply.

INTERPRETERS AND TRANSLATORS

The Hon. C.M. HILL: I seek leave to ask the Minister of Ethnic Affairs a question about the proposed National Association of Translators and Interpreters.

Leave granted.

The Hon. C.M. HILL: When the national accreditation authority for translators and interpreters (known as NAATI) was established in September 1977, it was expected that responsibility for the profession would within five years be assumed by another body. Planning for the handover of NAATI functions commenced in 1981-82. In March 1982 it was decided at a Ministerial conference that there should be joint Commonwealth and State action to establish a Federal registration body for interpreters and translators.

The Ministers at that time envisaged the emergence of a national professional association to which would devolve a number of the then functions of NAATI. The Government of this State at the time (and I as the Minister) supported this move very strongly. Indeed, by Cabinet decision it was agreed to in principle in March 1982, and the Government of the day agreed to allocate funds towards the formation of this new professional body. It was then a question of co-operation between the States and the Commonwealth for the ultimate goal to be achieved.

I envisaged that the Federal registration body would have responsibility for the maintenance of professional standards, for testing, for the approval of courses, and for accreditation and registration. The national professional association would assume responsibility for other important areas such as discipline within the profession, the maintenance of professional ethics, the protection of the interests of the profession, and the presentation of the profession's views. It was indeed a proposed professional body of great importance and great interest to professional interpreters and translators in South Australia. I have not read anything further of this matter since the present Government came to office; so, I ask the Minister:

1. Has the Minister and the Government over the past 10 months supported the formation and establishment of this new national association of translators and interpreters?

2. If so, what stage has been reached in the establishment of the proposed body?

3. Is the Government prepared, as was the previous Government, to help with funds to assist in its establishment?

4. If the Minister or the Government is opposed to these proposals, what are the reasons for such opposition?

The Hon. C.J. SUMNER: The South Australian Government has fully supported the establishment of a national accreditation authority for translators and interpreters. In fact, the NAATI that was originally established in September 1977 concluded its work and its authority at the end of the last financial year. At the last meeting of Ministers of Ethnic Affairs with the Commonwealth Minister for Immigration and Ethnic Affairs, the question of the new body was discussed and approved in principle. There was some requirement for each of the States to approve the memorandum and articles of association of the new national company, which was to be registered in the A.C.T. The South Australian Government has approved those articles and undertaken to provide to the new body its share of financial contribution which is required. The South Australian Government has appointed a representative to the new body on behalf of South Australia.

Indeed, I believe that the Federal Minister, Mr West, has announced the establishment of the body, including the membership of the board. Apparently, the honourable member did not see that announcement, but my recollection is that an announcement has been made and that the organisation is functioning at the national level. Certainly, South Australia has done everything required of it up to this time. I will ascertain for the honourable member whether any States have not approved the establishment of the national body or not made their nominations, and advise him if there are any difficulties. This State has done everything required of it, and I understand that at least the membership of the national board has been announced by the Federal Minister for Immigration and Ethnic Affairs.

HEALTH SECTOR EMPLOYMENT

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

Leave granted.

The Hon. ANNE LEVY: On Thursday, 25 August 1983, the Minister advised the Council that, following some confusion concerning South Australian Health Commission staffing numbers, he had directed senior officers of the Health Commission to carry out a thorough review of the staffing numbers reported by the Commission in the past two years. Is the Minister now in a position to give the Council any further information about this matter?

The Hon. J.R. CORNWALL: I did inform honourable members at the time that Ms Levy suggested that I had instituted such a review. I also undertook to table comprehensive figures setting out the staffing levels in detail so that if there were further questions concerning them they could be taken up in the Budget Estimates Committee. I now have a table setting out those figures which I seek leave to incorporate in *Hansard*. I assure the Council that the table is purely statistical.

Leave granted.

STAFFING LEVELS

AS ORIGINALLY REPORTED, AND AMENDMENTS

	Figures as originally reported			Adjustments made	Amended figures		
	Actuals	Monthly Change	Change from previous June		Actuals	Monthly Change	Change from previous June
30.6.81	19 544				19 544		
Plus: Transfer from P.B.D. 1.7.81	311				311		
Adjusted 30.6.81 Figure	19 855				19 855		
1981							
July	19 888	33	33		19 888	33	33
August	19 831	−57	−24		19 831	−57	−24
September	19 859	28	4		19 859	28	4
October	19 639	−220	−216	300	19 939	80	84
November	19 635	−4	−220	300	19 935	−4	80
December	19 423	−212	−432	300	19 723	−212	−132
1982							
January	19 352	−71	−503	300	19 652	−71	−203

STAFFING LEVELS

AS ORIGINALLY REPORTED, AND AMENDMENTS

	Figures as originally reported			Adjustments made	Amended figures		
	Actuals	Monthly Change	Change from previous June		Actuals	Monthly Change	Change from previous June
February	19 536	184	−319	300	19 836	184	−19
March	19 288	−248	−567	300	19 588	−248	−267
April	19 456	168	−399	300	19 756	168	−99
May	19 309	−147	−546	300	19 609	−147	−246
June	19 651	342	−204	206*	19 857	248	2
July	19 744	93	93	300	20 044	187	187
August	19 677	−67	26	200	19 877	−167	20
September	19 795	118	144	100	19 895	18	38
October	19 834	39	183		19 834	−61	−23
November	19 775	−59	124		19 775	−59	−82
December	19 695	−80	44		19 695	−80	−162
1983							
January	19 805	110	154		19 805	110	−52
February	19 901	96	250		19 901	96	44
March	19 967	66	316		19 967	66	110
April	19 889	−78	238		19 889	−78	32
May	19 974	85	323		19 974	85	117
June	20 032	58	381		20 032	58	175

*Figure is net of 300 Computing adjustment and 93.9 staff double-counted in Mental Health Clinics at 30.6.82.

The Hon. J.R. CORNWALL: The figures in the table incorporate the adjustment of 300 which the Commission recently made to its 1981-82 figures. It also includes a further offsetting adjustment of 94 to the June 1982 manpower figures to correct an error which came to light during the review. This adjustment is clearly indicated on the table and stems from the double counting of several mental health clinics in June 1982 caused by confusion in data entry during the time the Commission was undergoing substantial reorganisation in 1981-82. This latter adjustment is not included in the figures contained in the current Auditor-General's Report.

The adjustment of 300 dates back to October 1981, when a new computer-based manpower reporting system associated with the new multi-function pay-roll system was used for the first time in some hospitals. The new system failed to record employees on leave when they received their leave pay in advance. This distortion was masked by normal monthly movements in total staff numbers and by the fact that some reduction in reported numbers had been anticipated as a result of introducing more accurate recording of paid hours on the computerised reporting system.

The understatement of numbers, which is now estimated to have been approximately 300 in a total staff of nearly 20 000 was carried forward to June 1982. In August 1982, technical computing staff became aware of the failure to report staff receiving advance leave payments and amended the system to include them. This amendment was not formally reported to senior management, and the consequent change in numbers during the next two months was again masked by normal monthly movement levels. The true position did not emerge until senior officers made a detailed end-of-year analysis of 1982-83 pay-roll and staff figures in mid August 1983.

I was first advised of the problem with the reported numbers on Wednesday 24 August and immediately directed that a full review of the Commission's manpower numbers be carried out. The results of that review are contained in the figures that have now been tabled. I would particularly like to draw honourable members' attention to column 3 of the table which sets out the originally reported monthly movements in total staff numbers. These were the figures used by me earlier this year in talking of a staffing increase in excess of 300 persons. I point out that the final column of that table quite clearly shows the turn-round that has been achieved since the election of the Bannon Government in November 1982. I shall be very happy to deal with any further questions concerning staffing levels in health units in the Budget Estimates Committee.

GAS

The Hon. I. GILFILLAN: I direct my question to the Attorney-General, as Leader of the Government in this Council. New South Wales has arbitrated a Cooper Basin gas price which is now 9 per cent below the current South Australian price, and increasing to 61 per cent below the South Australian price in about 15 months time. Bearing in mind that the people in South Australia are already paying 16 per cent higher electricity tariffs resulting directly from the increase in the gas price, putting us at a distinct disadvantage competitively with New South Wales, and bearing in mind also that in 1975 there was a concession by the then Government to the Cooper Basin gas producers in consideration of an appeal from them to set a higher price because of their financial problems, will the Government consult (the limitation being that the only action available to the Government at this stage is consultation) with the Cooper Basin gas producers with a view to renegotiating the South Australian gas price to make it more reflective of the arbitrated price achieved for New South Wales?

The Hon. C.J. SUMNER: The whole question of gas prices and supply is under review at present as a result of the recent decision in regard to the price in New South Wales. I will attempt to obtain an up-to-date report on the position for the honourable member.

MEDIBANK FRAUD

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

Leave granted.

The Hon. R.J. RITSON: My explanation is brief, because I will not, for obvious reasons, give names or describe the circumstances surrounding the subject matter of my question. Is the Minister aware of the conviction of any dental professional officer in South Australia for Medibank fraud in this State in the past three years? If the Minister is able to discover any such conviction, is he able to determine whether the Dental Board ever sat on and heard the case and whether it resulted in a suspension?

If the Board did not sit on the case, does the Minister believe that there should be any difference in dealing with this matter based on the fact that one is of a different profession? If such a person is currently employed by the Government, does the Minister believe that it is appropriate Government policy to continue to employ a person so convicted? Finally, if the Minister wishes to obtain further details from me in confidence, I shall be only too happy to give them to him.

The Hon. J.R. CORNWALL: The honourable member has asked a whole series of questions, and his manner of approach was rather convoluted. No, I am not aware of the conviction of any dental professional officer in the past three years. I will certainly make inquiries to ascertain whether such a conviction was recorded. I presume that the honourable member was talking about a criminal conviction.

As to whether the Dental Board sat or otherwise, that is not within my immediate or personal knowledge. Of course, the Board has statutory powers under the Act. Although I am responsible for the Act, I am no more responsible for the actual conduct of that Board than I am for the Medical Board, the Physiotherapy Board or any other professional Board. It is not within my knowledge whether there was a suspension or otherwise, and I am unaware of any conviction being recorded. I will certainly make inquiries and bring back some information for the Council. Certainly, I appreciate the honourable member's offer to give whatever information that he can confidentially.

Most importantly, the honourable member asks whether I believe that there should be any difference between various boards. I presume he means between the Medical Board as recently reformed and reconstituted by this Parliament *vis-a-vis* the Dental Board. I am sure that the honourable member and all other honourable members will be pleased to know that, as soon as we can get the Parliamentary Counsel to produce some legislation, it is my intention and that of the Government to introduce a much reformed Dentists Act. In fact, it is the Government's intention that there be a professional conduct tribunal in the same way as there is now such a tribunal that sits under the Medical Practitioners Act to hear appropriate cases that are referred to it by the Board. Certainly, that will be put in order.

As to the other matters, quite clearly I shall be pleased to have further information in confidence if the honourable member has any. I will make inquiries and bring back adequate answers in the fullness of time.

ABORIGINAL HEALTH

The Hon. R.J. RITSON: Has the Minister of Health a reply to my question of 11 August about Aboriginal health?

The Hon. J.R. CORNWALL: The matters raised by the honourable member are extremely delicate and complicated ones. They deal with traditional practices of a cultural/religious nature, the detail of which is not normally divulged outside of the Aboriginal tribal setting. In fact, serious punishment could be inflicted following such divulgence, or, for example, women interfering in the secret ceremonial business of men, or *vice versa.*

The extent to which certain practices may still be carried out in tribal areas is most difficult to say. However, as they represent an expression of Aboriginal cultural, ceremonial and religious lore, it would be grossly improper for Governments to impose any heavy handed direct interference in the practice of those rites.

As to protection of children, cognisance must be taken of whether the people involved in the Aboriginal tribal community see a need for such protection from outside sources. There is plenty of evidence to show that Aboriginal children brought up in the tribal setting enjoy a level of close kinship, support and care leading to full adulthood which compares more than favourably with the wider Australian community.

Questions of cross cultural issues in Aboriginal customary law and Australian law are extremely complicated. In South Australia the Aboriginal Tribal Law Committee, headed by Judge Jack Lewis, is looking into some of the issues. On a wider basis, the Australian Law Reform Commission has a reference regarding the impact and place of Aboriginal customary law. The Commission has produced a number of discussion papers and interim reports, and it is suggested that the honourable member refer to these for further information on this subject.

GOVERNMENT AND NON-GOVERNMENT SCHOOL RESOURCES

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Education, a question about Government and non-government school resources.

Leave granted.

The Hon. ANNE LEVY: On 10 May this year, I asked the Minister a supplementary question about this matter in response to an answer I had been given regarding average income and expenditure per pupil of a comparative cross-section of Government and non-government schools. I did that so that members would be better informed about average expenditure per pupil within such schools. I realise that this is not an easy question to answer and that the Education Department has set up a working party to fully examine the financial aspects necessary to produce a reply to this question. However, the answer is not just of interest to me but is of considerable importance to all members of the Council, to many members of the public and in the formulation of Government policies and responses. However, it has been more than four months since I asked my question and I wonder whether the Minister can obtain any information from the working party about when it expects to provide answers to the questions I have asked.

The Hon. FRANK BLEVINS: I will refer the honourable member's question to my colleague and bring back a reply.

MEDICARE

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

Leave granted.

The Hon. L.H. DAVIS: The Federal Minister for Health, Dr Blewett, is reported in the *News* of Friday, 9 September as stating that public hospital outpatients queues will shorten dramatically with the introduction of Medicare as many

people now relying on public hospitals for free treatment will turn to private doctors. Does the Minister agree with the assessment made by the Federal Minister for Health about the likely impact in South Australia of Medicare on the demand for public hospital outpatient services?

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

COMMUNITY HEALTH FUNDING

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Health a question about community health funding.

Leave granted.

The Hon. R.I. LUCAS: The Labor Party's health policy released by the then shadow Minister of Health, Dr Cornwall, in June 1982, among other things promised a major expansion of community health programmes funded jointly by the State Government and local government. In particular, I quote from page 30 of that document, which states:

> Participating councils will finance their involvement by using the money formerly allocated to the hospital levy. In 1981-82 prices, this money would amount to approximately $2 million. With maximum participation a matching contribution from the State Government would allow the introduction of a $4 million expansion in public and community health services.

The Minister's commitment to that promise was re-affirmed in his response to a question asked by me on 30 March this year. Based on that and other information the District Council of Le Hunte has made application for $30 000 out of a total of $230 000 for a community welfare emergency service complex to be located in Wudinna. The Minister said 'No' to that request, a number of reasons for that refusal being listed in *Hansard*, and I will not repeat them all. However, one of the reasons given was that the Minister was referring to recurrent costs rather than capital costs when he made that promise. I am informed that the district council wrote to the Minister on 23 August requesting an opportunity to present a deputation about this matter. As I have indicated previously, there is some urgency in this matter as the $70 000 that the council has received for job creation through the Department of Labor and Industry is dependent upon a start being made on the project in question within three months of that offer being made. Therefore, my questions are as follows:

1. Will the Minister ensure a speedy reply to the most recent request from the District Council of Le Hunte in respect to the question of the deputation?

2. Will the Minister provide a detailed breakdown of all the projects that have received funding under this scheme in the 1982-83 year and, also, projects which it is intended will be funded in the 1983-84 financial year?

3. In particular, what was the total amount budgeted for this scheme in the financial year 1983-84 and, if it differs from the projected $2 million in his health policy, what are the reasons for the differences?

4. Will the Government only be funding the recurrent costs and not the capital costs of such schemes?

The Hon. J.R. CORNWALL: Any reasonable reading of the document mentioned would make it very obvious that I was talking about recurrent funding. The hospital levy was always used for recurrent funding and never for capital funding. That was quite clearly my intention in this matter. It would be quite foolish to go on propping up a maximum amount of $4 million a year for a community health capital works programme. One of the great mistakes of the Whitlam era—

The Hon. Frank Blevins: One of its few.

The Hon. J.R. CORNWALL: —and one of its few, was to go for the mega-model or temple model of community health. Community health programmes can just as well be conducted from modest premises, dwellings and other places as they can from multi-million dollar buildings. I am sure that Dr Ritson would be one of the first to agree with me about this. It is ridiculously and prohibitively expensive to run the mega-model community health operation in parallel or tandem with existing medical and paramedical services. Quite clearly, that was never my intention, or the intention of the then putative Government when that document was issued.

If the District Council of Le Hunte is confused about this matter, then it should have sought some clarification, first, from me, or from any number of my officers who pass through that area frequently. Instead, the council elected to act unilaterally and at this stage is leaping all over the place as though this is all my fault rather than its fault. There was no consultation in the way that there should have been in relation to the $30 000, which it is not going to get.

I guarantee that the District Council of Le Hunte will get a speedy reply. As to providing a detailed breakdown of the 1982-83 projects, I can give that to the honourable member now: the only initiatives in 1982-83 that met the required criteria involved a community health centre, which is either planned or established (I am not sure precisely of its status at this point), in the Munno Para area.

It is a joint venture with the Munno Para council. As far as I am concerned it will be a trail-blazer and a proof-of-concept operation for joint venturers. The other one is a shop-front operation for youth, which will be run in partnership with the Salisbury council. Salisbury council is well known for its innovative and forward looking community health programmes generally and I must say that it has been a pleasure working with that council. They are the only two projects that we have had time to put in place, given that we only had from 6 November 1982 to the end of the 1982-83 financial year.

In relation to the money that has been budgeted for the 1983-84 financial year, quite clearly there is a minimum amount for new projects, and I refer to the $1.52 million annually that we have been promised by the Federal Government as part of its Medicare package. I am unaware of the specific details in relation to new community health programmes that will be put in place. The honourable member and other honourable members of this Chamber will be aware that I have said repeatedly around this State that, with regard to new and innovative community health programmes, fortune tends to favour the brave. I have made that statement to well over 50 hospital boards, both in the metropolitan and country areas of this State, and particularly in country areas.

To date, the response has been rather disappointing. The request from the Le Hunte Council was nowhere near any of the guidelines for projects available from the Health Commission. Consequently, I do not intend to overturn the decision taken quite properly by the western sector of the Health Commission in this matter.

MEAT INSPECTION

The Hon. R.C. DeGARIS: Will the Minister of Agriculture inform the Council of the role of the Interim Inspection Policy Council in relation to Australia's export inspection service, as recently announced by the Federal Minister for Primary Industry, Mr John Kerin? Secondly, will the Minister inform the Council whether the State has any representation on the Interim Inspection Policy Council, as suggested by the Minister for Primary Industry, John Kerin? Thirdly, will the Minister inform the Council whether the policy

council intends taking over meat inspection services other than export services in Australia?

The Hon. FRANK BLEVINS: My understanding of the Federal Minister for Primary Industry's proposal is that it is his policy and Labor Party policy that there be a single meat inspection service. I believe that over many years various Federal Ministers for Primary Industry have made that suggestion. Some States have been reluctant to hand over their powers in this area (South Australia not being one of them). For many years South Australia has had a single meat inspection service. I believe that the proposal for a single meat inspection service arose out of the discovery some time ago of meats other than the meats stated on packages turning up in export markets, particularly in the United States, and that was something of a disappointment. I believe that that is the genesis of the question asked by the Hon. Mr DeGaris.

I understand that South Australia has been invited to nominate someone to sit on the interim council that is being established by the Federal Minister. I suspect that that invitation stems from the fact that the council could use the benefit of our experience in exactly how a single meat inspection service works and also to indicate to the other States that are reluctant to enter into such an arrangement that it does work in practice and that South Australia is the example for all to see. In relation to whether it is intended that all meat inspection be taken over by the Commonwealth, regardless of whether or not the meat is for export, I will have that question further investigated. After looking again at the Federal Minister's press release I can see that there is some ambiguity. I will take up that matter with the Federal Minister's office on behalf of the Hon. Mr DeGaris and bring down a more considered reply.

ROXBY DOWNS

The Hon. I. GILFILLAN: Has the Attorney-General a reply to the question I asked on 31 August about Roxby Downs?

The Hon. C.J. SUMNER: Given the number of proceedings before the courts in which the particular questions raised by the Hon. Mr Gilfillan may be debated, I think it is appropriate to simply state some very general propositions in addition to the answers I have already given.

1. It is not inconsistent for a person with interests in land to permit members of the public to have access to it generally or upon certain conditions.
2. The law deems private property to be a public place for certain purposes.
3. Legislation is not required to deny public access with respect to land owned or leased by private bodies or persons.
4. Statutes may impose an obligation on landholders to permit the public to use public roads traversing their land.

I have seen advice given to the Pastoral Board with respect to obligations under the Pastoral Act with respect to access to public roads passing through pastoral leasehold areas. While the lessee is obliged to permit the public to have access to public roads passing through a pastoral lease, particular roads within a pastoral lease may not be roads which attract this obligation.

GAS

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Attorney-General, representing the Premier, a question about the price of natural gas.

Leave granted.

The Hon. DIANA LAIDLAW: My question is relevant to an earlier question asked by the Hon. Mr Gilfillan this afternoon. I refer to the decision made by an arbitrator yesterday in the settlement of a dispute between Australian Gaslight Limited (for which, incidentally, Mr Hugh Hudson was consultant) and the Cooper Basin Producers, regarding the price of natural gas to be sold to New South Wales. The arbitrator determined the price for the next three years shall be $1.01 per gigajoule.

In contrast, South Australian users will pay $1.10 in 1983, $1.33 in 1984 and $1.62 in 1985. This difference will mean that the domestic and industrial users of gas in Adelaide and in some country areas will be placed at a serious disadvantage against their counterparts in Sydney. As the principal users in Adelaide are ETSA and the South Australian Gas Company, those who ultimately will be hurt are the South Australian public. My questions are as follows:

1. Does the Minister recognise that the policy adopted by successive South Australian Governments to negotiate our gas purchases separately has been a sad mistake?
2. Since the price of gas sold to Adelaide users by 1985 will be 60 per cent more than that sold to Sydney producers, and since the gas comes from South Australian wells, what does the Government propose to do about this serious discrepancy?
3. Has the Government considered imposing a tax on the gas to be sold to Sydney to help pay for further exploration by South Australian Oil and Gas, because in past years South Australian users alone have paid an exploration levy while New South Wales users have paid nothing towards these costs?

The Hon. C.J. SUMNER: As I stated in reply to the Hon. Mr Gilfillan earlier, obviously the Government is concerned about the situation. I referred to the questions of price and the supply of gas: the Government is currently considering these matters. I will obtain a report on the questions raised by the honourable member and bring back a reply when I respond to the Hon. Mr Gilfillan's question.

FINANCIAL INSTITUTIONS DUTY

The Hon. R.C. DeGARIS: Has the Attorney-General a reply to a question I asked on 17 August about the financial institutions duty?

The Hon. C.J. SUMNER: The Government has not yet taken decisions about the choice of stamp duties to be removed as a consequence of the introduction of a financial institutions duty. It is proposed to deal with the questions of rate of financial institutions duty, extent of exemptions and selection of stamp duties to be removed as a package. Decisions on the several elements will be taken after discussions with financial bodies and other interested parties.

STATUTORY AUTHORITY BORROWERS

The Hon. R.C. DeGARIS: Has the Attorney-General a reply to a question I asked on 24 August about statutory authority borrowers?

The Hon. C.J. SUMNER: The borrowing requirements of individual statutory authorities are determined as part of the overall budgetary process and there has been no delay this year as compared with earlier years. The Chairman and staff of the South Australian Government Financing Authority have, in conformity with decisions of the Authority, been discussing its funding needs for 1983-84 with various financial intermediaries including the major South

Australian and other institutions which have traditionally lent to semi-government authorities in the State.

It is relevant to note that, with the creation of a central borrowing agency in the State and with decisions taken by Loan Council at its last meeting to 'free up' the ways in which semi-government authorities may borrow, there is considerably more flexibility this year in the timing, form, terms and conditions, and sources of semi-government borrowings than there has been previously. A wide range of financial institutions, both domestic and overseas, have shown strong interest in assisting the Authority in its funding needs.

PREFERENCE TO UNIONISTS

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question about job creation scheme participants.

Leave granted.

The Hon. M.B. CAMERON: Members would be aware that the State Government has imposed, as a condition of making available funds under the job creation scheme, a requirement that participants join an appropriate union. The only exemption is for a person who can produce evidence that he is a conscientious objector on religious grounds. This requirement has been brought to the attention of the Federal Government, which is contributing substantial funds to the scheme. I refer in part to the *Hansard* record of a question asked by Mr Porter, the member for Barker, and the answer of Mr Dawkins, the Federal Minister for Finance. I am quite happy to supply the Attorney with the full *Hansard* transcript, if he so requires. Mr Porter stated:

> In other words, before the unemployed can obtain a job, they must agree to join the South Australian Government's closed shop arrangement. The unemployed are no longer able to choose whether they want to join the relevant union.

He further stated:

> The Commonwealth Government has the obligation to impose conditions on the funds which are being made available to South Australia. I believe that conditions imposed by the South Australian Government for this closed shop agreement are contrary to the ideals of the Australian people. I believe they are also contrary to the Universal Declaration of Human Rights. I will refer briefly to two articles of that Declaration. Article 20 states:
>
> 1. Everyone has the right to freedom of peaceful assembly and association.
>
> 2. No-one may be compelled to belong to an association.

How do Premier Bannon's conditions of employment stand against that Article? Article 23 states in part:

> 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

In response, Mr Dawkins, the Federal Minister, stated (it is very difficult when the Attorney is not listening to the explanation):

> The honourable member was asserting that it would be a requirement in South Australia that union membership be compulsory before unemployed people could participate in job creation schemes. That is certainly not a requirement of the Commonwealth sponsored schemes.

The Minister said in a further explanation:

> The guidelines for the community employment programme are the responsibility of this Government. I indicated at the time that it was not now, and would not be, a requirement of the C.E.P. that preference would necessarily be given to unionists.

My questions are as follows:

1. Does the Attorney agree that the State Government's requirements are a contravention of the Declaration of Human Rights? If not, will he seek an opinion of Crown Law on this matter?

2. Has the Federal Minister for Finance informed the State Government that the condition of compulsory unionism which it has imposed is not a condition of the Commonwealth Employment Programme as he indicated in the Commonwealth Parliament?

3. Does the State Government intend to apply the compulsory unionism guidelines to moneys made available under the wage pause? If so, were discussions held with the former Federal Government and was agreement reached to require all participants in the scheme to join a union and, if so, when?

The Hon. C.J. SUMNER: A number of matters raised by the honourable member are not within my personal knowledge, particularly in relation to the third question regarding negotiations that occurred between the State Government and the former Federal Government. Further, in relation to the question whether the Minister for Finance informed the State of the Commonwealth Government's policy on preference to unionists, again, I do not have personal knowledge in that regard, but I will obtain information for the honourable member. Regarding the first question, my impression has always been that clauses relating to preference to unionists that occur in awards or by direction of employers have been held not to be contrary to the United Nations Declaration of Human Rights.

DEFAMATION LAWS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question about the defamation laws.

Leave granted.

The Hon. R.I. LUCAS: Uniform defamation laws in Australia have been the subject of much debate in recent months, and I understand that presently truth is an absolute defence in South Australia, Victoria, the Northern Territory, and Western Australia, whereas in Queensland, the A.C.T., Tasmania, and New South Wales it is necessary for a publisher also to prove public benefit or interest. I understand that at a meeting of Attorneys-General in Queensland in, I think, July, South Australia supported a change to the situation—

The Hon. C.J. Sumner: You are wrong again.

The Hon. R.I. LUCAS: I look forward to the Attorney's answer. An article in the *Age* on 2 September alleges that South Australia changed its mind. The article is by Garry Sturgess, who is the law reporter with the Melbourne *Age*. The article, headed 'South Australia supports truth-only defamation law move', states:

> Victoria has found an ally in its contention that truth alone should be a complete defence to an action for defamation—South Australia. The Premier, Mr Cain, said yesterday South Australia had come strongly behind Victoria's thinking, and the Commonwealth also was reconsidering its view.

The Hon. C.J. Sumner: He has a great habit of claiming the credit.

The Hon. R.I. LUCAS: I will be interested in the Attorney's response. The article goes on:

> Mr Cain said after a meeting of Attorneys-General in Melbourne South Australia's support was a 'significant shift' from the July meeting of the Attorneys in Mackay, Queensland. Victoria was then the lone voice against inserting in uniform defamation laws a requirement that the publication not only be true but also for the public benefit.

I reiterate that that is from the Victorian Premier. The article goes on:

> Mr Cain said he believed a model Bill on uniform defamation laws, to be introduced in Federal Parliament, would suggest alternative clauses when it dealt with the question of whether truth alone or truth and public benefit should be a defence to defamation.

The Hon. K.T. Griffin: He is not the Attorney-General.

The Hon. R.I. LUCAS: He was then. He was the Victorian Attorney-General.

The Hon. C.J. Sumner: No wonder he lost his job!

The Hon. R.I. LUCAS: I hope that *Hansard* has got that. 'No wonder he lost his job!'. I ask the Attorney-General:

1. What is the current South Australian view?
2. Has that view changed? If so, why?
3. Does the Attorney-General agree with the reported comments of the then Victorian Attorney-General and the still Premier of Victoria (Mr Cain), as reported in the Melbourne *Age* on 2 September?
4. Is the Attorney-General aware of any possible change of attitude from the Commonwealth?
5. When are we likely to see legislation introduced in the South Australian Parliament?

The Hon. C.J. SUMNER: I am pleased that the honourable member has raised this question because there has been some confusion in public circles and in the press about what various Attorneys have said at the Standing Committee of Attorneys-General and what various Government attitudes have been to this piece of legislation. The fact is that it seems that every Attorney has his own view of the discussions that occurred. Some years ago at these Ministerial Conferences they used to attempt to get an agreed press release which would go out at the end of the conference. It was unfortunately after lunch and a couple of other items of business. By the time they got down to discussing the press release one could see another two hours in front of the meeting trying to clarify and get unanimity on what should be contained in the unanimously agreed press release. After several years of this fairly futile activity, I understand that the Attorneys agreed that it was better for each individual Attorney to make his own statement, draw his own conclusions from the Conference and give emphasis to the issues that particularly concerned him. That has been the approach that has been adopted in recent times.

The Hon. R.I. Lucas: Is that what Mr Cain did this time?

The Hon. C.J. SUMNER: I am sure that that is what Mr Cain has done on this occasion. Prior to this Government's taking office, the former Government participated in decisions of the Standing Committee of Attorneys-General, which agreed to certain aspects of a uniform defamation law. One aspect which was agreed to by the Standing Committee prior to November 1982 was that public benefit should also be an element of the defence of justification along with truth. I do not know what view Mr Griffin, as the Attorney-General, took on this issue. It was never revealed. Nevertheless, by November 1982 the Attorneys had agreed collectively that truth and public benefit would be an appropriate defence.

There was a meeting in Adelaide in March, when both Mr Cain and I raised the question of whether or not truth and public benefit should be an appropriate defence. It was generally agreed at that meeting that it was a *fait accompli*: that the question had been determined by previous meetings and that although there was then a fresh group of Attorneys who had taken office the decision had really been taken. We then adjourned to Mackay in July. My very clear recollection of the matter is that I raised again the question of truth and public benefit and said that South Australia's very strong position was that truth alone should be the defence.

The Hon. R.I. Lucas: That is not what Mr Cain said.

The Hon. C.J. SUMNER: Mr Cain's memory is defective. The fact, as I recall it very well, is that Mr Doumany was in the Chair. I recall, as these things are done, that the Chair asked individual States as it went around the table what their view was. Mr Cain was on my left, which meant that he expressed his view after I did.

The Hon. R.I. Lucas: So you led him?

The Hon. C.J. SUMNER: That is the fact: I led him. I expressed my view that we should really have another look at this issue. Then Mr Cain pursued the matter at the meeting, and the decision at the July meeting was that the drafting of the Bill would proceed. In other words, substantive agreement was reached at the July meeting on the uniform Bill. Drafting was to proceed, with truth and public benefit in the draft, but the issue would be reconsidered.

The issue was reconsidered at the September meeting in Melbourne. As a result of that meeting, I understand that the Bill, which will be introduced by the Federal Attorney-General in the Commonwealth Parliament as model legislation, with applicability in the Australian Capital Territory, will include an option in relation to this issue; in other words, the issue still has not been finally determined. I know that the Commonwealth Attorney's personal view is that truth alone should be a defence. As I say, that is the view that Victoria and South Australia have taken. Because of the change of composition of the Standing Committee during this year it was decided to review the decision. So far as I am concerned, the matter can still be the subject of further decision by the Standing Committee. The Bill will be introduced by the Federal Attorney and I understand will then lie on the table for some time to enable public comment on its contents.

In response to the honourable member's question, the current view of the South Australian Government is as it has been all this year: namely, that we believe that truth alone should be the criterion for the defence of justification. Secondly, there was no change in our attitude at the July meeting. In fact, I raised the question at that meeting and it was as a result of that that the question was subsequently agreed to be left open for further discussion. I cannot agree with the Premier of Victoria in his recollection of the matter as expressed in the *Age* newspaper, but I really think that it is a matter of some irrelevance as to who claims credit for the position that has been taken.

The fact is that the composition of the Standing Committee changed and views were expressed that we reconsider the question in regard to truth and public benefit, and that is currently being done. I do not know whether the Commonwealth will take any particular view on it. I know the Commonwealth Attorney's personal view of the matter, but I also believe that there will be an exposure of the Bill for public comment.

The honourable member asked one final question. The Bill will be introduced by the Commonwealth Attorney for adoption in the Australian Capital Territory, and no legislation will be introduced in this Parliament until that Bill has been exposed and comment has been received and considered by the Standing Committee before the matter is finalised. Once uniformity has been reached, it will be introduced.

PORNOGRAPHY

The Hon. K.T. GRIFFIN: I seek leave to make a brief statement before asking the Attorney-General a question about pornography.

Leave granted.

The Hon. K.T. GRIFFIN: An advertisement currently in the daily newspaper headed 'Unrestricted editions available' states in part:

> There are two editions of *Australian Penthouse*. Because of censorship restrictions most States can only receive the unrestricted edition through the mail.
>
> To lay your eyes on it, lay your hands on a pen. And fill in the 12-month subscription coupon. Only that way can you be guaranteed of viewing our pets in not so modest pictorials. The term 'centre spread' will take on a whole new meaning.

The advertisement then goes on with other sales pitch and concludes by stating:

Attached to the foot of the advertisement is an application form requiring a signature, name, address, postcode and either a bankcard number or a cheque for $42 to be sent to an address in New South Wales. The advertisement is a little unclear in respect of what is actually to be made available by post, but I interpret it as a sales pitch for *Australian Penthouse* which would not ordinarily be available through bookstalls, newsagents or other agencies under the present provisions of the Classification of Publications Act.

Certainly, that is the implication of the way in which the advertisement is framed. It is also quite clear that under our Classification of Publications Act there are certain restrictions on access to classified material by persons under the age of 18 years. Those restrictions do not apply obviously if the application form is filled out and cash, money order or cheque is posted with the application to Sydney. The advertisement causes some concern because of that factor and because it may be a device for avoiding the restrictions of the Classification of Publications Act in this State.

First, will the Attorney investigate whether or not the advertisement breaches any State law? Secondly, will the Minister investigate whether the making available of a magazine in the manner proposed in the advertisement is illegal under State or Federal law if it is not classified or if it would not receive a classification if submitted to the Classification of Publications Board in South Australia?

Thirdly, if it is illegal, will the Attorney take appropriate action to prosecute for that breach or draw it to the attention of his Federal colleague? Fourthly, if it is not illegal, does this mean that any printed and video pornographic material that is ordinarily subject to the Classification of Publications Act can come into South Australia by post, thus avoiding the restrictions of the South Australian and Commonwealth laws?

The Hon. C.J. SUMNER: The questions raised by the honourable member are complex. I undertake to have an inquiry made into the issues that he has raised, bring back a report and take any necessary appropriate action.

PREFERENCE TO UNIONISTS

The Hon. M.B. CAMERON: The Attorney did not answer one part of the question that I asked earlier today. Does he agree that the State Government's requirements are a contravention of the Declaration of Human Rights. If not, will the Attorney seek an opinion from the Crown Law Office on this matter? If he will not do so, why not?

The Hon. C.J. SUMNER: The fact is that I did answer the question. I said that the commonly held view and interpretation of the United Nations Declaration of Human Rights is that a provision relating to preference to unionists is not in conflict with that declaration. As I understand it, that is the view that has been taken by the United Nations and the International Labor Organisation and, in the light of that, there is no need to get a Crown Law opinion.

SOUTH AUSTRALIAN ENTERPRISE FUND

The Hon. L.H. DAVIS: Has the Attorney-General a reply to my question of 10 August about the South Australian Enterprise Fund?

The Hon. C.J. SUMNER: A study team headed by the Department of State Development is preparing a report on the structure and operation of the Enterprise Fund, and this report is expected to be available to the Government this month. The Government believes that it would be more appropriate for it to comment on its plans for the Enterprise Fund once it has had the opportunity to consider the recommendations of the study team.

CAMPERVAN HIRE

The Hon. J.C. BURDETT: Has the Minister of Consumer Affairs a reply to my question of 9 August about campervan hire?

The Hon. C.J. SUMNER: The reply is as follows:

1. Brochures covering the Cornwall Motor Caravan Centre's operations have been available at the Travel Centre for some time. However, no bookings have been made.

2. The Department of Public and Consumer Affairs has no record of any complaint being received against Cornwall Motor Caravan Hire. The statistics recording system does not provide information under the category 'overseas campervan hire'. However, officers involved in this area cannot recall a complaint of this nature.

REPLIES TO QUESTIONS

The Hon. DIANA LAIDLAW: I seek leave to make a brief statement before asking the Attorney-General a question about replies to questions.

Leave granted.

The Hon. DIANA LAIDLAW: Last session, on 2 June, I asked a question of the Attorney-General, representng the Minister for the Arts, about returning to the town of Burra items of cultural and historical interest. I have not received a reply. I understand that it has been the practice that Ministers are not required to answer questions asked of them once a session has finished. However, I have noted with interest that on two occasions this session the Hon. Anne Levy has received from Ministers written replies to separate questions which she asked last session and which have subsequently been inserted in *Hansard* this session. Is the Government discriminating positively in favour of the Hon. Miss Levy, or can I and other honourable members expect the Government to pay the same courtesy to us? If it is the latter situation, will the Attorney-General ascertain when I will receive a reply to the question that I asked on 2 June about items of cultural and historical interest to Burra?

The Hon. C.J. SUMNER: I thank the honourable member for her interest in this matter. I suppose that technically Ministers are not required to answer any questions. That was very much in evidence under the previous Administration. The practice of this Government has been to provide full and frank answers to all questions raised by honourable members, whether from this side of the Chamber or the other side.

An honourable member interjecting:

The PRESIDENT: Order! The honourable member, having asked the question, should listen to the answer.

The Hon. C.J. SUMNER: Thank you, Mr President. Furthermore, the practice has been for answers to all members, once Parliament has prorogued, to be provided by letter. That certainly happened in relation to a large number of questions that I dealt with during the Parliamentary recess. Of course, when Parliament resumes a member may wish to have a question re-asked and the answer incorporated in *Hansard*. That wish has been accommodated, as the honourable member has mentioned, on some occasions.

I apologise if the honourable member's answer has not been forthcoming. I shall send an immediate and urgent message to the Minister for the Arts couched in appropriate terms so as to re-emphasise the deep interest that the hon-

ourable member has in this topic. I am sure that that will elicit a reply in the very near future.

IVANOV AFFAIR

The Hon. K.T. GRIFFIN: Has the Attorney-General had any discussions with the Deputy Premier, Mr Combe or Mr Young about:

1. Mr Ivanov's expulsion?
2. Mr Combe's association with Mr Ivanov?
3. The Deputy Premier's association with Mr Combe and Mr Ivanov?

If the answer is 'Yes', with whom and when did this occur?

The Hon. C.J. SUMNER: My recollection is that I have not seen the former Special Minister of State since his resignation. I had not seen him, to my recollection, for some time prior to that. Certainly, I have not had any discussions with him about anything in recent times. In relation to Messrs Combe and Ivanov, I have seen Mr Combe once in recent times when by chance I was in Canberra on Ministerial duties and was taking a luncheon break during which I went to the Shalimar restaurant.

The Hon. M.B. Cameron: For breakfast?

The Hon. C.J. SUMNER: No, for lunch. It is quite a well-known, significant and well-regarded Indian restaurant in Canberra.

The Hon. M.B. Cameron: It isn't expensive?

The Hon. C.J. SUMNER: It is not particularly expensive. I was there for only a short time because I had to leave and return to my Ministerial duties (I think a conference about weights and measures). As I was about to leave the restaurant, Mr Combe and his wife entered. I had a brief discussion with him about matters of general interest. I do not believe the Royal Commission was touched on to any great extent. Certainly, at that time Mr Combe did not raise the question of my giving evidence to the Royal Commission or, indeed, any other matter contained in the honourable member's questions. That deals with Mr Combe and Mr Young.

As to the Deputy Premier, the honourable member will no doubt recall that some short time ago there was a degree of agitation in the House of Assembly about certain matters relating to the Deputy Premier. That matter was raised, and I had discussions of a general nature with the Deputy Premier and the Premier about that issue. However, the matters to which the honourable member has directed his attention do not cover those issues.

In summary, I have not had discussions with Mr Combe or Mr Young about the matters that the honourable member has raised. I certainly have had discussions with the Deputy Premier which may have canvassed some of those issues, but in the context of the issue which arose in the House of Assembly and which was capably dealt with by the Premier and the Deputy Premier at the time.

RIVERLAND CANNERY

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question about the Riverland Cannery.

Leave granted.

The Hon. M.B. CAMERON: In a press statement which appeared in the *News* of 28 June 1983 the Premier indicated that the State Government was seeking $10 million in Federal aid to redevelop the Riverland region. He cited, in particular, the future of the Riverland Cannery. The article states:

Mr Bannon said a major redevelopment of the area had been recommended in 1976 by the Industries Assistance Commission. I will be seeking Commonwealth funding to assist redevelopment of the area.

In view of the Premier's claims that a Federal Labor Government would benefit South Australia and also that his State Labor Government would fight for our State, can the Attorney indicate the success of the Government's approaches? Has Commonwealth financial support been received, first, for the Riverland Cannery, and, secondly, for redevelopment of the Riverland region generally? If not, what steps will the Government take to obtain Commonwealth support?

The Hon. C.J. SUMNER: I will obtain a report for the honourable member.

MINISTERIAL OFFICERS

The Hon. J.C. BURDETT: I ask the Minister of Agriculture Questions on Notice Nos 1 to 5 standing in my name.

The Hon. FRANK BLEVINS: I regret to advise the Hon. Mr Burdett that I do not yet have answers to his questions. I request that he put them on notice for Tuesday next.

The Hon. J.C. BURDETT: I did give notice of these questions some weeks ago and do not know why answers have not yet been provided. However, I place them on notice again for Tuesday next. I ask the Minister of Health Questions on Notice Nos 6 to 9 standing in my name.

The Hon. J.R. CORNWALL: As the answers to the honourable member's questions are not yet available, I ask that he put them on notice for Tuesday next.

The Hon. J.C. BURDETT: I will do that. I ask the Attorney-General Questions on Notice Nos 10 to 13 standing in my name.

The Hon. C.J. SUMNER: I suggest that these are the same questions that the honourable member has asked of all Ministers about this matter. He might consider consolidating them; they will all be answered when the information has been obtained. It requires a considerable amount of research to put this information together and by doing this the honourable member might, in the meantime, save the Government Printer some time.

The Hon. J.C. BURDETT: I leave the questions in the form that they are now in. I did give notice of these questions, as I have said previously, some weeks ago. This is the kind of information that should not be too hard to get together, and these questions should have been answered by now. I put these questions on notice for Tuesday next.

WRONGS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General): I move:

That the time for bringing up the report of the Select Committee on the Bill be extended until Tuesday 25 October 1983.

Motion carried.

DENTISTS ACT AMENDMENT BILL

The Hon. J.R. CORNWALL (Minister of Health): I move:

That the time for bringing up the report of the Select Committee on the Bill be extended until Tuesday 25 October 1983.

Motion carried.

JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 30 August. Page 554.)

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for the attention that they have given to this Bill. A number of questions have been raised and I will attempt to answer them. First, I refer to the cost of giving justices limited power to imprison. The figures available through the Office of Crime Statistics for the period 1 July 1983 to March 1983 indicate that imprisonment by justices had been effected 19 times in Ceduna, seven times in Coober Pedy, once in Oodnadatta and Murray Bridge, four times in Whyalla, and once in Port Lincoln, Bordertown, Glenelg, and Maitland. Fifteen of these exceeded seven days. The cost of transporting that number of people to a magistrate is not great. No extra magistrates will be needed to fulfil that requirement. The police have undertaken the responsibility of transporting a defendant to a magistrate.

I now refer to cases recommended by justices to a magistrate. The submissions as to sentence will have been put to the justices who have heard the matter and determined guilt. If the magistrate was not satisfied that he had sufficient material before him to determine the appropriateness of a sentence, he would not be prevented by this legislation from obtaining that information.

A question was also asked about the situation where a defendant is remanded in custody. A defendant is not likely to be held for long before he is dealt with by a magistrate for sentencing. If a magistrate is not visiting the area, the remand may be for a short time until transport can be arranged to another magistrate at the nearest court.

The magistrates who service the outlying areas are resident in Port Augusta and Whyalla. Current arrangements are that a magistrate is available in Port Augusta except when in Port Pirie for one week per month, two days per quarter at Leigh Creek and occasional day trips to other places. Only sentenced persons are taken by police to Port Lincoln. The magistrates of Whyalla and Port Augusta share the circuit to Coober Pedy and Oodnadatta for one week per quarter and to Amata three times a year. The Warden under the Mining Act does some magisterial work at Coober Pedy also. A magistrate is there every six weeks. With the co-operation of the police relating to transport arrangements, there does not appear to be a problem that remands should be of the time referred to by the Hon. Mr Griffin.

I now refer to the payment of a fee by justices on filing a return. The present roll which has been maintained has not been geared towards providing information for media use. In order that it be updated regularly and accuracy assured, greater resources will be required. The establishment fee for the new system is $19 000 (estimated) with annual costs continuing at $18 750. The fee has been set to meet these additional costs. When this suggestion was put to the Royal Association of Justices no opposition was made. The President was made aware of all aspects of the proposal of a registration system, and he supported it. To confirm that and to ensure that honourable members are under no misapprehension about the view of the Association of Justices, I will read a letter that I received from Mr Sargent, President of the Royal Association of Justices, dated 6 September 1983, as follows:

The Council of the Royal Association of Justices has felt for some time the need for a constant update of the listing of justices for the following reasons:

1. To remove names of deceased justices.
2. To give an opportunity for those justices who are no longer desirous of retaining their commission to relinquish same. Justices of the peace are usually appointed for life unless circumstances warrant their commission being withdrawn.
3. Because of the quota system an out-of-date register is not a true assessment of numbers.

Concern was expressed at the meeting of the Australian Council of Justices Associations for the need of a current up-to-date record to be available at all times. In fact, Victoria has adopted a register system whereby all justices are required to re-register every five years to ensure the continuation of their commission. No registration fee is made in Victoria. The number of justices appointed in New South Wales and Queensland has become completely out of hand, and this is the main reason why justices of the peace have been deleted from the list of approved persons eligible to sign Australian passport applications. However, Victoria and South Australia have kept numbers at a reasonable level.

Our Association is mindful of the work involved in the organisation of a register of justices in this State, and a representative group from our council has been recently invited to discuss this matter with the Attorney-General's Department and the Courts Department, and resulting from these meetings and discussion at council level we are agreed that the implementation of a register is vital. The matter of a registration fee was discussed at length and we would be pleased for costs to be borne by the Government; however, rather than have the scheme deferred it was reluctantly agreed by my council that a nominal fee may be necessary to offset the costs involved.

The suggested fee was the sum of $5 for a two-year period. Justices of the peace could then carry their registration card as a means of identification.

That is the official position of the Royal Association of Justices. Certainly, when the matter was discussed with the Association prior to the drafting of the Bill no objection was expressed to me about proceeding with the decision to levy a fee for the necessary process of maintaining a register.

The Hon. Mr Griffin also raised the question of biennial returns. The reason for supporting biennial returns is to ensure the accuracy of the information to be published regularly. If that were to be made flexible, as the Hon. Mr. Griffin has suggested, there would be no additional administrative problems with that exercise. If it were to be done triennially, the information stored is likely to be less accurate. I thank honourable members for their support of the second reading of this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Justices to make biennial returns.'

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

Page 2, lines 15 to 23—Leave out section 17a and insert new section 17a as follows:

(1) A justice (not being a special magistrate) shall, within the period of one month after the prescribed date, lodge with the Attorney-General a return in the prescribed form.

(2) Where a justice fails to lodge the return as required by subsection (1), the Attorney-General may, by notice in writing, require the justice to lodge the return within a period specified in the notice.

(3) For the purposes of subsection (1) the reference to the prescribed date is a reference to a date fixed by the Attorney-General in relation to a justice, and each triennial anniversary of that date.

The amendment does two things. First, it gives the Attorney-General more flexibility in regard to returns. When I spoke in the second reading debate I suggested that a triennial return would be just as effective as a biennial return and would not place the same pressure on departmental officers in processing renewal applications. The amendment would also give the Attorney-General the opportunity to stagger the renewal dates, which may be of some administrative benefit rather than all the renewals falling due on the one day, with the department having to process some 7 500 renewals. The renewals could be spread over a full year, and then over three years, rather than falling due on the one date.

The more important aspect of the amendment is the removal of the provision that a fee be prescribed for the filing of a return. I still have some grave concerns about a fee being charged to justices of the peace for renewal of their commission. I know that the Attorney has received a

letter from Mr Sargent, President of the Justices Association. I have had discussions with Mr Sargent: I certainly will not suggest that his views as expressed to me were any different from the views expressed in the letter, but it is quite obvious that there is a reluctance on the part of the Justices Association to agree to a fee.

Rather than having the whole proposal scrapped, however, the Association is reluctantly prepared to agree to a small fee. There is also something more involved—there is a fear that, because of trends, justices may be phased out of a number of responsibilities that they presently exercise. I am not suggesting that the Attorney has this in mind, but I believe that the justices have a certain feeling of insecurity about their future responsibilities if they do not go along with at least some of the proposals.

The Hon. C.J. Sumner: Rubbish!

The Hon. K.T. GRIFFIN: I am not suggesting that the Attorney will do that. He need not get uptight. However, I make the point that the justices are reluctant to go along with the proposal. As a matter of principle, I believe, and the Liberal Party believes, that it is wrong that justices be required to pay a fee to provide information to the Government that will enable them to be used in the community to provide a public service at negligible cost to the Government. There is certainly no cost to the Government for making available justices of the peace for various community duties, including the witnessing of documents. Justices receive a nominal fee of $3 towards their expenses each time they sit in court. They receive a negligible fee in regard to the duties that they perform.

The Hon. H.P.K. Dunn: Some of them have to travel 40 kilometres.

The Hon. K.T. GRIFFIN: Country justices have the added problem of considerable travel. Of course, they are available at short notice in country locations when the police require a justice of the peace to deal with remands after offenders have been arrested. I have known a justice of the peace in a country area to be requested by the police to travel in the middle of the night some distance to a police station to perform a public duty. I believe it is wrong in principle that justices be required to pay a fee, and for that reason the Liberal Party and I do not support the proposition that a fee be charged to justices of the peace.

The Hon. C.J. SUMNER: I oppose the amendment. The Government believes that two years is a reasonable time after which the register should be updated. One of the problems that has occurred to date has been the lack of a completely current register and, if we extend the period to three years, the register will be less accurate by virtue of that fact. Two years seems to be a reasonable time after which justices must reassert their interest in being a justice of the peace and to place themselves on the roll for that purpose.

The second matter relates to fees and, again, the Government opposes the amendment. As I indicated previously, in discussions with the Royal Association of Justices prior to the drafting of the legislation, I did not detect any opposition to justices paying a fee. The fact is that they supported the register and were quite happy to support a fee. That attitude might have been modified to some extent as a result of the full council meeting and a letter that I have now received from the President, but, nevertheless, they appear to be prepared at least to accept the fee. As I indicated, the fee would be $2.50 a year levied every other year—that is, $5 for re-registration as a justice.

I reject the suggestion that was made by the Hon. Mr Griffin that somehow or other the justices feel obliged to agree to the Government's proposition for fear of being phased out of their responsibilities. There is no intention to phase out justices from their responsibilities beyond those that the previous Government supported, namely, the power of imprisonment. Justices at the lower end of the judicial hierarchy perform a very valuable role, and while it is obviously desirable, where professional, trained magistrates are available, to use them, justices still have an important role in sitting on the bench at one level and also in assisting members of the community at another level. There is no justification for the remarks made by the Hon. Mr Griffin, nor for any feeling that justices might have about their position that would thereby lead them to be reluctantly forced to accept the fee.

I indicate again that, when the matter was discussed with representatives of the Justices Association and when the issue was put to the justices prior to the drafting of the legislation, there was no objection to the fee. Indeed, at that time I believed that the justices supported the fee as a reasonable way of coping with what will be a financial impost on the Government. Unfortunately, if the fee is not agreed to, there will be difficulties in getting the register off the ground. That is a simple fact of life in this financial year. The Bill will not be proclaimed in relation to this matter unless there is some way of finding the costs of the register.

The Budget has been drawn up and it contains an appropriation for the register in this financial year, but costs should be recouped in subsequent financial years by the levying of the fee. The honourable member has stated that this is wrong in principle. There are a number of people who have to pay for registration in regard to responsibilities and carrying out certain activities.

The Hon. K.T. Griffin: But they are professional, licensed people.

The Hon. C.J. SUMNER: Some of them may be, but I may say that I have never seen any shortage of applications for justice of the peace. People do not seem to be particularly backward in coming forward because of the workload to which they may be subjected. The fact is that there is an enthusiastic number of applications to become justices of the peace. The problem that the Attorney-General has, as the Hon. Mr Griffin will be well aware, is that of coping with the demand of people to become justices. The honourable member will no doubt recall getting reams and reams of paper from various members in the Parliament asking whether Mr Fred Smith can become a justice of the peace because 'he is a fine, upstanding gentleman who lives in my electorate and needs to become a justice because he sees a lot of people and helps them sign documents'. Those letters arrive daily; the Hon. Mr Griffin will be aware of that. So, there is no shortage of people wanting to become justices.

I am not suggesting that that is not a desirable aim for someone to aspire to. Nevertheless, it is a fact that there seems to be some status for the member of the community who is appointed a justice; there seems to be for that person some degree of kudos in the community. Many justices insert 'j.p.' after their names. I get a lot of correspondence from people who are justices of the peace and they invariably sign their name with 'j.p.' at the end of it. Members of Parliament who are justices of the peace sometimes put 'j.p.' after their name when they correspond with other people.

The Hon. K.L. Milne: Very unwise.

The Hon. C.J. SUMNER: The Hon. Mr Milne says that it is very unwise. That must be because of his reluctance to entertain members of the public to sign the forms. The fact is that there is no shortage of applications from people to become justices of the peace. There is a degree of status and kudos which attracts to a person in becoming a justice. While many of them perform very valuable functions in the community, I do not see that an imposition of this kind

($5 for two years) should be beyond those people appointed to be justices, particularly because the establishment of this registration system will cost the Government in the vicinity of $20 000. The registration fee is necessary. As part of the package, the fee was included, and I ask the Council to concur with the Bill.

The Hon. K.L. MILNE: I would prefer there to be no fee and that the term be for three years instead of two, but I do not think that it is a matter which should hold up the Parliament unduly. I can see the argument that it is a privilege to be a justice of the peace as well as a voluntary workload; so, I do not propose to press the matter. I spoke to the Attorney-General after the earlier debate and he explained his attitude and the reason for it; so, I do not wish to complain unduly about that.

I would like a clarification of the original amendment printed in the Bill. It says:

> Where a justice fails to forward the return or pay the fee as required by subsection (1), the Attorney-General may, by notice in writing, require the justice to lodge the return or pay the fee, or both, within a period specified in the notice.

What happens if the justice fails to do it then?

The Hon. C.J. SUMNER: The honourable member has raised a useful point. The Bill does not specifically provide for what should happen, at least in clause 5, but if the honourable member refers to clause 6 he will see that, if a justice does not comply with the proposed section 17a, as a result of the proposed section 18 (1) *(c)* the Governor may remove him from office; in other words, the justice will be required to pay the fee on a biennial basis by a certain date. If he does not do that the Attorney-General will write to the justice and give him a further date within which to nominate and pay the fee. If after that time he has not done so, the Attorney-General may take action to remove the justice from the roll, just as if the justice had been convicted of an offence or had been found mentally or physically incapable of carrying out his duties.

The Hon. K.T. GRIFFIN: In respect of whether the return is biennial or triennial, my amendment allows for a triennial or some other return period. If the Attorney-General decides that he still wants to have two years, he can do it under my amendment. The principal difference between my amendment and the Bill is this question of the fee. The Council should be clear that supporting my amendment will not necessarily compel the Attorney-General to have a return filed on a triennial basis. It still gives him flexibility. All my amendment does is give greater flexibility but, more particularly, it removes the impost.

The Hon. C.J. SUMNER: What the Hon. Mr Griffin says is correct, but I will ask the Committee to oppose his amendment, particularly on the ground that it would remove the requirement of the fee to be paid. I understand his point that a two-year period could be implemented under his amendment, but there would be no fee. That perhaps could be the subject of further consideration, and I will certainly undertake to do that and see whether or not there is some merit in the greater flexibility that the honourable member's amendment provides. However, at this stage, I ask the Committee to oppose the honourable member's amendment because it removes the fee. I put to the Council the Government's view that is not unreasonable to require a justice of the peace to make a small contribution towards this registration system, given that there is no doubt that certain privileges in terms of status and the like accrue to a person who is appointed a justice of the peace.

The Hon. I. GILFILLAN: I am opposed to the idea of a fee. The arguments that the Attorney has put up are incidental to the matter. The fact that there is kudos and status to a j.p. reflects society's recognition of the service that justices offer and that only eminent people accepted by society will get those positions. It is patently unfair that many of those who offer to serve the community in this way often at inconvenient hours be asked to pay for the privilege. Although it is only nominal at this stage, once the principle is established there is nothing to stop the fee being expanded at some stage so as to become a penalty. Then, only those of certain economic status would say, 'Yes, I will be a j.p.'

There is some ground for supporting the other aspect of the Hon. Mr Griffin's amendment, that if there were a three year recording of the register a lower workload would be involved. That is of minor significance, but it would reduce the cost to the Government. In essence, it seems unfair to me that those who give service to the community should contribute to the cost of keeping a register.

If one wants an analogy, I refer to those who have various honours from the Commonwealth. They may be asked to pay for some sort of registration in regard to their accreditation. The argument put up by the Attorney has not persuaded me that there is any ground for charging them a fee.

The Hon. C.J. SUMNER: I can assure the honourable member that there is no intention now or at some future date for the Government to fix this fee at an excessive amount such that people would not become a justice for financial reasons. The only reason for the fee is that to maintain this register, which is accepted by the Royal Society of Justices as being highly desirable and which is accepted by the Government as being highly desirable.

The Hon. I. Gilfillan: How much will—

The Hon. C.J. SUMNER: The impost will be set to cover the cost of the register. My information is that $5 every two years would provide for that. That is the intention behind the levying of this fee. There is no other intention. It is not to be a money-making exercise by the Government. The register is necessary. To establish it will cost money, and we do not believe that such a small fee—it is very small, $2.50 a year—is unreasonable to ask of justices in order for them to keep their name on the roll. Certainly, many of them perform work. Of course, it depends on the individual justice; some do much more work than others. I do not think that one can equate a person who is a justice of the peace with a person who has received an honour: they are two different sorts of people.

The Hon. I. Gilfillan: You made the analogy earlier.

The Hon. C.J. SUMNER: No, what I said was that there was status attached to becoming a justice of the peace. I indicated that to the Committee earlier; that is why there is no shortage of applicants. That is why successive Attorneys since time immemorial spend much time responding to representations from members of Parliament, who receive representations from constituents who want to become justices of the peace. Members of Parliament write to the Attorney-General and ask if people can be put on the roll. There is no shortage of applicants. There is status attached to it and the Government does not believe that there is any difficulty in a small fee purely to cover the cost of registration being levied.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, H.P.K. Dunn, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (11)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (6 to 9) and title passed.

Bill read a third time and passed.

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 30 August. Page 555.)

The Hon. C.J. SUMNER: (Attorney-General): I thank honourable members for their attention to the Bill. One question requires answering. The administrative burden on the police in following up defaulting persons convicted of drunkenness was raised by the Hon. Mr Griffin. It is anticipated that this should be no greater than happens for persistent offenders who now have warrants out for them for various defaults. The amendment at least provides the offender with the opportunity to pay if convicted of the offence. In regard to the proclamation or otherwise of legislation that decriminalises drunkenness, the Minister of Health is undertaking the implementation of a scheme of protective custody and examining the 1976 legislation to see how and when it can be brought into operation.

It is anticipated that this matter will be dealt with during the next session of the Parliament. From 1 July 1982 to 30 March 1983 there were 33 terms of imprisonment imposed for being drunk in a public place. The number of offenders was 19 and the range of penalties was from one day to 28 days imprisonment. I have a detailed list of such persons, places and penalties. I am not sure whether or not the honourable member requires that information, so perhaps I can provide him with a copy. I seek leave to table a document showing details of imprisonment for drunkenness from 1 July 1982 to 30 March 1983. It is of a statistical nature.

Leave granted.

The Hon. C.J. SUMNER: I point out—

The Hon. K.T. Griffin: What about sobering-up centres?

The Hon. C.J. SUMNER: The Hon. Mr Griffin interjects and asks, 'What about sobering-up centres?' I have indicated that the Minister of Health has undertaken implementation of the Government's policy on decriminalisation of drunkenness. Legislation has been passed removing drunkenness from the Police Offences Act but has never been proclaimed. Part of the problem is the establishing of sobering-up centres. The Minister of Health will be responsible for review of that legislation, including the establishment of sobering-up centres, some of which may have to be at police stations and others of which may be located with voluntary agencies. I am not sure that it will be possible to simply proclaim the 1976 legislation. It may be that the proposal will become part of amending legislation dealing with drug matters, but that matter is still under consideration by the Minister of Health, who will have responsibility for addressing these issues over the next few months. As I have indicated previously, there is hope that the matter can be resolved sometime during the course of the next session.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Being drunk in a public place.'

The Hon. K.T. GRIFFIN: I would like the Attorney-General to clarify the position in regard to sobering-up centres. He said in his reply to the second reading debate that the offence of public drunkenness was repealed in 1976 but that that repeal was never proclaimed. At the same time there was legislation enacted with respect to the establishment of sobering-up centres. It was not clear from his reply when that was likely to occur. I must confess that when the Attorney was replying I was not clear when the Minister of Health might introduce amending legislation, or take some other action. Will the Attorney-General clarify when that might occur and whether or not it is part of the current Health Commission budget?

The Hon. C.J. SUMNER: It is hoped to be able to do this during the next session of Parliament.

The Hon. K.T. Griffin: In July 1984?

The Hon. C.J. SUMNER: The session beginning in July 1984. If it can be done earlier, it will be. There is no point in putting unrealistic time limits on these matters. The intention of the Minister of Health at present is to have the legislation operating in the latter half of next year. That is as precise as I can be about this matter. That time table may need to be altered, depending on circumstances. I am sure that the honourable member is fully aware that those circumstances include such matters as whether or not there are sufficient people to carry out necessary research to get the proposal in place. Nevertheless, I indicate to this Council that the Government sees it as important that this legislation be implemented and will be doing whatever it can to ensure that that occurs some time towards the end of next year.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

PRISONS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 30 August. Page 555.)

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their support for this and the following Bill. Both these Bills are consequential upon matters we have just dealt with.

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

CORRECTIONAL SERVICES ACT AMENDMENT BILL

(Second reading debate adjourned on 30 August. Page 555.)

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

INHERITANCE (FAMILY PROVISION) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 30 August. Page 555.)

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their indications of support for this Bill.

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

FENCES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PAROLE ORDERS (TRANSFER) BILL

Returned from the House of Assembly without amendment.

FOOT AND MOUTH DISEASE ERADICATION FUND ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

LICENSING ACT AMENDMENT BILL

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

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

Members will recall that, in announcing the 1982-83 results to the Council a short while ago, I said that, because of the serious Budget situation confronting the Government, we had no alternative but to implement a number of taxation measures. I mentioned five of them briefly. This Bill relates to one of those measures.

Liquor licences issued by the Licensing Court relate to a licence year which runs from 1 April to 31 March and attract a fee based on the gross value of purchases of liquor in the preceding financial year. Most liquor licences have currently been renewed and will run until the end of March 1984. It is proposed that licences renewed thereafter be based on 12 per cent of gross value of purchases in the preceding financial year (in the first instance, 1982-83).

The full-year revenue gain of this measure should be of the order of $7 million but, because the increased rate will not become payable until April 1984, the revenue gain in 1983-84 is estimated to be around $2 million. A technical aspect of the legislation in this area relates to the licence fee based on liquor sales by wholesalers, vignerons, etc., to unlicensed persons. This fee has traditionally been based on 80 per cent of the 'standard rate' (that is, the rate fixed for wholesale purchase by retailers) applied to such sales. In order to maintain that relativity, the current rate of 7.2 per cent applying to such sales would need to be increased to 9.6 per cent. The fee with respect to the value of sales of low alcohol liquor will remain at the lower rate of 2 per cent.

The impact of these measures on prices of alcoholic drinks should not be felt until early 1984. At that time, the price of a bottle of beer could be expected to rise by around 3c, while bottles of spirits could rise by 20c to 30c, depending on quality. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the amendments to come into effect on a day to be fixed by proclamation. Clause 3 amends section 37 of the principal Act. The percentage licence fee payable in respect of liquor generally is raised from 9 per cent to 12 per cent. The reduced fee payable by holders of wholesale storekeepers licences, brewers Australian ale licences, distillers storekeepers licences and vignerons licences is raised from 7.2 per cent to 9.6 per cent.

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

STAMP DUTIES ACT AMENDMENT BILL

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

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

It was announced a short while ago that, because of the serious Budget situation confronting the Government, the Government had no alternative but to implement a number of taxation measures. Five of them were mentioned briefly. This Bill relates to one of those measures.

The Stamp Duties Act currently imposes duty on annual licences taken out by persons or companies carrying on insurance business in South Australia. The annual licences are normally issued and become dutiable every January and the duty is based on a specified percentage of insurance premiums received in the immediately preceding calendar year. With respect to all insurance premiums (other than for third party motor vehicle insurance or life insurance), the current rate is 6 per cent.

Although all other States levy some form of duty on general insurance, the bases vary from State to State, and straightforward comparisons with most States are difficult to make. The most recent report of the Grants Commission indicated that South Australia's taxing effort, relative to the other States, was below average in this area.

It is proposed that the current duty on annual licences of 6 per cent be raised to 8 per cent. On annual household insurance policies currently costing $100 this measure would add about $1.90, and on those costing $150 this measure would add about $2.80. This Bill should provide a full year gain of around $6 million to Consolidated Revenue and this amount should be achievable in 1983-84, with all the duty falling due in January 1984.

Clauses 1 and 2 are formal. Clause 3 provides that the percentage fee payable upon turnover for an annual licence relating to insurance business is to be increased from 6 per cent to 8 per cent. This amendment does not affect the percentage fee payable in respect of life insurance policies or in respect of third party motor vehicle policies.

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

ADJOURNMENT

At 5.5 p.m. the Council adjourned until Wednesday 14 September at 2.15 p.m.