

LEGISLATIVE COUNCIL

Tuesday 20 September 1983

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

CHAFFEY IRRIGATION AREA

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

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

PAPERS TABLED

The following papers were laid on the table:
By the Minister of Health (Hon. J.R. Cornwall):

- Pursuant to Statute—*
Environmental Protection Council—Report, 1982-83.
National Parks and Wildlife Act, 1972—
National Parks Fees.
Hunting Permit Fees.
Wildlife Permit Fees.
Planning Act, 1982—Crown Development Reports by South Australian Planning Commission on—
Proposed Extensions to the Mount Barker Court House.
Division of Lots 50, 51, and 52, Gorge Road, Newton.
Proposed Erection of Six Transportable Classrooms—Salisbury North Primary School.
City of Whyalla—By-law No. 30—Whyalla Cemetery.
District Council of Clare—By-law No. 27—Dogs.
District Council of Paringa—By-law No. 29—Camping and Traffic on Reserves.
District Council of Pinnaroo—By-law No. 25—Dogs.
South Australian Psychological Board—Report, 1981-82.

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

- Pursuant to Statute—*
Citrus Organisation Committee of South Australia—Report, 1982-83.
Electricity Trust of South Australia—Report, 1982-83.
Mining Act, 1971—Regulations—Fees.
Pipelines Authority of South Australia—Report and Statement, 1982-83.

QUESTIONS

WINE TAX

The **Hon. M.B. CAMERON**: I seek leave to make a short statement before asking the Minister of Agriculture a question about the wine tax.

Leave granted.

The **Hon. M.B. CAMERON**: Honourable members will recall that on 31 August this year I asked the Minister of Agriculture a question about the disparity between industry figures for the total wine excise revenue of \$15 million compared with the Federal Government's estimate of excise revenue of \$13 million. Last Wednesday I received a somewhat surprising reply from the Minister, as follows:

The State Government estimates that \$18.4 million would be obtained from South Australia through a \$2.61 per litre alcohol excise on fortified wine. This estimate assumes a production of 10 million litres of grape spirit to fortify wines, and South Australia produces about two-thirds of Australia's fortified wine. In 1981-82, the last vintage for which figures are available, South Australia produced 35.3 million litres of fortified wine, representing 68 per cent of the Australian total.

That answer says that from South Australia alone, for just two-thirds of the fortified wine production of Australia,

there will be revenue, estimated by the State Government, of \$18.4 million; that means that in the whole of Australia the total will be \$28 million, not \$13 million. The gap is growing between what was alleged by the Federal Government to be its revenue from this tax and what the final result will be. Certainly, for this State the amount has now well and truly doubled. That is a very serious situation, indeed. My questions are: first, can the Minister explain the difference between the Federal Government's estimate at Budget time of \$13 million and the State Government's estimate, which now puts the total revenue from fortified wine excise at \$28.3 million? If this figure is correct, will the Minister now, as a matter of urgency, take up the matter of either abolition of this tax, which would be the most sensible course, or at least a very drastic reduction in the amount which will be levied on fortified wine?

The **Hon. FRANK BLEVINS**: The answer to the first question is: no, I cannot explain the discrepancy in the figures. When I saw the answer that was provided to me, it certainly raised my eyebrows. I suppose that the method of calculating anticipated revenue is fraught with a certain amount of danger. Just how the Federal Treasurer has done his calculations I am not sure. I will have the figures checked.

The **Hon. M.B. CAMERON**: They are a bit rubbery.

The **Hon. FRANK BLEVINS**: I am not sure. The Federal Treasurer may be predicting a lower level of consumption, and I think he is probably right. As I say, I will have the figures checked.

I have taken up the whole question of this tax constantly since the tax was imposed, as, indeed, has the Premier. There was a meeting yesterday at which the wine industry was able to put its point of view to the Minister for Primary Industry. I have not yet had a report on how that meeting went, but prior to the meeting I contacted all the interested parties that I could think of in the wine industry of this State. I asked the representatives to put a united view to the Federal Minister for Primary Industry because one of the things which strikes one immediately when one starts to deal with wine grapegrowers and wine makers is that there are as many points of view as there are organisations—and there are a considerable number of organisations. I hope that at yesterday's meeting the industry (or sections of the industry) took my advice and put a single point of view to the Federal Minister as regards what the industry itself thought of the tax and the methods of levying it.

HEALTH COMMISSION CHAIRMAN

The **Hon. J.C. BURDETT**: I seek leave to ask the Minister of Health a question about the position of Chairman of the Health Commission.

Leave granted.

The **Hon. J.C. BURDETT**: The *News* of 15 September 1983 carried an article headed 'Health Chief Tries Another Job'. It read in part:

Professor G. Andrews, new S.A. Health Commission Chairman, has accepted an extra job—as Flinders University's Clinical Professor in Primary Care and Community Medicine. He plans to become actively involved in university teaching and research programmes. He agrees it is unusual for one person to have a foot in both bureaucratic and academic camps. His first job at Flinders was to establish a group to work on a multicentre geriatric care research project.

The report further stated:

Professor Andrews soon will visit Malaysia, South Korea and the Philippines for the World Health Organisation. He will help set up studies on the ageing in those countries.

I wish to make it clear that I make no criticism of the Chairman. It is clear that his appointment is a high quality appointment. His duties as Chairman of the Health Com-

mission are onerous. I think that this Council and the public are entitled, in respect of such an important position, to know what the arrangements are. Therefore, my questions are:

Is the position of Chairman of the Health Commission regarded as a full-time position? What is the salary? What is the position as to time off as Flinders University Clinical Professor in Primary Care and Community Medicine? Will he receive a separate salary in respect of his professorship at Flinders, and how much? What are the arrangements in respect of his work with the World Health Organisation? How much time will he spend with this organisation now and in the future? Have arrangements been made for him to accept any other positions and, if so, what positions, and what are the arrangements?

The Hon. J.R. CORNWALL: At the time when I was able to acquire the services for South Australians of Professor Gary Andrews (who, at that time, was the Foundation Professor of Community and Geriatric Medicine at Sydney University, based at Westmead Hospital) I described it very accurately as a coup for South Australia; nothing since has made me review that. Of course, Professor Andrews is one of the giants in the field of gerontology, particularly on the Australian scene. I point out that Professor Andrews originally was not one of the 33 applicants for the job. I had to seek him out and we had to induce him to leave a very senior position with life tenure at Sydney University. As one of the conditions, Professor Andrews made it very clear early in discussions that he would like to retain some formal links with academia. I believe that that was entirely reasonable, because Professor Andrews is employed on a contract basis.

He has not come to the South Australian Health Commission with life tenure, as would a public servant. I did what I could to expedite those arrangements and had discussions, early in the negotiations, with the Vice-Chancellors of both Adelaide and Flinders Universities. Quite correctly, they were unable to give me any unqualified assurances, because any applications for a clinical professorship at both universities had to be treated on academic merit. Of course, there was never any doubt, in view of Professor Andrews' distinguished record, both in administration and academically, that he would be offered a position. I am pleased to advise the Council that Professor Andrews has, in fact, been appointed a clinical professor at both Flinders University and the Medical School of Adelaide University. That, again, is unusual and perhaps remarkable, and the sort of compliment that one expects to be paid only to remarkable people.

It is anticipated that Professor Andrews will spend about half a day per week at one or other of those institutions. This has enormous advantages: it means that there cannot be any allegation of favouritism or bias towards one medical school as against the other as there was with funding of the Flinders University teaching hospital as opposed to that of the Adelaide University medical school. Just as important, and perhaps a good deal more important, it will enable Professor Andrews to stay in touch clinically, more particularly in the fields of gerontology and community medicine, both which are of enormous importance.

One of the principal things that the Government and I considered in relation to Professor Andrews' appointment was the fact that he is a world specialist in aged care. This is reflected in the fact that he has had many active engagements for the World Health Organisation. In fact, Professor Andrews is overseas presently on a World Health Organisation contract which was arranged before he joined the Commission. It was well known to me, and to the Government, that he would be leaving for this conference early in September and returning in October.

Professor Andrews has, at various times, attended as a World Health Organisation expert consultant in the Middle East, Qatar, the United Arab Emirates, Korea and the Philippines, to mention only four places. The amount of outside work that Professor Andrews is undertaking will be scaled down, and we anticipate that he will spend approximately six weeks each year overseas for the World Health Organisation, a part of which time will involve his recreation leave. That is a condition of his contract.

I am sure that the honourable member would agree (although he is a carping critic in other areas) that it is desirable that Professor Andrews, a world figure in this area of gerontology, should maintain his contact in this area. I cannot accurately quote the salary of the Chairman of the Health Commission, but it is of the order of \$63 000 a year. Professor Andrews, I understand, will receive no separate or additional salary for his work as visiting clinical professor at the Flinders Medical Centre or the Royal Adelaide Hospital. He will continue working with the World Health Organisation.

I think that the last question was whether Professor Andrews would accept any other position. He is a quite remarkable man, as I am sure every member of this Council is now aware, but even he has a limit to his physical and mental endurance. I suspect that, as full-time Chairman of the South Australian Health Commission, visiting clinical professor at both Flinders University and the Adelaide University, and senior consultant to the World Health Organisation, Professor Andrews is most unlikely to seek any other appointment.

ROYAL FLYING DOCTOR SERVICE

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Health a question about the Royal Flying Doctor Service.

Leave granted.

The Hon. I. GILFILLAN: I have been contacted today by several people who are concerned about the standards of the Royal Flying Doctor Service falling as a result of recent resignations of senior people from the Port Augusta base. From what I have been told, the service is regarded as being if not the best in Australia certainly one of the best. It is conducted by people who are dedicated to that service, which is very much appreciated by outback people. It is as a result of the concern expressed by these people that I am prompted to ask the Minister the following questions about the resignations to which I have referred.

I understand that the two officers who were in charge of the base, and indeed have been in charge of it for many years, both resigned within a matter of a few weeks. From speaking with those officers I gather that the two causes for resignation are not directly connected. I am not satisfied that the substance of the grounds for the resignations (in one case by request from the Royal Flying Doctor Service) was of a nature that one would imagine would constitute automatic resignation. I therefore have misgivings about the situations of the officers' resignations. More importantly, of course, is the matter of the standard of the Royal Flying Doctor Service to the people who so desperately depend on it.

I gather that at this stage the base is being run by an officer who travels from Adelaide to the base for the week and who comes back to Adelaide on weekends, when the base is staffed by two women whose responsibility and work has been primarily involved with the office. It is obvious from that that a hazardous situation now applies at the weekends in regard to any breakdown of equipment and maintenance of efficiency of service. If this is true, this

would be a cause of serious concern to any of us who are concerned about the medical care of people in the outback.

Is the Minister aware of the recent resignations of the two senior officers in charge of the Port Augusta base of the Royal Flying Doctor Service, and of the causes of their resignations? Does the Minister consider that the resignations put at risk the very high quality of service that the outback people have been getting from the Port Augusta base, and does he intend to take any action in this matter?

The Hon. J.R. CORNWALL: I must be circumspect in answering those questions. I would not be doing the Hon. Mr Gilfillan's question justice if I proceeded in haste. I sincerely hope that the honourable member is not trying to create any fear or alarm. The honourable member said that the Royal Flying Doctor Service is one of the best in Australia. I would submit that it is the best in Australia. Certainly, I am aware of the resignations and, of course, there will always be some concerns when staff changes occur.

Two resignations took place at the Port Augusta base, one on 11 June and the other on 2 September. Naturally, I do not intend to make any comment, despite the honourable member's urging, about the reasons for the resignations. It is entirely up to the people who resigned to comment on those matters. I suggest that, if the honourable member deems it appropriate, he contact those two people directly. All I am prepared to do is say that everything is being done to provide services in those two positions which the two people involved previously filled.

As a temporary measure the base is currently under the supervision of probably the most experienced man in the whole of Australia, Mr Graham Pitts, who has had 35 years experience as Base Director at both Alice Springs and Port Augusta. He is so highly regarded by the Service that for the past three years he has been the senior technical consultant for the Central Section. The position of Base Director has been filled by Mr John Hepworth, who will take up that post at Port Augusta towards the end of October. Mr Hepworth is one of the most experienced base directors in Australia, having served for 12 years as Assistant Base Director at Broken Hill and, subsequently, for four years at Alice Springs, where he is presently situated.

As I have explained, the two operators at Port Augusta are extremely efficient and highly regarded by the Service and its clients. The senior operator has been employed by the R.F.D.S. for the past five years. The Royal Flying Doctor Service has informed me that a recent survey has been conducted of all users of the Service, in both South Australia and the Northern Territory, for the purpose of discovering whether there was any dissatisfaction.

As far as can be ascertained from the results of the survey, there seemed to be general satisfaction with the services provided. It would be quite wrong to suggest that the Royal Flying Doctor Service has been or will be put at risk in any way by the two resignations. Those people have been promptly replaced, as I have explained, by people of very considerable experience and ability. In the circumstances, it would be quite inappropriate for me to take any action other than follow up the matter, which I did promptly when it was brought to my attention earlier today.

'REVIVE'

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Health a question about a product known as 'Revive'.

Leave granted.

The Hon. ANNE LEVY: I refer to a report in the *Sunday Mail* at the weekend in relation to a product marketed under the name 'Revive'. The label on the product states that it

is a fructose drink and that fructose lowers blood alcohol and cures hang-over symptoms. I understand that the product contains fructose, dextrose, sucrose, lime juice, fruit acid, and preservatives. They are not exactly expensive ingredients, yet the product is being sold for almost \$3 for 125 mls in hotels and at various other places.

The Hon. Diana Laidlaw: It sold well at the Show.

The PRESIDENT: Order!

The Hon. ANNE LEVY: I understand that scientific investigation has shown that the fructose inhibits the absorption of alcohol from the stomach into the bloodstream but that, once alcohol reaches the bloodstream, the ingestion of fructose has no effect at all on the blood alcohol level. Therefore, I do not see how a fructose drink could lower the blood alcohol level. If the fructose is ingested at the same time as alcohol, it may prevent the blood alcohol level from rising rapidly, but it cannot lower that level. Furthermore, I have been unable to find any evidence that suggests that fructose cures the symptoms of hang-overs.

I ask the Minister whether the claims associated with this product could be regarded as a case of misleading advertising. Further, will the Health Commission take action to prevent this so-called 'medicine' from being sold in South Australia, because the product as advertised appears to be worthless and is perhaps best described in the vernacular as being a 'rip-off'?

The Hon. J.R. CORNWALL: I thank the honourable member for her very good question. She has not caught me entirely unprepared. I was disturbed to read the *Sunday Mail* article to which the honourable member referred. Of course, I was alerted to the facts by Mr Beard, who, I recall, was quoted at some length in the article. The Hon. Ms Levy observed, quite correctly, that fructose does not lower the blood alcohol level, and 'Revive', as it has been marketed, does not do so, either. It is true that fructose in substantial quantities will slow down the absorption of alcohol, particularly directly from the stomach.

The Hon. C.M. Hill: Would it help you to make shorter speeches?

The Hon. J.R. CORNWALL: This is a matter of substantial public moment. The Hon. Mr Hill has been a member of this place for 20 years, and I would have thought that he would behave responsibly.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I wonder whether the Hon. Mr Hill should not have had 'Revive' with his lunch. It is true that fructose will slow alcohol absorption. However, I have been informed on the best advice that I could obtain that one would have to drink the product pint for pint with alcohol to stop the alcohol from being significantly absorbed, and that is a lot of 'Revive'. As to the product's efficacy as a hang-over cure, I cannot vouch for it one way or the other. Personally, I have tried many hang-over cures in my time, but I have never found one to work. I suspect that 'Revive' is not much better.

The Hon. M.B. Cameron: There is a cure—don't have any alcohol.

The Hon. J.R. CORNWALL: I have learnt over the years that the best cure is abstention, and I have become quite abstemious for that reason. A 48 year-old liver does not recover as well as a 24 year-old liver.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The product 'Revive' and, in particular, the claims made for it have been investigated by officers of the Central Board of Health. In their opinion, the claims on the label are incomplete, inaccurate and misrepresent the product's physiological or therapeutic effects.

As currently labelled for sale, the label therefore breaches regulation 86 under the South Australian Food and Drugs Act. It is important to note that the label currently used:

- (a) has not been approved by the Central Board of Health;
- (b) is not the same label as originally submitted for examination by board officers in June 1982;
- (c) was the subject of advice in May 1983 to the company that it must be modified in respect of:
 - (i) the claim to cure hang-over symptoms;
 - (ii) including a warning that it will not necessarily reduce blood alcohol levels to the point of driving safely;
 - (iii) including clearer directions for use to obtain the claimed effect;
 - (iv) including the percentage content of sugars and a warning to diabetics against its use.

In view of the lack of compliance of the current label with the regulations and the company's non-compliance with the recommendations of the Central Board of Health, it is intended to seek to have the product withdrawn from sale until its labelling is satisfactory. Officers of the board will be contacting the company's representatives immediately to achieve this. In addition, a report will be submitted to the Crown Law Department with a view to possible prosecution. This is despite the receipt (16 September) of a recent letter from the company's New South Wales headquarters in which it undertook to adopt all the recommendations of the Central Board except for labelling the product with the sugar contents of the formula.

I believe that the company concerned (an interstate company) has acted quite irresponsibly and that the labelling has been quite misleading. I believe that this is an appropriate forum in which I should issue a warning to the public of South Australia about this product.

The Hon. ANNE LEVY: Will the Minister of Health forward the information that he has just given to the Council about 'Revive' to the A.B.C. so that Philip Satchell can correct the misleading impression that he gave when advertising it at the Adelaide Show recently.

The Hon. J.R. CORNWALL: Yes, I will be pleased to do that.

MIGRANT AGED

The Hon. C.M. HILL: I seek leave to make a statement before asking the Minister of Ethnic Affairs a question about migrant aged.

Leave granted.

The Hon. C.M. HILL: Last week, on 14 September, the Ethnic Affairs Commission publicly issued two reports. The first report originated from a seminar held on 20 March 1982 arranged by the South Australian Ethnic Affairs Commission. At that time, the commission invited persons and agencies involved in the care of the immigrant aged to participate in a seminar to discuss a series of questions raised in a report by the commission's Aged Immigrants Facilities Committee and entitled 'Ethnic Aged in South Australia'. That seminar was organised by the Research and Projects Branch in conjunction with the Aged Immigrants Facilities Committee of the commission and it had the active support of the staff of the Ethnic Communities Council of South Australia. At the same time, perhaps a more important report was issued by the commission last week in the form of a demographic study of the ethnic aged.

That report was prepared, I understand, under the auspices of the National Institute of Labour Studies, which carried out the work at the request of the South Australian Ethnic Affairs Commission. The author of that second report was

the leading Adelaide demographer, Dr Graeme Hugo (Senior Lecturer in Geography in the School of Social Sciences at Flinders University). In the press release which the Commission issued last week, at the same time as these two reports were made available to the public, a summary was given of the findings of this latter, most important report.

Among these findings were that the most major birthplace groups have a median age significantly higher than the Australian-born population; that those born in Italy, the Netherlands, and particularly the United Kingdom and Poland, have especially high populations aged over 65; that South Australia is on the threshold of a period during which the number of overseas born persons aged 60 and over will increase very significantly; that the major language problems are among persons born in Italy, Greece and Yugoslavia; and that in all these groups a majority of women aged over 65 cannot readily communicate in English.

Then, in the final paragraph of that press release, and emphasised by the words being underlined, the Commission—I might say in a very brave fashion—said the following:

In releasing these reports the Commission wishes to express concern that the Government has not as yet appointed a Commissioner for Aged Care and an Ethnic Aged Consultant responsible to that Commissioner, as promised in the community welfare policy released prior to the last election.

This apparently is another example of the Government's many broken promises. It certainly acts against the welfare and the best interests of the migrant communities in South Australia.

Members interjecting:

The Hon. C.M. HILL: The fact is that the Government is not fulfilling this promise and that its Commission has had to bring it to light and emphasise it in this way. I called the Commission 'brave' earlier because, of course, the Minister has the Commission under—

The PRESIDENT: Is the honourable member explaining the question?

The Hon. C.M. HILL: I was intending to complete the explanation.

The PRESIDENT: I think that the honourable member was beginning to debate the matter.

The Hon. C.M. HILL: I was about to say that the Minister has the Commission under the lash at present because he has not filled the two vacancies which have existed on the Commission for some time and, as a result, the workload of the Commission is quite untenable. It is extremely unfair to expect the Commission of five persons plus the Chairman, when a quorum at its meetings is five, to continue to give the kind of service that it has given in the past with that small number. My questions are:

1. Can the Minister say if and when the Government intends to make these appointments? I want to be quite fair: I realise that it does come somewhat under the umbrella of the Minister of Community Welfare, although the whole subject, of course, is right in the court of the Minister of Ethnic Affairs.

2. Alternatively, if the Minister cannot answer those questions, will he consult with the Minister of Community Welfare and bring back a joint statement and explanation on this matter?

The Hon. C.J. SUMNER: The honourable member made a number of gratuitous remarks about the Ethnic Affairs Commission. As he well knows, the vacancies on the Commission have not been filled at this stage because a review is going on in the Commission. I received the report of the review team a short time ago. It is currently being assessed and will be released to the public shortly. The fact is that there was a high level of dissatisfaction with the operations

of the Ethnic Affairs Commission under the previous Government. That is the reason for the review.

The Hon. M.B. Cameron: That is not true.

The Hon. C.J. SUMNER: The honourable member said that it is not true. All that he had to do was attend a meeting held by the review team to receive complaints and to hear problems that the ethnic minority communities saw in the Ethnic Affairs Commission.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The degree of interest in the review was such that there was clearly a considerable underlying dissatisfaction with the operations of the Ethnic Affairs Commission. The number of submissions received clearly indicate that, and it will be—

The Hon. C.M. Hill: You analyse it and see where they come from.

The Hon. C.J. SUMNER: I am sure that the honourable member knows where they have come from. What I say is—and I assert it without any doubt—that there is a considerable degree of dissatisfaction about the operations of the Ethnic Affairs Commission, and that has been quite clearly demonstrated by the number of submissions that have been received by the review team.

The Hon. C.M. Hill: Why did you support it?

The Hon. C.J. SUMNER: I did not argue about the Commission. I think that there are other ways of going about it, but the Hon. Mr Hill and the previous Government decided to establish an Ethnic Affairs Commission. It was supported at the time because it was part of the Liberal Party's policy prior to the 1979 election, but the fact that we supported a Commission did not mean that we were necessarily happy with the operations of the Commission. If the honourable member wants me to go into any more detail, I am quite happy to do that.

The fact is that the honourable member made some gratuitous remarks about the members not being replaced on the Commission. They have not been replaced because, as the result of the review, there will of necessity be some alterations to the Ethnic Affairs Commission Act, and I wished to wait until that report was obtained by the Government, released publicly, and any changes put into place.

I am surprised that the Ethnic Affairs Commission did not see fit to express its concern about the total lack of action by the previous Government in the area of ethnic affairs. In particular, the previous Government had no proposal for the establishment of a Commissioner for Aged Services, or for the establishment of an Ethnic Aged Consultant, and yet for some reason the Ethnic Affairs Commission determined to express concern about the present Government and leave the activities of the previous Government.

The Hon. C.M. Hill: We did not promise it.

The Hon. C.J. SUMNER: The previous Government did nothing about it; the honourable member is quite right. The previous Government did nothing about aged services in the community.

The Hon. C.M. Hill: You promised it and you broke your promise.

The Hon. C.J. SUMNER: There is no broken promise at all. If the honourable member remains slightly less agitated than he is at the moment, I will explain that that commitment made by the Government will be fulfilled and a Commissioner for Aged Care will be appointed. Legislation will be introduced to establish the Commissioner, I believe in this session of Parliament, and the other staffing of the Commission will follow as resources permit. There is no renegeing on any commitment; the commitment will be met.

Furthermore, in the area of ethnic affairs, unlike under the previous Government, three task forces have so far been

established by the present Government with participation by the Ethnic Affairs Commission. The first—the Health Commission and Ethnic Affairs Commission Task Force—has already reported; that report is being assessed by the Health Commission. A task force is proceeding in the community welfare area and in the area of multi-cultural education. Those initiatives were never taken by the previous Government.

In answer directly to the honourable member's questions: yes, a Commissioner for Aged Care Services will be appointed, and an Ethnic Aged Consultant will be appointed as resources permit when the Commissioner's office has been established. I expect the legislation to be introduced in this session of Parliament.

The Hon. M.S. FELEPPA: I desire to ask a supplementary question. Can the Minister advise the Council of the precise date when this study was commissioned and the complete terms of reference?

The Hon. C.J. Sumner: Which study?

The Hon. M.S. FELEPPA: The study to which the Minister has just referred.

The Hon. C.J. Sumner: The one on aged care services?

The Hon. M.S. FELEPPA: Yes, that is the report to which I refer. Why did the study not include extracts of information from all migrant groups in regard to the aged?

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

WHYALLA HOSPITAL

The Hon. J.C. BURDETT: Has the Minister of Health a reply to my question of 24 August about Whyalla Hospital?

The Hon. J.R. CORNWALL: The processing of this property transaction through the Lands Titles Office has been delayed pending clarification on the question of stamp duty. Prior to a property transaction being lodged with the Lands Titles Office, it is necessary for an assessment of stamp duty to be made. In this transaction, the Deputy Commissioner of Stamps has been clarifying whether the transaction is exempt of stamp duty. It has now been confirmed that no stamp duty will be payable and the documents regarding the transaction are now in train to be lodged with, and processed by, the Lands Titles Office.

PURCHASING PREFERENCE SCHEMES

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question about Commonwealth-State powers in regard to State Government purchasing preference schemes.

Leave granted.

The Hon. R.I. LUCAS: The *Nationwide* programme recently ran a story on State Government purchasing preference schemes. These schemes are used by most State Governments to give preference in respect of Government contracts, as long as they are within a certain percentage—usually 10 per cent—of the lowest tender. The *Nationwide* programme quoted a Victorian Government spokesman as saying that the cost to consumers of such purchasing preference programmes was about \$350 million.

That programme contained an interview with Senator Button (Commonwealth Minister for Industry and Commerce). The questions basically asked what the Commonwealth Government can do about these purchasing preference schemes (it was in the context of the stance that Senator Button was taking; that is, that he and the Commonwealth Government were not happy about the range of schemes, and the interviewer asked what he was going to do about

it). I will now quote his comments as I put them down. I apologise for the disjointed nature of the response, but this is what Senator Button said:

Ultimately we can do is take legal action in respect of the matter; we are exploring that possibility... and I think that is about it and probably we could ultimately legislate federally, but those remedies are a bit down the track yet.

Honourable members will see from that quotation that the Commonwealth Minister referred to two possible courses of action. He linked them together, saying that one course was taking legal action (whatever that means), and the other was legislating federally. Therefore, my questions are as follows:

1. Will the Attorney bring back a report on how the Commonwealth Government, if it can, can take legal action in respect of this matter?
2. Will the Attorney-General bring back a report on whether the Commonwealth Government can legislate in this area (that is the second option raised by Senator Button)?
3. What would be the State Government's attitude to such an attempt by the Commonwealth Government to legislate in this area?

The Hon. C.J. SUMNER: The answer to the first question is 'Yes', and the answer to the second question is 'Yes'. I will certainly advise the honourable member of the views of the Crown Solicitor on those two points. As to the third question, I am not in a position to indicate at this stage what would be the State Government's attitude to such legislation. The problem, as the honourable member well knows, is that, in times of economic downturn, there is a tendency to turn to measures of protection and preference. It is a vexed question as to whether that is in the long-term interests even of the communities of the Governments applying the preference, because, even within Australia, we can get into an economic war (a trade war, I suppose) between the States. Based on one set of arguments, that is not desirable.

On the other hand, substantial preferences protect jobs in individual States. However, if that results in cutting off other job-creating opportunities by exporting to other States, then the application of preference clauses in each of the States can be self-defeating. The situation in regard to each individual State is extremely complex and there is no simple answer to it. Pressure is brought to bear on State Governments to impose some kind of preference in an attempt to save jobs, but it is not clear cut that that is necessarily a desirable economic course to take. However, if there is anything further that I can add when obtaining answers to the legal questions that the honourable member has raised, I will do so at the same time.

LIBRARY RESEARCH OFFICERS

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation before asking you, Mr President, a question about library research assistance.

Leave granted.

The Hon. H.P.K. DUNN: An article in the *Sunday Mail* of 18 September by 'Onlooker' made several assertions about the use by honourable members of the two research officers of the Parliament. If correct, the report is most confusing for those of us who are often awaiting replies to our requests. You, Mr President, have indicated to me that you made a request for further research assistance to overcome the backlog. This shortage of research assistance was also mentioned in the report of the Public Service personnel who studied Parliament and its staffing. Therefore, can you, Mr President, in your capacity as Chairman of the Library

Committee, clarify the present position because most of us are mystified by the 'Onlooker' report?

The PRESIDENT: The 'Onlooker' reports have mystified me on a number of occasions over the years; so much so that I often refer to him as 'Nonlooker' or 'Non-listener'. For the information of the honourable member, I cannot find where 'Onlooker' obtained that information. Certainly, it was not from our Librarian or from anyone on our staff. The report is incorrect on a number of issues. All honourable members know that our research officers have been sorely tried to accommodate requirements of members. The honourable member is correct: a request was made by me and substantiated by the Public Service personnel who made an inquiry into staffing at the start of the year. That request has gone on to the Treasurer, and I hope that he is giving it full and just study at present.

I noticed the article and was somewhat concerned that such a misleading report should be circulated. I asked the Librarian to supply me with statistics which show the true position regarding the use that members make of our research facilities. I will not quote all those figures, but it is quite obvious that there is a continuing growth in demand by members for research material. I do not think it is necessary to read these figures, but I will have them incorporated in *Hansard* for the information of all members. They show quite conclusively that our officers, as good as we believe they are, are sorely tested.

The Hon. J.R. Cornwall: Can you assure the Council that these figures are purely statistical, Mr President?

The PRESIDENT: I can, and will even refer them to the President!

PARLIAMENTARY LIBRARY RESEARCH SERVICE STATISTICS TABLE 1. RESEARCH REQUESTS RECEIVED

Year	Period Statistics Available	Total Inquiries	Average Monthly Inquiries	% Increase
1982	12 months	465	38.8	3.1
1981	12 months	451	37.6	19.3
1980	12 months	378	31.4	35.5
1979	12 months	279	23.4	—

In 1976, Average Monthly Inquiries was 18.8. The 1982 figure is 106.4% greater.

TABLE 2. INQUIRIES RECEIVED BY MONTH

	1982	1981	1980	1979
January	24	21	21	29
February	41	41	31	23
March	55	37	41	33
April	46	49	40	26
May	36	42	30	27
June	36	45	39	25
July	42	38	39	20
August	41	38	40	21
September	39	45	28	9
October	45	37	23	28
November	23	32	34	31
December	33	26	22	6
	465	451	378	279

TABLE 3. RESEARCH REQUESTS COMPLETED

Time Taken	1982		1981		1980		1979	
	No.	%	No.	%	No.	%	No.	%
Less than 1 hour ...	48	11.2	48	11.5	30	8.5	55	20.0
1 hour to less than 1 day	280	65.4	265	63.2	192	53.5	139	50.0
1 day to less than 1 week	90	21.0	90	21.5	107	30.0	66	23.5
1 week or more ...	10	2.4	16	3.8	29	8.0	19	6.5
	428	100.0	419	100.0	358	100.0	279	100.0

1983

As at 16 September 1983, 310 research requests had been received. Of these 30 are yet to be completed. In addition, one request received between the November 1982 election and the end of 1982 has not been completed. Some action has been taken on most of the outstanding requests.

The number of research requests is less than at the same time last year. However, the number of research answers which took more than 1 week and 1 day to 1 week is already higher than last year's totals. The number of short answers has fallen.

CORRECT DATA ON MEMBERS' USE OF THE RESEARCH SERVICE

	No. of Inquiries	% of Total
Top 5	140	45.2
Top 10	184	59.4
Top 15	216	69.7
Others (54)	94	30.3
Total	310	100.0

Note: A Minister is included in the Top 15.

The PRESIDENT: I hope that I have answered the Hon. Mr Dunn's question satisfactorily. I will be quite happy to take up the further details involved without delaying the Council further.

The Hon. M.B. CAMERON: Is my understanding correct that when the Library research facilities were first instituted it was intended they be used by the Opposition and by Government back-benchers and not by Ministers (and certainly not by the Premier)? If that is correct, can you, Mr President, assure the Council (not necessarily today) that this service is not being used by persons other than those who were expected to use it, and that it is not being used by the Premier or Ministers who have, I think, sufficient staff of their own?

The PRESIDENT: I have no knowledge that the Premier, or his staff, are making use of our research officers. The Premier has his own research staff. That matter refers to misleading information that is contained in that report.

VETERINARY SCIENCE SERVICES

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about veterinary science services.

Leave granted.

The Hon. L.H. DAVIS: Honourable members will recollect that the Institute of Medical and Veterinary Science Bill passed this Parliament 18 months ago in March 1982. It, in part, effected the transfer of veterinary science services from the Institute of Medical and Veterinary Science to the Department of Agriculture. The then shadow Minister of Health, the Hon. Dr Cornwall, said at that time that the Bill was indulging in the most rehashing, interdepartmental cross-breeding exercise to produce a disastrous cross between a mouse and a monster. Will the Minister tell the Council what progress has been made over the past 18 months in implementing the changes resulting from the I.M.V.S. legislation of March 1982 and, in particular, will he comment

on progress made on the transfer of veterinary science services from the I.M.V.S. to the Department of Agriculture?

The Hon. FRANK BLEVINS: I will be happy to obtain a detailed report on this matter for the honourable member.

CRUTCHES

The Hon. R.J. RITSON: Has the Minister of Health an answer to the question I asked on 30 August about crutches?

The Hon. J.R. CORNWALL: A report submitted to me by the South Australian Health Commission indicates that standard adjustable wooden crutches are purchased by public hospitals under a contract let by the Department of Services and Supply at a cost which is in fact less than the approved deposit for chargeable patients. In some cases metal crutches are required, the replacement cost of which exceeds the current deposit rate. Pensioners and disadvantaged persons are issued with crutches, on loan, without a deposit charge. Hospitals are aware of the problem referred to by the honourable member and, where possible, they are increasing the proportion of wooden crutches held for issue to minimise any loss due to non-return.

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 honourable member that I have no answers to those questions, and I ask him to put them on notice for another day.

The Hon. J.C. BURDETT: These questions have been on notice for a considerable time. I am very disappointed that they are not answered because I would have thought that every Minister—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.C. BURDETT: I would have thought—

The PRESIDENT: Order! The Hon. Mr Burdett was asked to place his questions on notice for another day.

The Hon. J.C. BURDETT: Subject to the fact that every Minister should know these answers, I place the questions on the Notice Paper for Tuesday 18 October.

The Hon. Frank Blevins interjecting:

The PRESIDENT: Order! The honourable member has asked that the questions be put on the Notice Paper for another day, so there need be no further debate on this matter.

The Hon. J.C. BURDETT: I ask the Minister of Health Questions on Notice Nos 6 to 9 standing in my name.

The Hon. J.R. CORNWALL: These answers are not yet available and I ask that the honourable member put them on notice for a later date.

The Hon. C.J. SUMNER: The questions are ambiguous.

The Hon. J.C. BURDETT: I will put them on notice for 18 October 1983. If the questions are ambiguous, that will doubtless come out in the answer.

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

The Hon. C.J. SUMNER: Honourable members will not be surprised when I ask the honourable member to place these questions on notice for an appropriate later date.

The Hon. Frank Blevins: The questions are quite improper.

The Hon. J.C. BURDETT: There is nothing improper about these questions, so I am pleased to place them on notice for Tuesday 18 October.

Members interjecting:

The PRESIDENT: Order! I hope that the Minister of Agriculture does not continue interjecting while we are trying to conduct the business of the day because he is out of order and should cease so doing.

The Hon. Frank Blevins: I hope that you, Mr President, say the same to the Liberals, who are sticky beaks—a very unruly lot.

The PRESIDENT: If honourable members do not stop yelling across the floor, we will settle the matter by taking action against one member from each side.

STATE GOVERNMENT INSURANCE COMMISSION

The Hon. M.B. Cameron, on behalf of the Hon. K.T. GRIFFIN (on notice), asked the Attorney-General:

1. What are the arrangements between Australia Post and S.G.I.C. for the sale of S.G.I.C. policies of insurance by Australia Post?

2. What range of S.G.I.C. policies will be handled by Australia Post?

3. Will the sale of policies be arranged through one or more specifically designated officers at each post office?

4. What training will be given to Australia Post officers?

5. What remuneration, commission or other fee will be paid to Australia Post or its officers for handling S.G.I.C. insurance?

6. What will be the liability of Australia Post and its officers when negligent or wrong advice is given to a customer?

7. Because Australia Post is a Commonwealth instrumentality, will it be bound by State legislation such as the Unfair Advertising Act and the Misrepresentation Act in its dealings with the public and customers?

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

1. Australia Post will offer S.G.I.C. household and motor covers, collect S.G.I.C. premiums and assist with completion of life insurance proposals. The contract dates from 4 July and service has been available to the public since 1 September 1983.

2. See 1.

3. Yes, postmasters.

4. All postmasters and relevant Australia Post head office personnel have been thoroughly trained.

5. S.G.I.C. is required to compete in a commercial environment and contracts between S.G.I.C. and others therefore remain confidential.

6. In the unlikely event of a misstatement, S.G.I.C. and Australia Post would honour their undertakings.

7. The contract of both S.G.I.C. and Australia Post at least conforms with, and usually exceeds, the requirements of all relevant legislation.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935. Read a first time.

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

That this Bill be now read a second time.

Section 58 of the Criminal Law Consolidation Act makes it an offence for a person to commit an act of gross indecency with or in the presence of a person under the age of sixteen years or to procure the commission of an act of gross indecency by or in the presence of a person under the age of sixteen years. The Mitchell Committee thought that this

section probably covered the taking of pornographic photographs of a person under the age of sixteen years, but suggested that the section should be amended in order to remove any possible doubt. In 1978 the section was amended by the addition of new provisions dealing with the taking and dissemination of pornographic photographs of children. These amendments provide that a person commits an offence if he takes photographs of a person under the age of sixteen years while that person 'is committing an act of gross indecency or is in an attitude or pose calculated to give indecent prominence to sexual or excretory organs'. The section also prohibits dissemination of such photographs.

In December 1981, and again this year, charges based upon these provisions were dismissed by a magistrate. In dismissing the charge the magistrate made a number of criticisms of the provisions and suggestions for reform. I shall deal briefly with the matters raised by the magistrate. His first criticism is that the Act, as presently framed, is restricted to acts of gross indecency, as distinct from acts of indecency.

The magistrate's second criticism relates to the expression 'indecent prominence to sexual . . . organs'. He suggests that photographs that merely give prominence to sexual organs should attract the operation of the provision. This criticism appears to ignore the fact that there are circumstances in which children's sexual organs might legitimately be photographed—for example, for the purposes of medical case histories. The magistrate's third criticism is that amendments, while dealing with photographs taken of a child in an indecent pose, do not deal with the case where the pose is innocent but the indecency is produced by lens manipulation or other techniques of photographic composition. There is perhaps some force in this objection. There appears, however, to be little force in the magistrate's final criticism that the amendments would permit prosecution of a parent who took a photograph with merely 'humorous intent'. It is questionable whether a parent whose sense of humour extends to the taking of indecent photographs of his children merits sympathetic consideration at law.

The magistrate concluded that there is clearly a need for prohibition of photography of naked children without parental consent for purposes of lust or commercial gain. This suggestion is at once too wide and too narrow. It would allow parents to consent to the photographing of naked children for the purpose of lust or commercial gain. On the other hand, it would catch quite innocent behaviour; for example, a commercial photographer photographing a crowded beach scene where some of the crowd are naked children. Moreover, such a provision would, in relation to material coming into the State from overseas, create insuperable problems in proving lack of parental consent and the purpose for which the photographs were taken.

It should be clearly borne in mind that the 1978 amendments to the Criminal Law Consolidation Act are directed against pornographic material involving children, and the material, the subject of the unsuccessful charges, could not be described as pornographic. Of the 37 photographs the subject of the second charge, 20 were of a girl under sixteen, some fully naked, some partially naked; two were simply facial photographs of a girl aged under sixteen; twelve were photographs of a girl over sixteen, some partially naked, some fully naked—these photographs were taken in the presence of the girl aged under sixteen; and three photographs were of a girl aged over sixteen giving prominence to the pubic area, breast or buttocks—these photos were taken in the presence of the girl aged under sixteen. None of the photographs depicted a child in a pose calculated to give indecent prominence to sexual or excretory organs and consequently did not come within section 58.

The Government has looked closely at the problem of the exploitation of children for the purposes of sexual gratification. In the Government's view, it is unacceptable that children should be made use of for sexual purposes even though this does not involve physical contact with the child which would be an offence under any other provision of the law, or the production of material that is pornographic or indecent by today's standards. Accordingly, the Government proposes that a new section 58a be inserted in the Criminal Law Consolidation Act providing that it shall be an offence if a person, with a view to gratifying his own or some other person's prurient interest, incites or procures the commission by a child of an indecent act, or causes or induces a child to expose any part of his or her body. 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 inserts in the Criminal Law Consolidation Act a new section 58a which provides that it shall be an offence if a person, with a view to gratifying prurient interest (whether of that person or some other person), incites or procures the commission by a child of an indecent act, or causes or induces a child to expose any part of his or her body. The proposed new section provides that such conduct shall constitute an indictable offence punishable, in the case of a first offence, by imprisonment for a term not exceeding two years, or, in the case of a subsequent offence, by imprisonment for a term not exceeding three years. A 'child' is defined for the purposes of the section as being a person under the age of sixteen years.

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

INHERITANCE (FAMILY PROVISION) ACT AMENDMENT BILL

Third reading.

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

That this Bill be now read a third time.

During the second reading debate on this Bill the Hon. Mr Griffin raised some issues which have not been responded to. First, the honourable member referred to an error in the second reading explanation of the Bill. The error was due to the inadvertent omission of some words from the sentence 'She was survived by a brother and a half-sister.' The words 'the issue of' should have been inserted before 'and' prior to 'a half-sister'. The sentence should have read 'She was survived by a brother and the issue of a half-sister.'

I shall explain more fully the situation that has been referred to which gave rise to the proposed legislative amendment. A spinster, intestate and without issue, died in 1980. The Public Trustee administered her estate. The deceased was survived by a full brother and two others, the issue of a deceased half-sister. According to the intestacy provisions of the Administration and Probate Act the estate had to be distributed between these three persons. While the full brother and his family had cared for and maintained the deceased, the children of the half-sister had never had anything to do with the deceased or her brother—the two families whilst sharing the same father had always been separate. The entitlement under a will or intestacy distribution may be varied by the Supreme Court in some cases pursuant to the Inheritance (Family Provision) Act; however,

there was no right for anyone to make a claim for variation on the above facts as there was no relative of the deceased within the class of person who could make such a claim.

Accordingly, the distribution made was correct and there was no right in anyone to seek its variation. If the clause as proposed had been in operation then the full brother could have made a claim for further benefit from the estate of his deceased sister, if he could satisfy the court that he cared for or contributed to the maintenance of the deceased and had been left with inadequate provision for his maintenance, education or advancements in life. I trust that I have adequately answered the honourable member's query.

Bill read a third time and passed.

JOINT COMMITTEE ON PARLIAMENTARY LAW, PRACTICE AND PROCEDURES

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

That the Joint Committee on the Law, Practice and Procedures of the Parliament be authorised to disclose or publish, as it thinks fit, any evidence and documents presented to the Joint Committee prior to such evidence and documents being reported to the Parliament, and that a message be sent to the House of Assembly requesting its concurrence thereto.

Motion carried.

LICENSING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 31 August. Page 630.)

The Hon. J.C. BURDETT: This Bill takes the rather extraordinary step of imposing a moratorium on the grant of late night permits under section 66 (b) of the Licensing Act. It was said in the second reading explanation that this step is being taken because of the proliferation of these permits and pending the completion of a review of the Licensing Act. As was indicated in the second reading explanation, there has been a great proliferation of these permits. I am not sure that legislation, particularly band-aid legislation of this kind, is the answer. Greater scrutiny by the licensing administration and a greater readiness to oppose the permits may have been an answer. The legislation empowers the Superintendent to make application to suspend or cancel the permit, and the court may do this if it is satisfied on the balance of probabilities that the holder of a permit has failed to comply with the section or with a condition of the permit. I am not aware of this power having been invoked—if it has been, it certainly has not been used much and I would have thought that this remedy, already provided in the Act, would have been tried before the rather clumsy method of a moratorium.

This matter is in a fairly small compass and I should have thought that, if there are problems which cannot be overcome administratively, amendments (perhaps imposing tighter conditions or more specific guidelines) could have been designed and that the Act could have been amended in this small area without waiting for the outcome of the review if this is thought to be a matter of urgency.

I have had discussions with and received correspondence from the Australian Hotels Association and the South Australian Restaurant Association. The Australian Hotels Association supports the Bill and expresses concern at the proliferation of late night permits. In fact, it requested a moratorium. The Licensed Restaurant Association opposes the Bill. Its letter states:

Whilst we concede that there are problems being experienced in this area, we do not believe that a moratorium on the issue of

further such permits pending the outcome of the report on this subject to be the solution. Our Association is constantly striving to achieve and to maintain high standards in the areas of hygiene, cuisine, service and premises, and, as such, are completely against the unscrupulous operators who seek to apply their interpretation of these permits to enable themselves to operate, often in premises with inadequate facilities, 'entertainment' venues which do nothing but damage South Australia's image in the eyes of both visitors and discerning local residents.

Even though in this period of difficult economic climate, when many restaurateurs are finding difficulty in surviving, it would be easy for us to see a moratorium as providing the means to restrict further development. We believe that, if a legitimate operator wished to open a quality establishment which met the necessary criteria to obtain a permit, that person should not be precluded from trading. If all properties operating within the guidelines stipulated for these permits adhered to the required standards, then it would be the general public which determined the success, or otherwise, of these establishments.

The Government has indicated that there are problems in the area of late night trading; closing the door—even for a limited period—on development of further facilities in this area will not remedy the existing problems. If there are establishments operating outside the law, then it is the clear responsibility of the relevant authorities to take whatever remedial action is necessary to either bring these into line, or, if necessary, revoke their permit or licence. Perhaps Government should take a closer look at the point of issue of these permits; is there sufficient investigation carried out concerning both premises and the intending operators prior to the permit being issued?

Another area of concern to myself, and to the Tourism and Hospitality Industry Training Committee, of which I am a member of its management committee, is that of knowledge of the Licensing Act and its requirements. Many people enter this industry—and obtain a liquor licence—with little or no previous background experience within the industry. Before a licence is granted, it should be mandatory that the applicant has, at least, sufficient working knowledge of the Liquor Act to apply it to his normal day-to-day trading.

Our thoughts are quite clear; preventing the issue of further permits of this nature will not cause any existing problems to disappear. All this will do is inhibit possible injection of further development funds at a time when the State really needs these. The Government must take immediate action to ensure that holders of existing permits trade within the law, and ensure that all criteria must be met prior to any licence or permit being granted in the future.

I note a rather unsatisfactory matter in the second reading explanation. The Minister of Agriculture, making the second reading explanation on behalf of the Minister, said:

The moratorium will be deemed to have come into effect on 31 August 1983, being the day on which the Bill was introduced in another place.

In fact, the Bill was not introduced in the other place: the Minister of Agriculture had introduced it, for the first time in the Parliament, just a few minutes before he made this rather extraordinary statement. No doubt the Minister was reading from the speech designed for the Minister taking the Bill in the House of Assembly. While it was no doubt a simple mistake, the Council does rely for the background of the Bill on what is in the second reading explanation, and I think it important that the explanation be the one appropriate to this Council.

There is a clear need for late night permits, appropriately determined and properly administered, and I trust that the review of the Licensing Act will come up with the answer. In the meantime, as I have indicated, I do not see the Bill as being a very appropriate answer to the problem. However, it is the method decided on by the Government and it is one way of allaying the fears of some residents close to premises in respect of which late night permits are contemplated. In these circumstances I do not propose to oppose the Bill.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support for the Bill. The honourable member has raised a number of questions and I will attempt to answer them. The fact is that this is a moratorium. It does not pre-empt any decision of the Licen-

ing Act Review Committee. No doubt the review will address itself to the question of late night permits and I, like the honourable member, hope that a solution is proposed in the review that will be satisfactory to all parties and in particular to Parliament.

The Hon. M.B. Cameron: If not, where do you go then?

The Hon. C.J. SUMNER: Obviously, if the review recommends something that is not satisfactory to the Government and to the Parliament we will have to reconsider the question, but it was felt by some sections of the industry—in particular, the hotel section—that the granting of late night permits as had been occurring was to some extent pre-empting what the review might determine in this area and that the review could be seen as only shutting the gate after the horse had bolted.

Mr Young, who is carrying out the review, was of the opinion that there was some justification in that allegation, and therefore supported the moratorium provisions which are in this Bill. So, I hope that the issue can be satisfactorily resolved. It is not an easy question, but I believe that the resolution of it should await the determination of the Licensing Act review team. I will ask that progress be reported after clause 1 of the Bill has been dealt with and I will obtain any additional comments that the member may require, based on his second reading contribution.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 September. Page 760.)

The Hon. J.C. BURDETT: I cannot support the second reading of this Bill. This Government came to office under false pretences. It offered an attractive package of additional services to the electors, but said that it would achieve these without increasing existing taxation or imposing any new tax. It has flagrantly broken this promise; it has imposed new taxes (for example, the financial institutions tax).

In this Bill it is proposed to increase the licence fee in respect of the granting of licences. The second reading explanation is a very cursory explanation of this important and wide-ranging measure, and I would have thought that the Council was entitled to a full explanation. The explanation says that the licence fee is to be fixed at 12 per cent. It does not say in the body of the explanation what it was increased from, and I think it should have: it was increased from 9 per cent. This is not simply a 33½ per cent increase because of the actions of the Federal Labor Government in increasing its taxes.

The licence fee is quite properly assessed on the value of purchases after tax, and the net result of the inordinate increase of State and Federal taxes in their respective Budgets means that the South Australian licence fee will increase by over 40 per cent. This is an enormous increase in regard to an already highly taxed commodity. Had the Liberal Government remained in office there would have been a consolidated deficit on last year's activities of about \$38.6 million, largely as a result of the cost of the natural disasters and increased wage and salary increases, which could not have been taken into account or assessed in advanced by the previous Government.

The accumulated deficit carried forward into this financial year would have been about \$44.7 million. Liquor licence fees, like tobacco franchise fees, petrol franchise fees, stamp duty on general insurance, and so on, would not have been

imposed. Had the Liberal Government remained in power, in this financial year the result would have been a surplus for the year's activities on the Consolidated Account of just over \$3 million, reducing the accumulated deficit to 30 June 1984 from the \$44.7 million that a Liberal Government would have carried forward into this year to \$41.5 million. That is \$26.6 million less than the result estimated by this Government—a \$26.6 million reduction in the deficit through prudent responsible Liberal Government policies, and without the massive tax hike.

The increase in the price of liquor brought about by the increase in licence fees, I suggest, will bring about a reduction in the sale of liquor. It has been said in the past that increases in the price of liquor have led to lower sales for a short period but that sales have then levelled out. I suggest that the price of liquor has escalated to a point where, especially in the current economic climate, further considerable increases will lead to permanent loss of sales and therefore unemployment in the liquor industry—something which we need like a hole in the head right now. Therefore, I cannot support the second reading.

The Hon. FRANK BLEVINS (Minister of Agriculture): Responding to the second reading debate, I thank those members who have contributed. I want to say on behalf of the Government that it does not give the Government any pleasure at all to increase charges of this nature. However, despite the speech just given by the Hon. Mr Burdett in which he attempted to outline what would have been the financial position of the State had the Liberal Party won the last election, and whilst it sounded all very well, a better indication of what would have happened is what happened during the three years of Liberal Government. The figures are quite clear: the previous Government did not pay its way. It got more and more into debt, with larger and larger deficits, and left us with the problem that we have today.

It is not just this Government which is saying that. I remind honourable members of the statements made in particular by the Hon. Mr DeGaris during the three years of the previous Liberal Government, when he explained how the Government was spending more than it was raising and the inevitable consequences of that. One of the inevitable consequences is this Bill. As I said, it gives the Government no pleasure to do this, but it would be completely irresponsible of us not to raise charges of this nature when we have such a very large deficit left over from the previous Government.

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

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 September. Page 760.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition opposes this Bill, which is one of the worst things that the Government could have done following the disasters that occurred earlier this year in this State. I cannot believe that the Government could be so insensitive and apply a 33½ per cent increase in the tax on insurance policies. Clearly, it is a tax on disaster because it is directly related to insurance policies. If ever there is a time when we need to persuade people to insure, it is after the events of earlier this year in this State.

Without doubt, this increased taxation is a disincentive for people to insure. It is indeed a large tax on people who do insure. It relates only to the people who take out insurance, so that the people who do not insure, the people in South

Australia who have been provided with enormous assistance (as the Minister knows), will benefit, while the people who do insure will be penalised further for taking the proper steps to protect their properties. Further penalties will be applied through the increase of 33½ per cent on the tax applied to insurance because it is important that we try to persuade people to insure.

I know that the Minister will carry on about how the Government was left with this dreadful deficit and that it must do something about it. What an insensitive way to try to remedy the supposed problem. What the Minister will not say is that since he and his Government came to office they have increased the State's deficit. Everyone knew that there would be a deficit; it was well known. The Minister's Government when in Opposition made the clear point that it was the best informed Opposition in Australia. I do not doubt that that was the case—it had plenty of information available to it, and to pretend now that it did not know the financial situation is a load of codswallop.

Even in regard to the transfers from capital to revenue, about which the Attorney carries on *ad infinitum*, the then Opposition knew what was the case. When in Opposition the present Attorney made a great play on this and knew exactly what was the situation. Now he tries to pretend that it is something new—something that he suddenly found out the day he got into Government. That is a load of nonsense, and the Minister of Agriculture, who is a sensible man, knows that.

The Minister of Agriculture is a very honest man, and the Opposition appreciates the attitude that he takes towards matters: he is straightforward, and it would give me much pleasure and reinforce my belief if he were to say, 'Yes, we knew what the financial situation was and we know that we exacerbated it from the minute we got into office by increasing expenditure, by over-running expenditure by \$26 million; we put on the pay-roll people who were not necessary. We took steps that continued to exacerbate the financial situation and now we have come to the point of having to pay for our foolishness.' What the Minister and his Government have done is take on people who are careful, people who take the trouble to protect their property through insurance.

This tax increase is one of the worst measures, amongst the many, that we have seen from this Government—a Government, which, I must say, even though it knew exactly what was the financial situation before the election, made promises that it knew it would not keep. It said, 'We will not apply any new taxes or increase existing taxes, and we will not use State taxes as a means of backdoor taxation.' If the Minister thinks that he can tell this Council that that is not so, that it is all our fault, that it will not make any difference to us at all, he has another think coming, because the Opposition will continue to remind the people of South Australia that they were misled.

The Opposition will continue to remind the people that there was false advertising by this Government before the last election, and our reminders will go on for the next three years. Every time the Government brings in a tax measure, we will remind the people of the Government's deceit. In this case, it is even worse than the normal deceit, because it is taking on people who have already suffered.

There are some difficult situations now, as the Minister knows, and people will have to insure more in certain farming areas of the State. I think that most accept that. Most people would accept now that they cannot expect the State to cover for the neglect of individuals. I say that carefully because I do not want to cause more heartache to people than they have already experienced, but it is essential that people are persuaded that protection is important.

People will have to face up to the fact that insurance companies will have to look quite properly at the way in which they apply their premiums and the amounts that they apply. It is likely that there will be an increase in premiums in many areas because of the large losses suffered by insurance companies. Of course, that will depend on the outcome of proceedings that are now taking place, and I do not want to pre-empt those discussions. However, it is likely that there will be a revision of attitude towards some rural insurance. While this is proceeding and a re-adjustment is going on, the Opposition believes that this is a very insensitive move to make in order merely to raise the amount of money that is needed in this case to pay for the additional teachers that we all know are not necessary. The Opposition opposes the Bill.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank honourable members for their contributions. Particularly, I thank the Hon. Mr Cameron for the very kind words that he said about me. However, the honourable member did go a little far when he wanted me to mislead Parliament and say that the Liberal Government left this State in a strong financial position.

What we did know was that the State's financial situation was bad. However, we did not know just how bad it was (and it was very bad—indeed, much worse than we could possibly have imagined). The Hon. Mr Cameron says that this is a bad tax, but I have never heard anybody suggest that any tax is a good tax—there are only varying degrees of bad taxes. There are, so far as I know, no taxes which would be universally held to be good taxes. There is always somebody complaining about taxes. The Hon. Mr Burdett complained a few moments ago about increased tax measures in the previous Bill and now there is a complaint that the cost of insurance will rise as a result of this measure. People who drink but do not buy insurance may not be worried by a tax on insurance premiums, and vice versa.

The Hon. R.I. Lucas: Some insurance is compulsory.

The Hon. FRANK BLEVINS: That remark contributes nothing. This is part of the Government's financial package, but not a part that particularly pleases us. However, it is necessary that we have this legislation, despite the reservations expressed by the Opposition. I do not believe that there is anything wrong in expressing such reservations, but I do expect this Council to pass this legislation, which is an integral part of the Government's financial policy for the operation of this State.

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

LEGAL SERVICES COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 14 September. Page 820.)

The Hon. J.C. BURDETT: The Opposition supports the second reading of this Bill, which deals with three matters, two of which have been sought by the Law Society. There is difficulty in obtaining suitable legal practitioners to serve on the Legal Services Commission as potential candidates for a vacancy have expressed reservations about accepting an appointment because they or their firms have in the past or may in the future receive assignments from the Legal Services Commission to act for recipients of legal aid.

The Bill provides that a member of the Commission who is directly or indirectly interested in a transaction 'entered into by, or in the contemplation of, the Commission' is required to disclose that interest to the Commission'. How-

ever, where a member, employee or partner of the Commission receives an assignment to provide legal assistance made in the ordinary course of the business of the Commission and in accordance with its normal criteria a disclosure is not required. Supplementary to this is an amendment that such a person shall not exercise or participate in a decision to exercise any power or function which relates to that particular assignment.

The second issue relates to the composition of the Legal Services Commission in the event of an appeal being made by a person applying for legal aid who is refused legal aid by the Director of the Commission. There is a right of appeal in these circumstances to the full Legal Services Commission. However, it is not always possible to have all five members of the Commission present for such an appeal. The Bill provides for three members of the Commission to constitute a quorum for the purposes of such an appeal.

The third provision of the Bill provides for access to be given by an inspector appointed under the Legal Practitioners Act in respect of the conduct of a practitioner to have access to all records and papers of the practitioner (including trust account) in respect of that particular client where that client has been assigned by the Legal Services Commission. Presently, the Legal Services Commission Act places an embargo on any person obtaining that information other than the Commission and the legal practitioner who is assigned to act for that person. It is important in respect of the investigation of the activities of a suspected defaulting legal practitioner to have access to legal aid information in respect of that legal practitioner's activities where they relate to legal aid assignments. In each of the three instances it is appropriate for the Liberal Party to support the Bill.

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

SUPREME COURT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 14 September. Page 821.)

The Hon. J.C. BURDETT: This Bill is a short one concerning technical matters, and the Opposition supports it.

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

LOTTERY AND GAMING ACT AMENDMENT BILL

In Committee.
(Continued from 14 September. Page 822.)

Clause 2—'Repeal.'

The Hon. C.J. SUMNER: I ask that progress be reported. Progress reported; Committee to sit again.

JOINT HOUSE COMMITTEE

The House of Assembly intimated that it had appointed Mr K.C. Hamilton to fill the vacancy on the Committee caused by the resignation of Mr K.H. Plunkett.

QUESTION ON NOTICE

GOVERNMENT EMPLOYEES

The Hon. M.B. Cameron, on behalf of the Hon. K.T. GRIFFIN (on notice), asked the Attorney-General:

1. What were the numbers of public servants in each Government department as at 30 June 1982 and 30 June 1983, respectively?

2. What were the numbers of teachers in the State education system as at 30 June 1982 and 30 June 1983, respectively?

3. What were the numbers of daily paid and weekly paid employees, respectively, in each Government department as at 30 June 1982 and 30 June 1983, respectively?

4. What were the numbers of employees in the Health Commission as at 30 June 1982 and 30 June 1983, respectively?

The Hon. C.J. SUMNER: I seek leave to have the reply incorporated in *Hansard*, without my reading it, as it is primarily of a statistical nature. Honourable members will realise the enormous amount of time and effort that has gone into the preparation of this very comprehensive reply.

Leave granted.

1.

PUBLIC SERVICE ACT EMPLOYEES (FULL-TIME EQUIVALENT) IN DEPARTMENTS, JUNE 1983 (PRELIMINARY) AND JUNE 1982

	June 1983 (Preliminary)	June 1982
Agriculture*	885.2	779.2
Arts	90.5	86.6
Attorney-General's	157	156
Auditor-General's	93	93
Community Welfare	1 093.4	1 081.2
Corporate Affairs	81	81
Correctional Services	623.4	612
Courts	421.3	413.9
Education	825.6	831.5
Electoral	14	15
E. & W.S.	1 587	1 621
Environment and Planning	455.3	469.3
Fisheries	87.4	79.4
Highways	978	951
Labour	290.2	278.5
Lands	845	855.5
Local Government*	270.1	300.1
Marine and Harbors	279.7	271
Mines and Energy	287.5	280
Police	374.8	366.6
Premier and Cabinet*	94.4	86.5
Public Buildings*	898.6	937.5
Public and Consumer Affairs*	408.5	378
Public Service Board	163	161
Recreation and Sport*	52	—
Services and Supply*	598.2	547.1
State Development*	58	50.5
Technical and Further Education	478.6	452.7
Tourism	104.6	102.6
Transport*	496.4	558.1
Treasury	205.7	202
Woods and Forests	242.8	249.5
TOTAL*	13 540.2	13 347.3

* Affected by transfers of functions and changes in coverage of employment in Departments.

2. As at 30 June 1982 there were 15 102; as at 30 June 1983 there were 15 105.5.

3. DAILY WEEKLY PAID EMPLOYEES (FULL-TIME EQUIVALENT) IN DEPARTMENTS, JUNE 1983 (PRELIMINARY) AND JUNE 1982

	June 1983 (Preliminary)	June 1982
Agriculture*	200.2	198
Arts	48	40
Attorney-General's	—	1
Auditor-General's	—	—
Community Welfare	176.3	178.7
Corporate Affairs	—	—
Correctional Services	2	2
Courts	8	1
Education	474	452.2
Electoral	—	0.8
E. & W.S.	3 400	3 465
Environment and Planning	187.1	197.4
Fisheries	3	5
Highways	1 735	1 587
Labour	4.7	6
Lands	44.5	54.5
Local Government*	79.8	108.3
Marine and Harbors	562	576
Mines and Energy	135.5	144.4
Police	76	75
Premier and Cabinet	1	1
Public Buildings*	1 348	1 482
Public and Consumer Affairs	4	4
Public Service Board	—	—
Recreation and Sport*	9	—
Services and Supply	119	151
State Development*	1	0.7
Technical and Further Education	409.5	385.4
Tourism	2	2
Transport*	53.3	67
Treasury	—	—
Woods and Forests	1 270.3	1 102
TOTAL*	10 353.2	10 287.4

* Affected by transfers of functions and changes in coverage of employment in Departments.

4. South Australian Health Commission employees 30 June 1982 and 30 June 1983.

30 June 1982—19 857.0 full-time equivalents

30 June 1983—20 032.3 full-time equivalents

It should be noted that it has been necessary to make three adjustments to the 30 June 1982 figure of 19 696.3 shown in previous reports:

(a) a net adjustment of -45.4 made in late 1982 reflecting the total of a number of subsequent minor amendments advised by health units after their June 1982 reports.

(b) an adjustment of +300 made in August 1983 to compensate for under-reporting as at 30 June 1982 caused by a fault in a new computing programme.

(c) an adjustment of -93.9 made in August 1983 to eliminate the double-counting of several small units in June 1982. This error was discovered in a major review of manpower numbers carried out at the direction of the Minister.

ADJOURNMENT

At 4.16 p.m. the Council adjourned until Wednesday 21 September at 2.15 p.m.