LEGISLATIVE COUNCIL

Thursday 6 December 1984

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

EQUAL OPPORTUNITY BILL

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

That Standing Orders be so far suspended as to enable the conference on the Bill to continue during the sittings of the Council.

Motion carried.

HILLCREST SECURITY HOSPITAL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Hillcrest Security Hospital.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Police Pensions Fund—Report, 1983-84.

Public Service Board of South Australia—Report, 1983-84.

S.A. Metropolitan Fire Service Superannuation Fund—Report to Members, 1983-84.

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

Pursuant to Statute—

Planning Act, 1982—

Crown Development Reports by S.A. Planning Commission on proposed—

Child Care Centre, Diagonal Road, Sturt.

Transportable Classroom, Flinders View Primary School.

S.A. Health Commission—Report, 1983-84.

S.A. Local Government Grants Commission—Report, 1984.

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

By Command—

State Transport Authority—New Ticketing System Assessment by the Ministery for technology.

S.A. Council on Technological Change—Technological Aids for the Handicapped.

Pursuant to Statute—

Department of Mines and Energy—Report, 1983-84.

Director-General of Technical and Further Education—Report, 1983.

S.A. Institute of Technology—Summary of Annual Reports, 1979-82.

Road Traffic Act, 1961—Random Breath Testing—Report by Commissioner of Police.

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

Pursuant to Statute—

Department of Fisheries—Report, 1983-84.

QUESTIONS

BIGAMY

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation prior to asking the Attorney-General a question on bigamy.

Leave granted.

The Hon. K.T. GRIFFIN: In the *Advertiser* of Tuesday of this week was an report of a court case involving one Bruce Lawrence Phillips of Auburn who had pleaded guilty in the Adelaide Magistrates Court to one count of bigamy and one count of having made a false statement under the Marriage Act at the Adelaide Registry Office on 5 February last year. Apparently he had been married and subsequently went through a second ceremony of marriage with another woman.

When the matter came on for sentencing before Judge Moran the penalty imposed was a fine of $200 and a two year good behaviour bond. Judge Moran is reported to have made the statement that the defendant had behaved 'rather stupidly'. He then urged the defendant to go ahead with a divorce so that he could, in fact, marry the second woman. Under the Criminal Law Consolidation Act the penalty for bigamy, about which we do not hear so much these days, is four years for the first offence and, I think, 10 years for a second and subsequent offence. It is a rather serious offence and on the facts as reported I am somewhat surprised that there should only be a fairly nominal fine and a fairly nominal bond imposed. In light of the report, will the Attorney-General indicate whether or not he has had any advice in respect of a possible appeal in relation to this matter and, if he has, what is the nature of that advice, and, if he has not, will he obtain that advice?

The Hon. C.J. SUMNER: I have not seen any advice on this topic. In light of the honourable member's raising the matter, I will seek the information he requires and give consideration to the matter.

ETHNIC CULTURES

The Hon. C.M. HILL: Will the Minister of Ethnic Affairs say whether any exchange programmes have been finalised by the present Government to honour its 1982 election promise? That promise was to:

. . . assist artistic, cultural and other activities designed to promote languages and cultures of ethnic communities and to foster understanding and appreciation of them including exchange programmes.

The Hon. C.J. SUMNER: A number of things have happened in this general area, as the honourable member knows. Assistance has been given by the Ethnic Affairs Commission, for instance, to the Croatian Day Festival and to the Vukovi Dani Festival, both of which the honourable member attended.

The Hon. C.M. Hill: I am talking about exchange programmes.

The Hon. C.J. SUMNER: I know what the honourable member is talking about. They involved cultural events from Yugoslavia. Assistance was provided for the holding of those festivals in South Australia. Further assistance was provided to enable two Italian folkloric groups from Sardinia and Sicily (they had participated in the Italian festival and conference organised by the Victorian Government for Melbourne with some of the regions of Italy) to come to Adelaide and perform in the Adelaide Town Hall.

Assistance was also provided to enable people to attend that conference in Melbourne on multi-culturalism organised by the Victorian Government and involving people from Australia, Italo-Australians and people from regions of Italy. That was not a direct exchange programme, but is certainly support for artistic and cultural events that have a component from the country of origin of many of our migrants. I think that that clearly falls within the general tenor of the statement that the honourable member has read from the commitment that was given. The commitment, as I recollect it, was to assist artistic and cultural events. That, as I have said, has been done through the Ethnic Affairs Commission on some occasions. I hope, particularly in relation to the Italian

Festival and exchange, or at least support for artists from Italy, that more can be done in this regard.

As the honourable member knows, the Italian co-ordinating committee runs a festival each year. It was hoped that we could benefit from the artists who attended from Italy for the conference and festival in Melbourne that occurred a month or so ago. While two folkloric groups came from Italy via Melbourne to Adelaide, it was not as many as had been hoped would be able to be organised, but that was for reasons of communication between Adelaide, Melbourne and Italy, and the problems of getting it all co-ordinated. I would hope that there is scope for improvement in getting to Adelaide groups that might come to other States from countries from which many of our migrants have come. So, there is some example of what is being done.

On the question of exchange programmes generally, I had, during my visit to Italy, Yugoslavia, Greece and Cyprus in particular, discussions about the particular teacher exchange programme. Unfortunately, with respect to the Italian Government, not a great deal of progress is being made. I have been interested in this matter since 1977 when I first discussed the possibility of a teacher exchange scheme with the Under Secretary for Foreign Affairs in the immigration area in Rome. The Government has more recently, following my visit earlier this year to Italy, presented a detailed proposal to the Italian Government for a thorough teacher exchange scheme between South Australia and Italy, and we are still awaiting a response from the Italian Government on it.

With respect to Yugoslavia, there is an exchange arrangement that operates with the Victorian Government, and Professor Maricic from Croatia has been in Victoria for the past two years, I think from the Zagreb University. He has been involved in the teaching of the Croatian language in Victorian schools and in some inservice training and curricula development in that language in Victoria. He came to South Australia at the Government's request following my discussions in Zagreb some months ago and it is proposed for South Australia next year that someone come from Croatia and provide courses for teachers, and courses through the TAFE sector in Croatian/Serbian that would extend over a 30-week period. The Education Department is now charged with the responsibility of developing a more definite proposal on the topic and I think there is some chance of that being realised.

With respect to the Greek Government, I had discussions with the Minister of the Arts in Greece, Mrs Mercouri, and raised the question of the Adelaide Festival of Arts and the Jubilee 150 with her. I raised the possible appearance of the Greek National Theatre and the Alexander the Great discoveries, which have been exhibited overseas, particularly America. This exhibition is of considerable interest to the local community and shows finds from what is generally considered to be the tomb of Philip II, the Father of Alexander the Great, at Vergina. If that exhibition could be obtained from Greece it would be a major artistic event for South Australia. Mrs Mercouri was of the view that that particular exhibition had already spent sufficient time out of Greece since it was set up and she did not feel that there was any immediate prospect of it being permitted. Nevertheless, I think that there are negotiations on that proceeding, in particular in relation to the Australian bicentenary.

As I say, there were general discussions about the possibility of cultural and artistic exchange with the Greek Government. On the question of teacher exchange, a teacher from Greece will be sent to Australia next year. That teacher will be attached to the Greek Consulate here and will be available to teach in South Australian schools. The South Australian Education Department has sought applications from South Australian teachers to select a teacher to go to Greece, I think from August next year. In principle, that arrangement has been agreed and I hope it can be further pursued.

It is not easy to negotiate agreements with overseas countries on all occasions: a lot of work has to be done in order to get the sort of programming that I have mentioned. Nevertheless, the Government believes it is important that we continue to press for these sorts of exchange arrangements, whether it be teachers or other cultural or artistic events. In the light of what I have outlined, we will continue our efforts in that regard.

COURSES FOR NURSES

The Hon. DIANA LAIDLAW: I seek leave to make a short explanation before asking the Minister of Health a question about refresher courses for nurses.

Leave granted.

The Hon. DIANA LAIDLAW: On 30 October I asked the Minister a series of questions about an agreement that has been reached between the Government and the Nursing Federation to proceed with a 38-hour week. In response, the Minister indicated that this agreement would require the recruitment of an additional 430 to 450 nurses. I understand it was anticipated that the agreement would come into operation on 3 December. The Minister also indicated that there are about 9 500 nurses on the register in South Australia who are currently not working in their profession.

To ensure that the agreement is successful, the Minister indicated that it would be necessary, among other things, to provide sufficiently expanded child care facilities and refresher courses for nurses. He further indicated that plans were well advanced in relation to these additional refresher courses. Can the Minister say whether agreement has been reached in regard to the funding of these additional courses, how many places will be available in those courses, and whether the courses will be available in country areas as well as in the metropolitan area?

The Hon. J.R. CORNWALL: I have been defeated by time, I am afraid. I had hoped that the Hon. Ms Levy would have asked me a series of questions on this matter today for which I would have had instant replies not only in my head but also in my Parliamentary bag. Unfortunately, we are a week out of time.

The Hon. C.M. Hill: A Dorothy Dixer.

The Hon. J.R. CORNWALL: It would have been a significant response by a responsible Minister in a matter of considerable moment.

The Hon. Frank Blevins interjecting:

The Hon. J.R. CORNWALL: Yes, to a diligent friend and colleague. In the event, I do not have all the details that I would like to have had in my head, or in my Parliamentary bag. However, with regard to hospital-based child care centres, plans are well advanced in relation to the existing child care facilities (which were established this year) at Flinders Medical Centre. The programme and the establishment of hospital-based child care facilities at the Royal Adelaide Hospital are being finalised at the moment, and they will be provided soon. Negotiations are continuing with the Queen Elizabeth Hospital in this area; in the very near future there will be expanded facilities for child care at Flinders; and there will be facilities for child care, which, from memory, will cater for about 40 children on a 24-hour basis, at the Royal Adelaide Hospital.

I would not be held to that figure, but it is of that order. As I said, negotiations are proceeding at the Queen Elizabeth Hospital as to where the facilities can be put physically, who will find the funding and so forth. The two refresher

courses of which I have been apprised very recently are at the Royal Adelaide Hospital and the Queen Elizabeth Hospital. Again, I cannot provide the honourable member with the details, but it has been agreed that additional funding will be made available to employ an extra nurse educator at both the Royal Adelaide Hospital and the Queen Elizabeth Hospital and that refresher courses will be conducted specifically for additional numbers of registered or qualified nurses wishing to rejoin the workforce from a fairly early period next year. I regret that I do not have the final details on that.

A meeting on Monday was convened by Miss Judith Porter, who is the Principal Nursing Officer in the Health Commission as well as the Chairperson of the Nurses Board, and some final arrangements would have been made at that time. In my spare time in the past 24 hours I sent off a piece of paper asking for details of that meeting, but I have not got them, regrettably.

Yes, we are actively involved at this moment in finalising plans for the provision of child care and hospital-based refresher courses at those two hospitals. I have not got details at this time of the country and tertiary-based refresher courses for nurses but it was certainly intended that they would be conducted at places like the new North-West Nurse Education Centre at Whyalla and at Mount Gambier, to name two, and that those plans would be actively pursued early in 1985.

SUPERANNUATION PAYOUTS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General a question about superannuation payouts.

Leave granted.

The Hon. ANNE LEVY: We all know that there has been discussion in the press recently regarding superannuation payouts for people who leave this Parliament. However, this is not the only example, by any means, of superannuation payouts. Members of the Council may not know that not long ago a national superannuation scheme was set up for all universities in Australia. Adelaide and Flinders Universities have decided to join the national scheme. This means that any new employees eligible for superannuation at those universities will have to join it. Current employees at the universities have the choice of either changing to the national scheme or remaining with the existing scheme. Those who decide to change to the national scheme have the option of transferring their entitlements in the existing scheme to the national scheme so that it is as if their service paid for to the national scheme started at the time they first joined the university staff or, alternatively, of taking a lump sum now representing their accrued superannuation benefits in the existing scheme and joining the national scheme as from 1 January as if that was the first date of their employment.

The numbers choosing these three different options are not yet known, but it is known that between 45 per cent and 50 per cent of the academic staff and a larger percentage of the general staff are opting to take a lump sum payment here and now and join the national scheme as from 1 January, as if they were starting their employment then.

I should point out that these people are not even changing their employment: they are continuing in exactly the same job for exactly the same employer, yet they are eligible to receive a large lump sum, either now or in a few weeks time, and join the new scheme as from 1 January with no credits. Certainly, many people are choosing this option. Furthermore, it may be of interest to the Council to know that the people who have taken this option and who are receiving very large lump sums are seeking advice as to how best they should deal with the large lump sums that they are receiving. They have had lectures at the university as to the best way of dealing with these lump sums including, I am told, a lecture from the Hon. Legh Davis, who has been at the university helping people decide what to do with the large lump sum which they receive as a superannuation payout.

Can the Leader of the Government say whether in any review or discussions regarding the superannuation provisions for members of Parliament these other provisions for superannuation payouts being received by large numbers of people in the South Australian community should be considered?

The Hon. C.J. SUMNER: The Hon. Anne Levy has advertised Mr Davis's services in this area. I am not sure whether she has held him out to be a fit and proper person to provide this advice or whether she considers he is suitably qualified to provide this advice. I suppose that I really need to carry out a thorough investigation into the allegations made by the Hon. Ms Levy, which would seem to place the Hon. Mr Davis in a slightly invidious position in view of his apparent comments about certain other payments of superannuation taken by certain other people in recent times.

HEALTH COMMISSION ADVERTISING

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

Leave granted.

The Hon. R.I. LUCAS: Since August this year I have asked a series of questions of the Minister of Health on the subject of Health Commission advertising and, in particular, the decision by the Commission to appoint an unaccredited advertising agent in place of an accredited agency in January this year. I must say that I had suspicions all along about some of the replies that I had been receiving from the Minister but, after the reply that I received yesterday to a Question on Notice, I am convinced that there is something decidedly fishy about the Minister's replies on this subject. For three to four months the Minister, as I have indicated, has been twisting and turning, and evading answering a number of questions on this matter. In particular I asked:

> Were there any discussions between officers of the Health Commission and the successful applicant prior to his resigning from the previous advertising agency that conducted the Health Commission advertising?

There has been no response over three to four months to that question. That raises significant questions of possible collusion. Secondly, there were a series of questions on the financial arrangements that have been entered into between the Health Commission and the unaccredited advertising agent who now has the Health Commission advertising budget of about $500 000 per annum.

However, the specific matter that I want to raise relates to a comparison of two replies that the Minister gave in this Council to the question of when the unaccredited advertising agent was appointed. On 18 September the Minister responded to the question of when the decision was taken to appoint the unaccredited advertising agent. The Minister said, in reply, '10 January 1984'. There was a response to the question:

> On what date was the decision taken to change the previous advertising agency?

And the reply was:

> A recommendation to terminate the engagement of the advertising agency retained by Health Promotion Services was approved by the Director, Health Promotion Services, on 16 December

1983. The agency was formally advised by a letter dated 21 January 1984.

The day before yesterday I received responses to further questions to the Minister on this matter. The questions were:

Did any advertising agencies other than the successful applicant make presentations to officers of the Health Commission for the Health Commission advertising account?

The answer was:

Yes, two other advertising agencies.

That is fine as far as it goes. The second question was:

On what dates were those presentations made to the Health Commission?

The reply was 'Thursday 12 April 1984'. What the Minister is conceding (and perhaps he had not checked his earlier response) is that two advertising agencies made formal presentations to the Health Commission for the Health Commission advertising account in April this year, some three to four months after an advertising agency service had been terminated and an unaccredited advertising agent had been appointed.

Those members who are aware of the advertising agency industry would know that a formal presentation to a client such as the Health Commission (which has, as I said, an advertising budget of $500 000) involves considerable time, effort, and money. I am advised that the agencies were told by the Health Commission that the previous agency had had its services terminated but that no agency had been appointed in their stead—that is, the account was open. I have also been told that it would be ludicrous for an advertising agency to go through the process, as I said, of spending time, effort, and money on presenting a presentation if it was aware that three or four months ago the position had already been filled by an unaccredited advertising agent or even an advertising agency for that matter.

As I said, there is certainly something decidedly fishy about the Minister's replies in this matter. Quite simply, my question to the Minister is: why were two advertising agencies making formal presentations to the Health Commission for the Health Commission advertising account in April this year when on 10 January this year the Health Commission had already appointed an unaccredited advertising agent to undertake Health Commission advertising?

The Hon. J.R. CORNWALL: I am sure that young Mr Lucas would recall in great detail that when he first raised the matter of the advertising agency and Mr Toby Ralph (whom he named in this place) I said at that time that I had no idea, that it had not been drawn to my attention. That was absolutely accurate at that time. If the honourable member thinks that he is on to another Watergate or sausagegate or something else, that is just not so. I had been concerned about the Health Promotion Unit and its operations ever since I became Minister of Health.

The unit was set up under the previous Administration, the previous Minister, and a previous Chairman, and it has now been in place for about four years. It had been described to me at one stage as a loose canon. It was set up to act in an entrepreneurial way and to have a deal of freedom (I suppose is the best way to put it) consistent with its working under the rules that are acceptable in the normal conduct of Public Service affairs. I think it is fair to say that because of its entrepreneurial role it sometimes tended to move outside the parameters, which I now know. I am sure that members will recall that I was concerned enough to ask Professor Kerr-White, a world authority on preventive health, to come from the United States and Mr Ron Hicks, a very senior and well known New South Wales journalist with experience in health promotion, to come to South Australia in the middle of November. They acted as a two man review team, and I met with them when they were here, from memory, two or three times. They have now provided me with an interim report, which shows that I was quite right to be dissatisfied with some areas of administration and policy. Actions are already in train to ensure that the most senior officers in the Commission get their hands on.

The young Mr Lucas consistently refers to the Health Commission account. In fact, it was the account of the Health Promotion Unit: it is not the Health Commission account in the sense of the Commission's having a very large account. However, operational, administration and policy issues have certainly been raised.

The Hon. R.I. Lucas: And a cover up.

The Hon. J.R. CORNWALL: That is quite stupid. There has been no cover up at all. As I said when the matter was first raised in the Council, I was quite unaware of the specific issues raised by the Hon. Mr Lucas.

The Hon. R.I. Lucas: That is why I raised them.

The Hon. J.R. CORNWALL: And I thank the honourable member for that, but if he thinks that he is on some sort of smell of—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: I have told the honourable member: I will go through it again if he likes, since he asks what I have done about it. I set up a two man review—Professor Kerr-White, a world authority, and Mr Ron Hicks, a very senior journalist on the Australian scene—who gave me an interim report, and I have already started to put in place a number of measures in regard to both administration and policy to ensure that the Health Promotion Unit which was established by Mrs Adamson when she was Minister of Health under the Liberal Administration is brought into more formal lines of accountability within the Health Commission.

The Hon. R.I. Lucas: Have you spoken to the officers?

The Hon. J.R. CORNWALL: I have certainly spoken to Professor Kerr White, to Ron Hicks and, on a number of occasions, to the Chairman of the South Australian Health Commission. On a number of occasions I have spoken to the Deputy Chairman of the South Australian Health Commission, amongst others.

The Hon. R.I. Lucas: Have you spoken to the officers?

The Hon. J.R. CORNWALL: I do not know what the honourable member means. Maybe he could ask a supplementary question.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: No, I have not.

The Hon. R.I. Lucas: You believe they are wrong, but you have not spoken to them.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I have brought two of the most competent people in the world to South Australia to review the operations of the unit. Young Mr Lucas suggests on top of that that I should personally get on a big white horse and go charging down to the State Bank in Rundle Mall with a lance in my hand.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: In those cases, as the Hon. Mr Davis interrupts, in Port Pirie we have a magnificant world class rehabilitation and decontamination programme underway. Port Augusta is a model for provincial hospitals around Australia as a result of my intervention. The Children's Hospital is now an incorporated hospital under the South Australian Health Commission Act with a new constitution and a new very efficient board with additional funding of the order of $1.5 million to upgrade the services that were deficient when I inherited the portfolio from the previous Liberal Administration. Perhaps we could talk about the Julia Farr Centre also.

The Hon. R.I. Lucas: So, it was wrong?

The Hon. J.R. CORNWALL: I have provided details of what they were doing. It was erratic, indeed, and I am concerned about it. I have asked the Chairman and Deputy Chairman of the Health Commission to take a series of important steps to reorganise lines of accountability to ensure that such things will never happen again. Let us be clear about that.

I am not the sort that mucks about or covers up—that is too silly for words. If there is one thing I am well known for, it is going in shirt front.

The Hon. R.I. Lucas: Will you compensate the agencies?

The Hon. J.R. CORNWALL: It is not a question of compensating the agencies at all.

The Hon. R.I. Lucas interjecting:

The Hon. Frank Blevins: Ask a supplementary question.

The Hon. J.R. CORNWALL: Yes, if the honourable member wants to ask a series of supplementary questions if there is 16 minutes left. I make clear that I acted swiftly, and decisively, and got the best advice available to me: not quite ruthlessly on this occasion.

The Hon. Frank Blevins: Brutally.

The Hon. J.R. CORNWALL: Not brutally, but it will be if it becomes necessary.

The Hon. R.I. Lucas: They are still all there.

The Hon. J.R. CORNWALL: They are still there for the moment.

MINISTERIAL STATEMENT: INTRODUCTION AGENCIES

The Hon. C.J. SUMNER: I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: On 15 June 1984, I released a statement advising that I had instructed the Commissioner for Consumer Affairs to conduct an investigation and produce a report on the activities of introduction agencies and marriage bureaux in South Australia. This action was taken in response to numerous reports which appeared in the media around that time suggesting there was considerable dissatisfaction in the community regarding some of these agencies. Examples of dissatisfaction included allegations that some agencies charged extremely high fees for services of doubtful value, allegations of misleading advertising, and of misrepresentations to prospective clients. In particular, I expressed concern that lonely people who were genuinely looking for a partner, may be susceptible to exploitation by unscrupulous operators.

In announcing the investigation I also suggested that reputable agencies should get together and formulate a suitable code of conduct for this type of operation, to assist in identifying those agencies which are prepared to act responsibly. The Commissioner for Consumer Affairs has now provided me with a report on his investigation. The report concludes that the existing agencies based in Adelaide appear to be operating within South Australian law.

However, given the nature of the industry, the access of agencies to personal information concerning their clients, and the vulnerability of some clients to exploitation, it is considered that the industry should demonstrate a high standard of ethical conduct. The report highlights a number of matters which are cause for concern in this regard.

In particular, the report expresses concern regarding examples of advertisements designed to mislead readers; the supply of inaccurate information to some prospective clients concerning the availability of suitable contacts; the failure by some agencies to disclose the full range of fees and the services provided for each type of membership; the high turnover of firms in the industry; the security and confidentiality of client files; and evidence in relation to membership fees of substantial discrimination on the basis of sex.

I note with concern that despite suggestions I made when announcing this investigation, agencies have made no serious attempts to form an industry association or to adopt a code of conduct. The Commissioner for Consumer Affairs has recommended that a code of conduct should be developed by the Department of Public and Consumer Affairs, in conjunction with the industry, to improve ethical standards in the industry. The Commissioner has further recommended that such a code should be given statutory force by legislation so that breaches may be dealt with as offences or as a basis for disciplinary action by the Commercial Tribunal.

The reasons for the Government's concern with the industry are amply demonstrated in the case of a firm known as *Enterprising Singles. Enterprising Singles* was responsible for several newspaper advertisements containing false and misleading statements in respect of endorsements allegedly given by various Government departments. The Commissioner has advised me that inquiries made since the investigation was completed reveal that the two partners who owned that agency, Brian Leigh Bishop (also known as Brian David) and Richard Clarence David, have since absconded from the firm leaving about $6 000 in debts and members' fees.

Those persons who joined *Enterprising Singles* can expect to receive no further service from that agency and no refund of their fees. The Government will now consider the recommendations made in the report and determine what action should be taken. I move:

That the report on the investigation of introduction agencies and marriage bureaux in South Australia, conducted by the Commissioner for Consumer Affairs, November 1984, be tabled and authorised to be published.

Motion carried.

QUESTIONS RESUMED

CO-OPERATIVE BULK HANDLING

The Hon. PETER DUNN: I seek leave to make a brief statement before asking the Minister of Agriculture a question on industrial disputation in South Australian Co-operative Bulk Handling Limited.

Leave granted.

The Hon. PETER DUNN: Three hundred laden bulk grain trucks were assembled in the City of Port Lincoln last evening unable to unload their produce at that major portside storage site. Wallaroo is also not taking grain at all today, as there is nobody there to receive it. The walk out by those AWU grain handlers contravenes the procedures laid down by the Industrial Commissioner, and is considered by the industry and employers to be totally unjustified. In this instance Commissioner Pryke has made certain recommendations for a return to work and, in the circumstances, it would appear Ministerial intervention on behalf of the growers (whom he purports to represent in Government) is both appropriate and obligatory, as a matter or urgency.

I will quote from page 500 of *Hansard* of this session where the Minister replied to a question I asked on demurrage in the eastern States as follows:

Whilst I have a great deal of influence in the industrial relations sphere (that has been well known over the past two decades in Australia), at the moment my influence in the trade union movement in Victoria and New South Wales is minimal;

I hope that the Minister's influence is stronger in South Australia. Despite a direct approach to the Minister by the Opposition spokesman for Agriculture last evening, and

considerable media coverage calling for action throughout the night and in this morning's radio and press, to date there is no evidence of a Ministerial attempt to act. Therefore, will the Minister intervene in the current grain handling dispute involving South Australian Co-operative Bulk Handling Limited by negotiating directly with the Australian Workers Union and urging the immediate return to work of those AWU members who walked off the Co-operative Bulk Handling grain silo site mid-morning yesterday?

The Hon. FRANK BLEVINS: I thank the Hon. Mr Dunn for the kind words that he read from *Hansard*. The problem is that the Hon. Mr Dunn may be a little bit late as my understanding is that the workers are back at work.

The Hon. Peter Dunn: They are not. There are no men at work at Wallaroo.

The Hon. FRANK BLEVINS: Just hang on! At Port Lincoln where the dispute occurred yesterday the recommendation from the union was that its members go back to work at midday today.

The workers at Wallaroo go back to work from the first shift tomorrow. This was a brief dispute and one that I regret occurred. However, disputes in South Australia are very few, even though disputes do occur from time to time. When they do occur they are expertly and quickly handled. This is a good example of that. The Commission called the parties together earlier today. Commissioner Pryke and my office had discussions yesterday evening. My understanding is that the dispute was resolved during private talks this morning and that the union has recommended a return to work. Everyone regrets industrial disputes and strikes occurring, but South Australia has less of these than any other State in Australia. If there are to be strikes—and they appear to be inevitable—then the way in which this Government, the South Australian Industrial Commission and the unions in South Australia handle them seems to me to be a model for all other States to follow.

When one compares the problems of grain handling in New South Wales with the grain handling problems we occasionally have in South Australia the comparison is even more stark. In New South Wales the handling of grain is a battle ground which costs the growers throughout Australia many millions of dollars every year. South Australia contributes a minimal number of hours lost in the handling of grain. On this occasion, when a problem did flare up, it was handled quickly so that the damage done was minimised. Does the Hon. Mr Dunn want any more information?

The Hon. Peter Dunn: I am asking whether you will intervene directly.

The Hon. FRANK BLEVINS: Intervene to get them out so that I can ask them to go back again? There is not a great deal I can do—the men are back at work.

The Hon. Peter Dunn: Their demands are outside the accord.

The Hon. FRANK BLEVINS: I am not Commissioner Pryke. He is the proper person to handle the dispute. My information is that Commissioner Pryke has performed his task very well and that the dispute has been resolved. The men are going back to work in accordance with the agreement reached in the Commission. As to whether it is inside or outside the guidelines is a matter for Commissioner Pryke, who I think is very capable of deciding this matter. The fact that the dispute is settled is something that I think we should all be pleased about. I am not sure what further intervention I can make.

PAPER TABLED

The following paper was laid on the table:

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

Pursuant to Statute—

Department of Marine and Harbors—Annual Report, 1983-84.

ADMINISTRATION OF THE LAW

The PRESIDENT: I inform the Council that I have now received parts 3 and 4 of Miscellaneous Matters of Concern, Administration of the Law, that was sent to me by Mr Justice Wells. On a resolution of the Council I tabled parts 1 and 2 earlier this year. Parts 3 and 4 now being available, I table them.

MINISTERIAL STATEMENT: AIDS

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. J.R. CORNWALL: The question of a perceived risk to medical personnel from treating AIDS patients was raised earlier this week by the Hon. Dr Ritson, and particular mention was made about possible transmission from occurrences such as needle-stick injuries. As it happens, this specific matter has been under investigation by the Centres for Disease Control (CDC) in the United States, which is conducting a programme of surveillance of health care workers with parenteral or mucous membrane exposure to blood or body fluids from patients with definite or suspected AIDS. By 1 April 1984, 101 exposures had been reported. Exposures included needle-stick injuries (71 per cent), cuts by other sharp objects (11 per cent), mucosal contact (15 per cent), and contact with open skin lesions (3 per cent). None of the exposed workers has developed symptoms of AIDS or clinical or laboratory abnormalities suggesting occupational transmission of AIDS.

Nearly all health care workers who have developed AIDS have come from one of the identified high risk groups, such as homosexual males. In July 1983, CDC reported four cases of AIDS in health care workers in whom no known high risk factor had been identified. However, in April of this year, CDC stated that 'there are no cases of AIDS among health care workers that can definitely be ascribed to specific occupational exposures'. Another important question is whether hospital workers who are in identified high risk groups bear a risk of developing AIDS in excess of that of high risk workers in other industries. Direct evidence of this is difficult to obtain since the prevalence of high risk groups in the health care workforce is unknown. However, the question may be answered from a follow up study of homosexual males in San Francisco who participated in a trial of Hepatitis B vaccine. Good occupational information has been obtained in follow up interviews of 205 men. Of these 205 men, 14 were hospital workers, and, of these 14, two developed AIDS, an attack rate of 14 per cent. Of the remaining 191 who were not hospital workers, 35 developed AIDS, an attack rate of 18 per cent. In other words, there was no evidence that the hospital workers bore any incremental risk from their occupation. This group will be subjected to further study.

In summary, although these matters are still under continuing review, none of the reported findings suggest a risk to doctors, nurses or other health care workers from treating AIDS patients. I am unaware of any threat to the continuing of medical or surgical services to any person who might develop AIDS. Indeed, I am confident that the medical and nursing professions as well as all other health care workers will continue as always to carry out their responsibilities to all patients. It is, of course, necessary to bear in mind that

AIDS can be transmitted by blood, blood specimens, tissue, any body fluids, or excretions or article or surfaces potentially contaminated by them. The NH & MRC AIDS Task Force has advised that all body fluids, wound discharges, secretions and excretions from patients with AIDS, or from those who carry the virus, should be treated with care. The NH & MRC has issued guidelines for use by health care workers, including ambulance attendants, dentists and mortuary attendants, whose work may require contact with AIDS patients. The precautions advised are similar in principle to those for Hepatitis B. Although I have not had a chance to review the reports issued from the CDC in the United States, they state, and so does Professor David Pennington, that there is no evidence of an increased risk to health workers from treating AIDS patients.

QUESTIONS RESUMED

SELECT COMMITTEE ON SCIENTOLOGY

The Hon. B.A. CHATTERTON: I seek leave to make a brief explanation before asking you, Mr President, a question about the Select Committee on Scientology.

Leave granted.

The Hon. B.A. CHATTERTON: This morning the *Advertiser* carried a report on the establishment of a Select Committee into the Church of Scientology. That report was titled 'A Government Inquiry into the Church of Scientology.' As we all know, this is, in fact, a Parliamentary Select Committee, which is not by any means a Government inquiry.

The Hon. C.J. Sumner: It was moved for by the Opposition.

The Hon. B.A. CHATTERTON: Exactly; it was moved for by the Opposition and opposed by the Government in its final form. The *Advertiser* report went on to suggest that the Hon. John Burdett is the Chairman of that Select Committee. As members are well aware, the Select Committee has not yet met, nor has it elected a Chairman. Will you, Mr President, write to the *Advertiser* on those two important points that are directly contrary to the Standing Orders of the Parliament? Will you inform that paper of the mistakes that it has made and the misinformation it has published in relation to the Standing Orders of this Council?

The PRESIDENT: I will have discussions with the paper.

MV *TROUBRIDGE*

The Hon. I. Gilfillan, for the **Hon. K.L. MILNE:** Has the Minister of Agriculture a reply to a question asked by the Hon. K.L. Milne on 11 September in relation to the MV *Troubridge?*

The Hon. FRANK BLEVINS: The replies are as follows:

1. It is not the Government's intention to penalise the Kangaroo Island community. The Government, in taking the decision to replace the MV *Troubridge* and implement a cost recovery policy, was conscious of its obligation to the residents of Kangaroo Island and the total South Australian community. In meeting the capital cost of a replacement vessel for the *Troubridge* the Government is honouring its commitment to the provision of a shipping service to Kangaroo Island. Nevertheless, the Government is anxious to contain the escalating cost being incurred in satisfying the needs of the island in the provision of a shipping service.

2. The Government would save approximately $2 million per annum (1984-85 prices) upon full implementation of an operating cost recovery policy. However, the Kangaroo Island community would still be subsidised by way of the capital cost of the new ship and interest on money provided for the purchase of the vessel. This would amount to approximately $2 million per annum.

3. Comparison with STA is not valid, as STA is a passenger service whereas the shipping service to Kangaroo Island is primarily provided to transport goods to market for sale. Revenue from passengers and passengers' cars carried on that service subsidises the commercial activities of the vessel. It should be noted that Australian National currently recovers approximately 70 per cent of its capital and operating costs and is working towards full recovery of these costs by the end of the decade. In comparison, only 30 per cent of the *Troubridge* operating costs, excluding capital, is currently being recovered.

4. The Government will re-assess the level of increase of freight rates to be applied in future years in an endeavour to achieve its objective. The Government is endeavouring to ensure that the operating costs of the replacement vessel will be kept to a minimum whilst meeting the needs of the Kangaroo Island community, and this is being taken into account with respect of the design of the vessel. However, until the design of the vessel has been completed it is not possible to accurately indicate what the annual operating costs might be. The island community can be assured that there will be no threat to their viability with respect to freight rates.

5. The Government is currently subsidising the service to the extent of $3.5 million in 1983-84 and this does not take into account the capital cost of the vessel. The increases currently being applied are the first since March 1981 and compare favourably with the rise in the consumer price index since that time. While every endeavour is made to cater for the needs of the island it is not possible to meet the residents' demands without significant costs being incurred and to meet these costs, charges must, of necessity, be increased.

FIRES IN SCHOOLS

The Hon. I. GILFILLAN: Has the Minister of Agriculture a reply to a question I asked on 30 October concerning fires in schools?

The Hon. FRANK BLEVINS: As the reply to the question is mainly a statistical table, I ask leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

Reply to Question

1. Comprehensive figures are not available for the years preceeding 1977-78. Estimated replacement costs from that year onwards are:

Year	Incidents	Estimate Replacement Cost	
		Building	Contents
1977-78	34	250 000	62 000
1978-79	18	511 000	38 000
1979-80	31	419 000	69 000
1980-81	15	224 000	66 000
1981-82	21	271 000	117 000
1982-83	42	4 257 000	410 000
1983-84	29	1 056 000	238 000

2. Portable fire extinguishers and external fire hydrants are provided in all metropolitan schools in accordance with the requirements of the Building Act. Major fire fighting installations, such as sprinkler systems and automatic fire detectors, are not required in school buildings under this Act. Manual fire alarm systems incorporating warning bells and sirens are installed to co-ordinate the emergency evacuation of buildings in accordance with established Education Department policy.

3. The effectiveness of live-in caretakers as a deterrent against theft, arson and vandalism has been thoroughly investigated by the Education Department on more than one occasion in the past. There is no evidence to suggest that the appointment of a live-in caretaker has had any significant effect on the level of illegal activity in a school. This finding is confirmed by experience interstate. The Education Department has therefore determined not to appoint live-in caretakers on the basis of their deterrent value.

TAFE

The Hon. ANNE LEVY: Has the Minister of Agriculture a reply to a question I asked on 23 October concerning TAFE?

The Hon. FRANK BLEVINS: A letter which was sent to principals of TAFE colleges on 28 September 1984, as part of their 1984-85 budget advice, listed priorities. This letter outlined the financial situation with which the Department of TAFE is faced in 1984-85 and indicated that the allocation was not sufficient to maintain all existing programmes, despite an improvement in real terms of 1 per cent in the TAFE budget.

The letter included a list of priorities which the Department of TAFE considered essential to provide as guidance to college principals to assist them in making the difficult decisions about allocation of resources in a situation where clearly not all demands could be met.

The letter also indicated that the priority list should be used as a general guide and should be considered together with other criteria, particularly the nature of the client groups served and the need to provide a balanced programme 'which reflects the guidelines above and minimises the disruptions and reductions to existing courses'.

Although the access area was sixth on the list of priorities colleges have been advised of the importance of maintaining this programme and every effort is being made to achieve this aim. Additional funds from Designated Grants for Special Courses will assist also in this area. The order of priorities is, as asserted, to some extent determined on a basis of tenured staff but also on Government requirements to provide apprentice training and other qualifications. Thus, these priorities are to a large extent to be determined by legislative and legal requirements.

To ensure that the vulnerability to access programmes is lessened, the matter has been referred as a matter of urgency to the South Australian Council of TAFE, which will be reporting to the Minister of Education in the first half of 1985.

HOSPITAL WAITING LISTS

The Hon. L.H. DAVIS: I seek leave to make a brief statement before asking the Minister of Health a question concerning hospital waiting lists?

Leave granted.

The Hon. L.H. DAVIS: Honourable members will recollect that in mid-September the Minister of Health advised the Council that he had set up a committee to examine ways of better monitoring public hospital waiting lists. Will the Minister advise what progress the committee has made in establishing a system for the monitoring of waiting lists? Will the Minister advise the current situation concerning public hospital wating lists, given that the winter months are not generally regarded as being necessarily an accurate indicator of the waiting list situation in public hospitals?

The Hon. J.R. CORNWALL: I am sure that other honourable members, if not Mr Davis, will recall that at the time I said that it was anticipated that to undertake this very large review and study, much of which will be retrospective in view of the fact that there are not waiting lists in the literal sense of the term, it will take a minimum of six months before there is anything that means enough for me to be able to act on or to make or take recommendations on. My recollection is that I establish the committee in late August or very early September to look at this whole thing. So, I would not anticipate a report that means much before March 1985. That committee is certainly working quite vigorously and unearthing some quite strange anachronisms in many ways.

There are not what one could literally call waiting lists. There are booking lists, which vary between surgeons and units, and certainly vary between hospitals; and the way in which they are kept varies between hosptials. The other thing, which the desire to get into autolysis blood transfusions highlighted recently, is the fact that patients in public hospitals are not booked in at set times in the way that they are in private hospitals. In other words, one would be put on a booking list and would be phoned when the time appeared opportune, and would not be told that the surgery would be done at a particular time on a particular day. That is another reason why we want to formalise those booking and waiting lists in a far more rational and orderly way than has been done in the past. It is proceeding apace. Because of the magnitude of the task, I do not anticipate a final report until at least March 1985.

TAXI CAB INDUSTRY IN SOUTH AUSTRALIA

The Hon. BARBARA WIESE: I move:

That the time for bringing up the report of the Select Committee be extended until Tuesday 12 February 1985.

Motion carried.

BUSHFIRES IN SOUTH AUSTRALIA

The Hon. ANNE LEVY: I move:

That the time for bringing up the report of the Select Committee be extended until Tuesday 12 February 1985.

I assure the Council that the delay in bringing up the report is not due to a lack of diligence on the part of members of the committee. We received our final lot of evidence from witnesses only about ten days ago. We are already into the third draft of our report and it seemed impossible, to do the matter justice, to get the report ready in its final form for today.

Concern has been expressed in some areas that the report should come in now as it could have relevance to the bushfire season which has just begun. I think all members of the Select Committee would agree with me that whatever recommendations are finally made will not necessarily be relevant just to the current bushfire season; it is more likely that the report will take the form of long-term recommendations. The committee assures the public that the unfortunate delay will have no implication whatsoever for the current bushfire season.

Motion carried.

CONSUMER CREDIT ACT AMENDMENT BILL

The Hon. J.R. Cornwall, for the **Hon. C.J. SUMNER (Minister of Consumer Affairs)** obtained leave and intro-

duced a Bill for an Act to amend the Consumer Credit Act, 1972. Read a first time.

The Hon. J.R. Cornwall, for the **Hon. C.J. SUMNER:** I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It extends some important provisions of the Consumer Credit Act to a number of consumer transactions which are presently exempt. The Consumer Credit Act has brought about large scale reforms to the regulation of consumer credit in this State. The Act requires certain credit providers to be licensed and regulates the conduct of their business, once licensed. It limits the right of people to offer credit unreasonably and provides a remedy where credit contracts contain harsh or unconscionable terms. More importantly, it requires credit providers to give meaningful information to consumers as to their real obligations before they enter into a credit contract and as to their rights once they have made the contract.

A cornerstone of the attempt to provide meaningful information to consumers is the requirement that rates of interest in consumer credit contracts must be disclosed (in advertisements and in contracts offered for signature) as the nominal annual percentage rate of interest. The Commissioner for Consumer Affairs, in his Annual Report for the year ended 30 June 1983 stated that the provisions requiring disclosure of the nominal annual rate of interest and defining which charges are to be taken into account in determining that rate 'were intended to create in consumers a greater sense of awareness of the cost of credit, both in dollar terms and in percentage terms, and thus to facilitate properly informed comparisons between the cost of credit from different sources'.

He went on to say, however: that these requirements have failed to achieve that objective because they do not apply consistently to all institutions providing credit to consumers. Although finance companies are required to include all their charges (other than certain out of pocket expenses) in the credit charge and to reflect these in the nominal annual percentage rate disclosed in the contract, these requirements do not apply to banks, building societies, credit unions and certain other credit providers by reason of exemptions conferred by or under section 6 (1) of the Consumer Credit Act. The result is that consumers are given different information from different credit providers and any attempt to compare the cost of credit is rather like comparing apples with oranges.

In March 1984 this problem was taken up at the Adelaide meeting of the Standing Committee of Consumer Affairs Ministers. Ministers agreed in principle that the disclosure ('truth-in-lending') requirements of credit legislation should apply uniformly to all credit providers. This Bill will give effect to this agreement in South Australia by requiring banks, building societies, credit unions, insurance companies, friendly societies and industrial and provident societies to provide information to consumers when they enter into credit contracts covered by the Act. This information can then be meaningfully compared with the information which finance companies have been required to provide since the Act was passed. These financial institutions have always been covered by the provisions of the Act relating to offers of credit and harsh and unconscionable terms. They will remain exempt from the requirement to be licensed and the controls imposed on licensed credit providers alone.

Crown instrumentalities have been exempt to the same extent as these financial institutions and it is now proposed that only the position of State banking or financial institutions be changed. They will be required to comply with the Act to the same extent as their private sector competitors. New uniform credit legislation passed in New South Wales and Victoria and introduced into the Western Australian Parliament earlier this year establishes 'consumer' transactions as those involving amounts of up to $20 000. This uniform legislation replaces Acts passed in New South Wales and Victoria in 1981 which set the monetary limit for transactions which could be said to involve ordinary consumers at $15 000. The increase resulted from a decision to reflect changing patterns of consumption and inflation since the first uniform Acts were passed.

This Bill also recognises those changes by increasing the limit on credit contracts covered by the whole of the Act from $15 000 to $20 000. A corresponding increase from $30 000 to $60 000 is made in relation to credit contracts where security is taken over a consumer's own home. Provision is made for future increases in these limits to be effected by regulation should the need arise. At its 1984 Adelaide meeting, the Standing Committee of Consumer Affairs Ministers noted recent proposals by the Commonwealth Government to increase the monetary limits for consumer transactions in the Trade Practices Act in line with market realities. If significant moves are made interstate or by the Commonwealth to increase the protection afforded to some consumers then others in South Australia should not have to wait to achieve the same degree of protection.

The Bill also recognises that South Australian consumers may be offered credit by interstate firms and accept those offers without benefit of the protection given by the Consumer Credit Act. Credit contracts used by one Queensland firm, Action Home Loan Pty Ltd—described by the Commissioner for Consumer Affairs as '. . . by far the worst loan sharking organisation I have ever come across'—purport to exclude the operation of South Australian legislation by the insertion of a clause in fine print making Queensland the proper law of the contract. The proposed amendments make it perfectly clear that where a credit transaction has a substantial connection with this State, the Consumer Credit Act will apply to that transaction.

It is proposed that this Bill and the cognate Consumer Transactions Act Amendment Bill, 1984, not be proceeded with until next year and the Bills are being introduced at this time to allow adequate time for consideration by interested parties. Those likely to be affected by the Bills will be fully consulted before the changes they propose are proceeded with.

Clauses 1 and 2 are formal. Clause 3 makes an amendment to section 5 of the principal Act, the interpretation section. New definitions are inserted, namely 'bank' (a body corporate legally authorised to carry on the business of banking in the State) and 'State banking or finance corporation' (the State Bank of South Australia or any other agency or instrumentality of the Crown that carries on business as a credit provider).

Clause 4 provides for the repeal of section 6 of the principal Act and the substitution of new section 6, dealing with the application of the principal Act. New section 6 provides in subsection (1) that, subject to subsection (2) and any exemption under subsection (4), the principal Act applies to a credit contract if the law of this State is the proper law of the contract, the consumer receives the credit or use or benefit of the credit in this State or the credit is provided on the security of a legal or equitable interest in land in this State or a mortgage of goods situated in this State at the time of the provision of the credit.

Under subsection (2) certain classes of credit contracts are excluded from the application of the principal Act (except Parts I, II and VI), namely—

(a) — a credit contract under which the amount of the principal exceeds sixty thousand dollars or such other amount as is prescribed;

— a credit contract under which the amount of the principal exceeds twenty thousand dollars or such other amount as is prescribed and land is provided as security and the consumer has made a statutory declaration that he does not use or propose to use the land as a dwelling for personal occupation;

— a credit contract under which the amount of the principal exceeds twenty thousand dollars or such other amount as is prescribed and no security is taken over land;

(b) a credit contract (other than a sale by instalment) under which the credit charge, when reduced to a rate of interest in accordance with the regulations does not exceed 10 per cent per annum or such other rate as is prescribed;

or

(c) a credit contract under which credit is provided or a revolving charge account, in accordance with conditions prescribed by the Tribunal, by a person authorised by the Tribunal.

Subsection (3) empowers the Tribunal to make conditions and authorisation of the sort referred to in subsection (2)(c). Subsection (4) empowers the Governor, by proclamation, to exempt persons of a specified class from the provisions or specified provisions of the principal Act, or credit contracts of a specified class from the provisions or specified provisions of the principal Act with or without conditions.

Clause 5 provides for the insertion in the principal Act of new section 6a. The new section provides that subject to any other express provision of the principal Act, the principal Act binds the Crown not only in right of South Australia but also, so far as the legislative power of the State permits, in all its other capacities.

Clause 6 amends section 28 of the principal Act, which deals with the obligation to be licensed as a credit provider. The effect of the amendment is that credit providers of the following classes are exempted from the obligation to be licensed:

(a) an agency or instrumentality of the Crown;

(b) a municipal or district council or a body vested with the powers of such a council;

(c) a bank;

(d) societies registered under the Friendly Societies Act, 1919, the Industrial and Provident Societies Act, 1923, or the Building Societies Act, 1975, or a credit union;

(e) a body corporate registered under the Commonwealth Life Insurance Act, 1945, unless its principal business is the provision of credit;

(f) a body corporate authorised under the Commonwealth Insurance Act, 1973, to carry on insurance business unless its principal business is the provision of credit;

(g) a body corporate empowered by special Act of Parliament to provide credit;

(h) a credit provider who only provides credit to bodies corporate;

(i) a credit provider who does not provide credit at a greater rate than 10 per cent per annum or such other rate as is prescribed;

(j) a licensed pawnbroker who only carries on business as a credit provider in the ordinary course of his pawnbroking business.

Clause 7 makes a consequential amendment to section 39 of the principal Act. Clause 8 inserts new section 39a in the principal Act in Part IV before section 40. The new section deals with the application of Part IV. Certain classes of credit contract are excluded from the Part, namely—

(a) a credit contract under which the credit provider is an agency or instrumentality of the Crown (not being a State banking or finance corporation), a municipal or district council or a body vested with similar powers, or a body corporate (not a State banking or finance corporation) constituted by Special Act of Parliament;

(b) a credit contract by way of bank overdraft;

(c) a credit contract (not a sale by instalment) under which a licensed pawnbroker provides credit in the course of his pawnbroking business.

Clause 9 amends section 53 of the principal Act which deals with the manner in which credit is provided. The effect of the contract is that where a credit provider fails to comply with subsection (1) he is guilty of an offence.

Clause 10 amends section 60 of the principal Act which deals with the service of notices under the principal Act. Where a notice is to be served on a credit provider who does not hold a licence, it may be left at the address at which he carries on business with a person apparently responsible to the credit provider, or posted to that address by certified or registered mail.

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

CONSUMER TRANSACTIONS ACT AMENDMENT BILL

The Hon. J.R. Cornwall, for the **Hon. C.J. SUMNER (Minister of Consumer Affairs)** obtained leave and introduced a Bill for an Act to amend the Consumer Transactions Act, 1972. Read a first time.

The Hon. J.R. Cornwall, for the **Hon. C.J. SUMNER:** I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Consumer Transactions Act and Consumer Credit Act were passed together in 1972 and can be regarded as complementary. For the purposes of the Transactions Act, 'credit contract' and 'credit provider' have the same meaning as that assigned to them in the Credit Act. By amendments proposed in the Consumer Credit Act Amendment Bill, 1984 the range of credit providers and credit contracts caught by that Act will be expanded and it is necessary to make complementary amendments to the Consumer Transactions Act.

Clauses 1 and 2 are formal. Clause 3 amends section 5 of the principal Act. The definition of 'consumer contract' and 'consumer credit contract' are amended to increase the financial limits contained in those definitions and to enable future variations in those financial limits to be made by regulation.

Clause 4 amends section 6 of the principal Act, which relates to the application of the principal Act. That section presently provides, amongst other things, that the principal Act applies in respect of consumer mortgages where the goods subject to the mortgage are situated in this State. The

amendment clarifies that the goods must be so situated at the time at which the credit was provided.

Clause 5 inserts new section 6a in the principal Act. The new section provides that the principal Act binds the Crown, not only in right of South Australia, but, so far as the Parliament's powers permit, in all its other capacities also.

Clause 6 amends section 36 of the principal Act which relates to *bona fide* purchases for value. The effect of the amendment is that the section applies in respect of goods subject to consumer leases or consumer mortgages notwithstanding that the consumer lease or consumer mortgage was created or arose under the law of some other State, Territory or place and the principal Act does not otherwise apply to it.

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

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1945.)

The Hon. PETER DUNN: This Bill, which we have received from the other House is very straightforward and does not require amendment. We will deal with it as quickly as we can, but I need to say a few words about it. It has three parts: the first part allows the Metropolitan Fire Service to control the release and spillage of hazardous substances. The second establishes a disciplinary code for dealing with breaches of code applicable to all members of the Metropolitan Fire Service. The third establishes an appeal mechanism dealing with disciplinary matters and appointments to positions within the Service.

The Bill gives extremely wide powers to the Service: it has control of total areas and the ability to direct the police in areas where dangerous substances have been spilt. This legislation is in keeping with advancements in science by which we are now transporting these dangerous liquids in very large tankers, sometimes by rail and sometimes by road. It does not necessarily have to be transported; it can be stored in a building of some sort. With this legislation it will be under the control of the Metropolitan Fire Service within the city area.

There has been a development in the past few years of carrying these dangerous substances great distances and we have not had a mechanism to take control of them if they have been spilt. This legislation will clean that up very nicely, and we should now have a group of people who are trained in control of those substances, the handling of personnel, the effects of the spillage of any of these substances and how to deal with them, whether they be ignitable or just dangerous to human or animal habitation.

The second and third parts of the Bill are relatively new and deal with the disciplinary code if there are breaches within the Metropolitan Fire Service by personnel. It is an area with which I am not terribly familiar; however, on reading it through and on reading the response by members in the other House, there appear to be no problems with that. If the Minister in this Council, who purports to be reasonably efficient at handling industrial disputes, considers that it is okay I would believe that it is suitable.

The third part of the Bill establishes an appeal mechanism. I had contact with the union regarding this method, and it wished to make a slight alteration in it, which dealt with the fact that at this stage appeals can be made within the Service only up to the level of Chief Fire Officer and his deputy. That level is included, and the union wished to have them included. However, it is not in other legislation in this State to any great extent. The fact that the Chief Officer or his deputy can appoint the appeals board or are part of it makes the legislation suitable as it is set up at the moment. Therefore, I considered that it was better as it stood rather than having that mechanism knocked out, which would have allowed appeals against the appointment of the Chief Fire Officer or his deputy. It would have also meant considerable change in the legislation further down the track. I have no qualms about passing this legislation. I recommend it to the Council and support it.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank the Hon. Peter Dunn, who handled this Bill for the Opposition, for the lucid way in which he explained the Bill and for his co-operation and that of the Opposition in passing this very important measure.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'The South Australian Metropolitan Fire Service Appeals Tribunal.'

The Hon. R.I. LUCAS: I will put on notice a question to the Minister in charge of the Bill. I do not intend to hold up the Bill or delay the proceedings of the Committee at all. Before raising the question in relation to clause 8, which establishes the South Australian Metropolican Fire Service Appeals Tribunal, I refer to a matter which I have raised previously and in which the Attorney-General also has an interest—the question of the number of appeals tribunals that are set up by various statutes. A Law Reform Committee report, which has been released recently, looks at the whole range of appeals tribunals that have been established by different Acts of Parliament.

The number of them is really growing in an *ad hoc* way. There is no co-ordination about that, as is readily understandable because different departments and Ministers are devising these new Acts of Parliament, and they all see the need in their own areas for a particular appeals tribunal. The Law Reform Committee report that was released this year is very important and deserves the attention of the South Australian Parliament. I certainly hope to address a few comments to it in the new year. Its recommendations may affect the sorts of clauses that we see in front of us at the moment for a new appeals tribunal in the Metropolitan Fire Service.

The only question that I put on notice to the Minister is whether in the establishment of the appeals tribunal any consideration was given to different appeals mechanisms and whether the recommendations of the Law Reform Committee report would have any relevance with regard to this appeals tribunal. In essence, I want to know whether there is any real need for a separate appeals mechanism in this Act and whether alternative appeals mechanisms might not have been available.

The Hon. FRANK BLEVINS: I thank the Hon. Mr Lucas for his questions. As he stated that he was prepared to have them taken on notice, I will have the questions drawn to the attention of the appropriate Minister, who will respond directly with the Hon. Mr Lucas.

Clause passed.

Clauses 9 to 17 passed.

Clause 18—'The South Australian Metropolitan Fire Service Disciplinary Committee.'

The Hon. R.I. LUCAS: I seek a response in due course from the appropriate Minister. This clause deals with the establishment of the Disciplinary Committee and the following series of clauses set up the committee, its powers, and its functions. Can the Minister provide me with information as to the present mechanism for discipline, and

indicate whether a similar committee exists? What are the present procedures and mechanisms for discipline within the Metropolitan Fire Service?

The Hon. FRANK BLEVINS: Again, I undertake to draw that question to the attention of the appropriate Minister, who will respond directly with the Hon. Mr Lucas.

Clause passed.

Remaining clauses (19 to 27) and title passed.

Bill read and third time and passed.

COUNTRY FIRES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 15 November. Page 1946.)

The Hon. PETER DUNN: This Bill is complementary to the Bill just passed. It is a necessary Bill but has some slightly different effects. The Bill just passed dealt with the Metropolitan Fire Service and provided for spillages of substances that would have developed within the metropolitan area and its immediate surrounds.

This Bill deals with the Country Fire Service, and has a far wider application. I have consulted with the CFS about the Bill and it is happy about it. In fact, the CFS has had a team trained to deal with spillages of dangerous substances for some time, and that team was trained in conjunction with the Metropolitan Fire Service team. Between them they have become an effective force. I would now like to make a couple of general comments. The spillages of dangerous substances can take place anywhere in South Australia. Already we have seen the spillage of cynanide pellets on the Broken Hill line at Burra. If the CFS had sprayed that spillage with water we could have had a nasty situation, perhaps not as bad as we have seen in India in the past few days, but the substance is not markedly different from that causing the problems in India. Certainly, we need a team of specialists who can control such spillages.

We have also had a near miss on Highway 1, which runs through South Australia. That involved the transportation of a chemical used in the refining of gold at Kalgoorlie that comes from the eastern seaboard. That substance was being transported through the Wudinna and Minnipa area some months ago, when the truck ran off the road. If that substance had spilt it could have proved to be dangerous, because the accident was on the outskirts of one of those towns. I have been advised by the CFS that it does not have a mechanism by which it can get officers quickly to spillages. It generally involves taking a truck with particular equipment to the site, but I believe the CFS would be well advised to establish a mechanism whereby it can transport quickly expert personnel to the scene by light aircraft anywhere in the State. Generally, there is plenty of equipment, for example, water and trucks, to control most spillages. I refer especially to possible gas bottle or bulk gas container leaks. If a gas container is knocked and a gatevalve leaks much water is required. Usually there is plenty of equipment and untrained personnel available, but expert officers are required on site to control and direct the operation. I suggest to the Government that it considers establishing a team that can be transported quickly by air to most areas of the State.

As I said, the Bill is complementary to the Metropolitan Fire Service Bill. Under clause 5 the Chairman of the Advisory Committee that will set up the strike team comes from the South Australia Metropolitan Fire Service. That is not an appointment by the Minister of the day. So, the CFS and the Metropolitan Fire Service are tightly woven together. The fact that there will be one team is not only cost saving and cost effective, but it will also make a very effective team for dealing with spillages. As I said in regard to the last Bill, there needs to be absolute control of a spillage. Both the police and the State Emergency Service may be involved, and this demands that someone be in control of those organisations as well, and as the senior fire officer at a fire will be the controlling officer. Clause 8 gives that necessary wide power. The Bill does not deal with disciplinary authority within the CFS: it is involved purely with setting up legislation making it necessary to form a team to deal with the spillage of controlled substances. As it is a parallel Bill, I recommend that it be supported.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank the Hon. Mr Dunn for his contribution and the manner in which he handled the Bill on behalf of the Opposition. I thank him for his support for the passage of this Bill.

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

GOLDEN GROVE (INDENTURE RATIFICATION) BILL

Adjourned debate on second reading.

(Continued from 5 December. Page 2171.)

The Hon. I. GILFILLAN: I am glad that the Hon. Mr Hill is in the Chamber, because the lateness of the hour yesterday probably deprived him of the attention, both in the gallery and elsewhere, that he deserved for the splendid speech he gave on this Bill. I would like to recognise and emphasise some of the points he made. It is significant that the honourable member picked out what appears to be a real chasm in this indenture, that is, responsible caring for the needy in our society in the provision of affordable housing. The Hon. Mr Hill rightly pointed out that under Divisions 6.3 and 6.4 the South Australian Housing Trust is locked into a certain position, and he emphasised over and over again with considerable and applaudable emotion that the needs of those people who are unable to afford the cost of these blocks of land and the houses that will be built on them will not be met. Those people have been completely neglected under this Bill. If the Hon. Murray Hill does not move an amendment in that regard, I look forward to voting against the measure to show trenchant criticism of the way in which this Bill is presented.

I also re-emphasise the point made by the Hon. Murray Hill about the scandalously short time that has been allocated for this measure. I have become increasingly nervous about legislation that comes racing in belatedly, filling certain time spots, and I believe that the Hon. Murray Hill outlined my concerns in this case. I have also heard and read some of the criticisms of consumer organisations, and many of those criticisms repeat and reinforce the criticisms made by the Hon. Murray Hill. He mentioned with great lucidity that there is a risk that in future these blocks will be very quickly rotated out of even the quite high price bracket at which they will initially come on to the market. The Consumer Association in its submission recommended that there be a substantial allocation of land to the South Australian Housing Trust for the purposes of low income housing, and that the land so allocated be supplied to the Trust on a cost-plus basis. That was one of the major criticisms made by the Hon. Murray Hill so forcibly earlier this morning and in relation to which he made constructive suggestions. I hope and trust that it is not too late for this dimension to be included in the indenture. Regarding encumbrances, the Select Committee report at point 29 states:

Although not raised as a major issue by witnesses, your committee inquired into the controls over land speculation. The pro-

posed use of encumbrances on allotment titles committing the purchaser to commence house building within a prescribed time unless agreed otherwise by the joint venturers is considered an acceptable measure.

I have not seen an amendment to that effect, but if that proposition is spelt out so clearly in the report I hope and expect that the Government will move an amendment to cover that area of concern, which is shared by so many people who are critical of the Bill as it now stands.

It appears that the Select Committee report does little to dispel the concerns that have been expressed. It consists of little other than a series of assertions that the concerns are groundless, with little indication that those concerns have been thoroughly or independently explored. There is little explanation of why the committee rejects them. Independent expert witnesses might have been able to expel or confirm the concerns in the minds of committee members, but the expert witnesses as listed in appendices A and B appear to have consisted largely of the Government's own advisers or people with a clear interest in the early commencement of the project on the proposed terms.

Further, there seems to be tension between the objectives identified in the Select Committee report at paragraph 13. The Crown Law opinion that the documents come 'as close as is possible to the notion that the paramount objectives are sacrosanct from a legal point of view' does not deal with the interrelationship between the objectives—number 2, which refers to a fair and reasonable price, and number 5, which involves prudent commercial and land development practice. There seems to be a degree of conflict and tension, and resolution will probably mean that fair and reasonable prices will ultimately suffer.

I understand that, according to paragraph 14, Delfin is permitted under the indenture to enforce what is to its advantage, and quite obviously on the other side of the coin consumers have no access to a measure to enforce what is to their advantage. Paragraph 9 of the Select Committee report comments on the likely profitability in regard to marketing and the likely modest return to Delfin. These comments are relevant to that matter. The management agreement states that Delfin Management Services Company will receive $200 000 per annum or 2 per cent of gross proceeds, and that most of the costs incurred by the company will be paid by the joint venture.

Two per cent of what is regarded as an average starting price of $25 000 per block is $500. In addition, Delfin Realty will receive the Real Estate Institute commission and brokerage fees which are currently, on a $25 000 block of land, a commission of $1 245.50 and a brokerage fee of $303, if the broker acts for both buyer and seller. This is on top of Delfin's half of the joint venture profit. There is reference in the Select Committee's report at paragraph 15 to critics of the Bill. The Consumers Association is one of those critics, as are the Housing Trust and Mr Stretton of the History Department. That paragraph states:

> Submissions from Mr Stretton of the History Department (University of Adelaide), the Consumers Association and the Housing Trust have maintained that the private developer partner to the joint venture (Delfin) is likely to extract excessive profits from the project. On further examination, your committee found that this view reflected a lack of understanding of several key points of the project, namely that:
>
> - it is a joint venture between the Urban Land Trust and the private developer in which each partner shares the investment requirements and profits and losses . . .

I have a comment from the Consumers Association on that which says that the suggestion that that Association (that is, CASA) does not understand key points of the project is inaccurate and the relevance of the points said to be misunderstood is not explained. In relation to point 1, the fact that it is a joint venture is well understood, and is referred to repeatedly in CASA's submission. The fact that the Urban Land Trust gets half of the net margin on the sales does not prevent the margin from being excessive. Paragraph 15 of the Select Committee's report continues:

> . . . the private joint venture partner has had to forgo some of the commercial flexibility normally associated with a development (for example, it is tied to social objectives to which developers are not normally bound or made accountable; it has forgone the normal commercial flexibility associated with pricing and development staging; and it cannot borrow against the security of the land nor sell it because it never has title) . . .

CASA's comment on that is that the value of the 'commercial flexibility forgone' is not explained. It is offset by a number of important benefits that virtually make the venture risk free to Delfin. They comment that it is 'as safe as houses'. They go on to comment that Delfin is owned by a bank, so why would it want to borrow against the security of the land? They say that lack of title surely equals lack of risk and that its participation in this deal must do wonders for Delfin's credit rating, if that matters. Paragraph 15 of the Select Committee report continues:

> The private joint venture partner is subject to decision making by a committee, chaired by an independent person, and on which representation by both partners is equal.

The CASA response to that is to say that the anticipated composition of the committee is comforting, but that it is still bound by the parameters of an apparently excessively generous indenture.

In paragraph 16 of its report the Select Committee comments that in this project there are a number of uncertainties that outweigh the advantages, thereby implying that there is a definite substantial risk and disadvantage in the project for the joint venturer. Regrettably, the committee omits to say why it accepts this view and defies the interest expressed by other private developers in recent days, particularly Hooker Rex and Hickinbotham, who have shown great enthusiasm for being part of this arrangement, which apparently, according to the Select Committee, has a number of uncertainties in it that outweigh the advantages

One of the unfortunate consequences recognised by the Hon. Murray Hill early this morning is the resignation of the General Manager of the Housing Trust. I will discuss briefly his allegations in relation to this matter. He claims that when he was a member of the Urban Land Trust he was kept uninformed of the progress of negotiations until the evening before the indenture was signed and says that that particular fact was not canvassed in the report. As I understand, he was informed the day before the actual signature was placed on the indenture. Presumably this is among the matters that were 'raised but not considered here because they do not vitally affect the outcome'. That appears in paragraph 37 of the Select Committee's report. I do not share that view. I believe that a comment of this significance, when made by the General Manager of the Housing Trust, must reflect on the reputation and the odour that hangs about this particular indenture Bill. CASA believes that they are relevant because they support the suggestion that the Bill should not be rushed through the legislative Council in a single day. There has not been time for properly informed public debate. It is the indenture's proponents who have suggested that the debate to date has been uninformed.

Speakers in the House of Assembly apparently said only that Mr Edwards' allegations had been 'clarified', but nobody has explained away the allegations that he has made. A reading of the evidence suggests that they were uncontradicted and therefore stand sustained until proved wrong. In concluding my remarks on this indenture I return to the point I think has major significance for many people in South Australia—that is, the impact on the provision of housing for people in middle, lower and needy economic circumstances. Paragraph 14 of the Select Committee report states:

This appreciation of the role of the paramount objectives is important, given the view expressed to your committee that the indenture imposes a chronic conflict between commercial and public aims. During the course of the hearing, it became apparent that, in fact, the significant advantage of this development project is that it secures important social objectives which could not be achieved through the normal process of urban development. It is clear to your committee that social objectives cannot realistically be divorced from those of the normal operation of commercial enterprise and the two can and must coexist. Given this, members consider the indenture to reflect this requirement to an extent not known to have been achieved before.

I am stunned by what that paragraph says. I cannot see any evidence in this Bill of where there has been more than verbal tokenism to a social objective that is aiming at providing housing at achievable prices for the needy sections of our society. I refer with admiration to the impassioned speech of the Hon. Murray Hill when he picked that up and berated the Government about it—a Government that prides itself so frequently and volubly on being sensitive to this matter, yet it has apparently accepted an Indenture Bill that stamps on the need of the lower income aspiring house owners or renters in South Australia.

I think that it is a shame and a disgrace that there has not been a much greater concession made to providing housing at a price that the needy can pay. To emphasise this I will read part of a letter written by H.D. Chapman, Public Officer for the Pensioner Unity Central Council of South Australia:

As you are already aware, the Housing trust is still four years behind with rental accommodation. Worse still, if the Golden Grove land is handed over to private developers to build houses for sale only, there is no large area of land left which the Housing Trust could buy anywhere near or in Adelaide suitable for houses for letting purposes. In my view we are facing an accommodation calamity about to happen.

I think that a lot of people share that concern in varying degrees. Lastly, I am stunned yet again to find in this profusion of legislation the exemption of the Planning Act phobia erupting again.

The Hon. C.M. Hill: And a lot of other Acts.

The Hon. I. GILFILLAN: The Planning Act is the one I am nursing most carefully, because I feel that it is being circumvented and ignored at whim. Clause 7 (2) states:

(a) the Planning Act, 1982, and the Real Property Act, 1886, shall be construed subject to the provisions of the Indenture relating to the development, division and use of land and, to the extent of any inconsistency between the provisions of either of those Acts and of the Indenture, the provisions of the Indenture shall prevail;

That is bad enough, but when one looks at Division 4 one sees copious clauses that contain specific reference to the Planning Act. For goodness sake, why cannot the needs that can be foreseen, where there may be conflict with the Planning Act, be comprehensively dealt with in the Bill so that we know exactly what we are debating and, if need be, know what we are prepared to concede. Section 4A.1 of Division 4 states:

The Supplementary Development Plan contained in the Fourth Schedule hereto shall at the Commencement Date amend the Development Plan constituted under Part IV of the Planning Act, 1982 and replace all schemes, regulations and directions prepared under the Tea Tree Gully (Golden Grove) Development Act presently applying to the Development Area and as hereby amended the Development Plan shall on the Commencement Date constitute the Development Plan applying to the City of Tea Tree Gully for the purposes of Part IV of the Planning Act, 1982.

It is quite specific. Section 4A.2 states:

Section 41 of the Planning Act, 1982 shall apply in relation to the Development Area:

(a) as if a reference in that section to a council were a reference:

It then goes on with more specific detail. Section 4A.3 indicates the Minister's procedure in approving supplementary development plans. I do not intend to read the whole Division, but towards the bottom of the page the Minister is picked out and directed:

The Minister shall not capriciously withhold his approval to amend or reject any Supplementary Development Plan submitted to him . . .

What an insult. Why is it all one way? Why do we not afford the Minister of the Crown respect and dignity and, if he or she withholds approval, accept that it is on the basis of a sound reason and has not been done capriciously. The wording in this Bill is the wording of a Government fawning to this particular venturer. I do not like the tone of it. It is apologetic for the requirements of the Planning Act over and over again. Section 4C.1 states:

Paragraph *(b)* of subsection (1) of section 49 of the Planning Act, 1982 shall not apply.

These are specific instructions where, if we accept this Bill, the Planning Act gets bruised, kicked and knocked about and, at the same time, we are asked, in the beginning of the Bill, to give a broad blanket cover that, wherever there is any dispute between the indenture and the Planning Act, the poor old Planning Act comes out second best. I doubt whether there is any point in having the Planning Act remain on the Statute book. It seems to be the subject of abuse and carries very little impact in the decisions that the Government is making.

With those criticisms I indicate that I am far from happy that this is a sound document to proceed with what will be a massive project. This project has enormous and exciting prospects and should be providing some wonderful housing areas in which the people of South Australia can live. Unfortunately, there are some glaring deficiencies, and I hope that we will see some co-operation and constructive contribution when we come to the Committee stage to improve at least the major faults.

The Hon. J.R. CORNWALL (Minister of Health): That contribution was as sanctimonious as the Hon. Mr Hill's was hypocritical. The Hon. Mr Gilfillan appears to have played the Easter Bunny to the Hon. Mr Hill's Father Christmas. I wonder where the Hon. Mr Gilfillan was when the South Australian Land Commission was being dismantled by the Tonkin Government. Where were his cries then for protecting the public interest? The fact is that the Tonkin Government dismantled the Land Commission as a quite deliberate policy. It was a story of lost nerve and lost opportunity. It was a story of a Government whose guiding light in this matter was a wrong-headed blinkered ideology. It lost its nerve in a time of depression. Anyone who knows anything about land banking knows very well that one inevitably goes through peaks and troughs. The demand now, of course, is burgeoning and we are caught in a situation where there is literally a shortage of developed blocks. This Government inherited a situation where the Land Commission had been dismantled and destroyed. A shell was left called the Urban Land Trust, which quite deliberately—and I repeat: quite deliberately—had no charter and power to develop blocks for sale.

The Hon. J.C. Burdett: A socialist plot!

The Hon. J.R. CORNWALL: A socialist plot, mumbles the Hon. Mr Burdett. You are not able to have it both ways. On the one hand you are complaining bitterly that excess profits are being generated by a private developer in this joint venture with the Government—with public enterprise—and on the other hand you are complaining about socialist plots. Enough of that nonsense! Let us look at the reality. The matters raised by the Hon. Mr Gilfillan and the Hon. Mr Hill, in particular, have all been raised many times before. The Select Committee, which comprised members of both major political Parties, was naturally conscious

of the controversial matters that had been about for some time. The matter is now rehashed in a kind of tired instant replay by the Hon. Mr Gilfillan and the Hon. Mr Hill. Because the Select Committee was aware of the controversial matters, it pursued them on a bipartisan basis—those matters are now being rehashed.

Of course, the Select Committee, comprising Liberal and Labor members, was able to satisfy itself that the various matters raised by CASA and other organisations, to which the Hon. Mr Gilfillan still tries to impute remarkable credibility, were not, in the event, soundly based. Turning to some of the more specific issues, last night the Hon. Mr Hill expressed serious misgivings about Division 6, requiring the South Australian Housing Trust to purchase developed lots at market prices. He suggested that the Trust housing programme would suffer as a result of higher lot prices and that the SAHT should be able to obtain lots on a net cost basis.

The projected life of the project is 15 years, during which an expected 8 200 residential lots will be produced, plus medium density and other specialised housing, giving a further equivalent of 1 800 lots. The Housing Trust is able to undertake medium density and other special housing projects. However, of the main 8 200 residential lots, the Trust will comprise 25 per cent to 30 per cent, giving a total production in the order of 2 000 lots. The average SAHT production rate will be in the order of 130 lots per annum, although it will vary between 50 and 200 dwellings in any one year. I would like to reply to another point raised, as follows: the anticipated 32 per cent return on investment is by no means guaranteed—contrary again to statements by the Hon. Mr Gilfillan.

The joint venture is subject to the risks inherent in a market subject to ups and downs. One wonders whether these same views would be about if the market position were as it was three years ago. I suggest, with great deferential respect to those gentlemen opposite who contributed, that if it were we would not be hearing one little word along the lines that we have heard today and last evening. Furthermore, the likely pricing structure for allotments for sale will not enable the joint venture to make a 32 per cent return on investment in South Australian Housing Trust lots, in any case. The fact is that, if one looks at the distribution of profit on particular lots, it is a bell shaped curve with 32 per cent being the peak in the middle. In fact, the sale to the Housing Trust will occur to the left of the middle of that bell shaped curve. In fact, any profits incurred on the initial sales of between $18 000 and $21 000 will be very significantly below the gross profit of 32 per cent.

The Housing Trust will have the benefit of bulk land purchase prices from the joint venture and will not be subject to sales commission or marketing and advertising fees—a further advantage. The joint venture cannot develop allotments for less than $16 000, on all the figures available from all the best sources, owing to the extra cost penalties associated with terrain and soil conditions. The Trust would not be able to produce equivalent allotments, which also meet private home market requirements (that is, they are by no means second rate but are up to the best) any more cheaply than is proposed in the joint venture arrangement and development.

An average of 130 dwellings per annum at Golden Grove is likely to represent about 5 per cent of the total Trust programme in any one year. No reliable evidence has been presented to the Select Committee or to the Government review group to show that the Housing Trust could produce comparable development at a lower cost. In any event, the various parties to the indenture have said that, if cheaper land costs can be achieved, the sale price will be reduced accordingly. This is confirmed in Delfin's letter of 30 October 1984 relating to pricing matters. I point out that that letter is an adjunct to the indenture.

Even if claims about significantly cheaper land production costs were true (and the Government refutes this) the likely difference in the Trust's total annual production capacity is likely to be less than one half of the 1 per cent on average. That is hardly a major dent in the programme. It is not an unusual practice for the Housing Trust to pay market prices for allotments: for example, in more recent times the Trust has purchased allotments at market prices at both Christies Beach and Craigmore. A recent purchase of 44 allotments in the southern suburbs resulted in the Trust paying over $17 000 per developed allotment. This compares with the agreed 1985-86 prices for Housing Trust allotments in Golden Grove of between $19 000 and $21 000.

The Trust also purchases established houses in the metropolitan area (as the Hon. Mr Hill would know as the immediate past Minister) at the current rate of about $900 per annum. There is nothing unusual at all in that proposition. The Select Committee of the House of Assembly was unanimous in the view that the Trust will have to accept higher allotment costs than it would in its own tract development because in integrating totally with private housing it must accept the development requirements associated with other market sectors. The Select Committee made particular reference to this significant point at paragraph 27 of its report, as follows:

> However, the most significant factor is that public housing is to be integrated with private housing in a manner and on a scale that has not been attempted before. This important social objective has an associated cost. Normally, the Housing Trust is able to undertake the bulk of its housing programme on its own large estates on cheaper flat land on the metropolitan fringe. At Golden Grove, however, Housing Trust requirements must mesh with the requirements of other market sectors and some compromise is involved.

In this sort of development there are also offsetting social benefits for the Trust in the project. It is notable that this is the largest development of its kind for any public housing authority that has ever taken place in this country and possibly the world where it is not simply tract development of ghetto type public housing. The Trust housing or public housing—not welfare housing as the Hon. Mr Hill seems to prefer to call it—initiatives will be spread in the best possible manner throughout the development. There will be no ghettos, no corners and no social distinction. Through its 50 per cent share via the South Australian Urban Land Trust in the joint venture project, the Government will receive half the profits generated by land sales. Those profits can in turn be recycled for programmes of social benefit, including extension of the Government's metropolitan land programme.

Part of the joint venture development costs include contributions to a community fund for the provision of community facilities. That is not an unusual arrangement in this day and age; it is certainly most responsible from a human services and social perspective. In addition, the joint venture is required to undertake open space development works. These costs are built into the allotment pricing structure, even though developers are not normally required to make such commitments. Of course, public housing occupants will benefit from these requirements, as will private housing occupants.

The Housing Trust has guaranteed liaison requirements as outlined in Division 6. Furthermore, it has one of its officers on the joint venture committee and is therefore in a position to convey its requirements to the joint venture at all times. The paramount objectives in the third schedule require an explicit commitment on the part of the joint venturers to pursue land, supply and pricing policies which will result in the provision of land at fair and reasonable

prices and to pursue development practices which minimise land and housing costs to perspective residents. I urge all honourable members to support the Bill and to ensure its speedy passage.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Schedule.

The Hon. C.M. HILL: I assume that Division 4, Part B on page 7 is the part of the schedule under which I should raise this question; perhaps it should be raised under some other part of the schedule, but that point is really irrelevant. Last night I sought some information as to the detail of the encumbrances that the Government proposes to place on land that is sold by the joint venturers. I accept that the Government proposes to encumber such land and that it is the Government's intention that the purpose of such encumbrances is in effect to prevent land speculation. The purpose of the encumbrance would be, no doubt, to force the purchaser of the land to honour the encumbrance of the contract that the land must be built on within a certain time.

In other words, if an individual buys a block of land—perhaps that person might be newly married and needs two years to pay for the land and get the capital together for a deposit on a house to be built on the land—a two year period could be given, but that person would have to ultimately build on the land. At the other end of the scale, if the joint venturers sold a parcel of, say, 100 allotments to a builder on the basis that within a certain time that builder had to build houses on that land that would be within an encumbrance that would be placed on the purchasers' titles. I am trying to avoid a situation in which purchasers of the kind could escape their obligations and resell the land.

I would have thought that the Government would see to it that it had some kind of draft encumbrance for Parliament's perusal, but from what I understand those involved in the planning have not reached that stage of preparing such a document. I seek an undertaking from the Government that, first, it will ensure that such land is encumbered at the time of the original sale and, secondly, that that encumbrance will be so worded as to prevent resale of such land by the original purchasers at profit, or at least at unreasonable profit, in the opinion of the original vendors, namely, the joint venturers.

The Hon. J.R. CORNWALL: The specific details of the encumbrances have yet to be finalised, as the Hon. Mr Hill rightly points out, but the clear intention—and I want to make this as clear as I possibly can on behalf of the Government—is that they will be designed to prevent on selling and other land speculation activities that may disrupt or adversely affect the development's marketing and pricing efforts. The joint venturer committee, I can assure the honourable member and this Committee, will pursue the details. In the meantime I can certainly give the undertakings requested by the Hon. Mr Hill. There were two, one of which related to the fact that encumbrances among other things would insist that there be no speculation, or would minimise speculation, and the other—

The Hon. C.M. Hill: It all relates to speculation.

The Hon. J.R. CORNWALL: I certainly give an undertaking on behalf of the Government that that will be pursued by our representatives on the joint venture committee and that there will be included in the encumbrances mechanisms, as was done very effectively at West Lakes, which will prevent speculation. The Hon. Mr Hill turns, nods, grins and so forth.

The Hon. C.M. Hill: I didn't nod.

The Hon. J.R. CORNWALL: I happen to have watched West Lakes very closely over 10 years. I am a distinguished resident of West Lakes.

The Hon. C.M. Hill: You are a resident of West Lakes.

The Hon. J.R. CORNWALL: Well, I am a resident of West Lakes.

The Hon. C.M. Hill: Distinguished in some ways.

The Hon. J.R. CORNWALL: Distinguished in the sense of having been there for a long time, not in any other respects; it is for others to judge that, not me. I have been there since 1975 and have watched West Lakes go through the period of that very considerable depression, during which the Tonkin Government lost its nerve and sabotaged the Land Commission. Delfin and the other people associated with the West Lakes development never faltered, never lost their nerve, never fiddled with the encumbrances, and never varied them to make life a little easier. It has acted in as responsible a way as possible.

As a member of the Cabinet who originally considered this proposition for a joint venture arrangement with Delfin, I was significantly impressed by the track record that it had had in that remarkable West Lakes development. I say that as one who has watched it grow from mangrove swamps and mosquitoes to one of the finest and most balanced residential developments in many ways in this country.

The Hon. I. GILFILLAN: I am pleased to hear that. Distinguished resident though the Minister might be, he has obviously not been rolled over for the sake of speculation. He is still there, which is of great comfort to us. Many happy years may he have. I would like it recorded in *Hansard* that it is with appreciation that the Democrats have accepted this undertaking that there will be encumbrances to prevent undesirable speculation on the value of the blocks. We commend the Government on its stand on this.

The Hon. C.M. HILL: Division 6 on page 10, which deals with public or welfare housing, was the Division on which I concentrated some of my criticism last night. I still oppose it. I have not placed an amendment on file; nor will I move that the Division be deleted, but I still hold very strongly to the views in regard to this matter that I expressed last night.

In regard to Division 15 on page 18, dealing with State preferences, the Government no doubt has totally supported this State preference section in the indenture, which states that wherever reasonably and commercially practicable the joint venturers shall use the services of South Australian engineers, surveyors, architects, professional consultants and other people in its development. South Australian suppliers, manufacturers and contractors are given preference. It seems that there is some contradiction in the Government's writing this into the indenture when at the same time it has given the project to a company that does not have basic ownership, as I understand it, in South Australia at all.

I have read with some interest where the totally South Australian developers—one of them was the Hickinbotham organisation—have made the criticism that they were not given some kind of preference or full consideration in regard to this matter. Will the Minister comment on this point: that here the Government is insisting on State preference but, when it approached the question of seeking an original master developer (if I can use that expression), it went outside the State.

The Hon. J.R. CORNWALL: We did not go outside the State in the first instance. We invited applications and submissions from a wide range of organisations and individuals, including Mr Allan Hickinbotham. There were very few who had the experience or the expertise to become involved in a very major development of this size. We also considered, as did the various committees, the option of selling parcels to individual developers but, on balance, all

our advice was that that would result in a piecemeal sort of development with a very significant variation in quality between one part of the development and the others.

Let me say that we pursued the idea of getting into joint venture arrangements with a number of South Australian based firms. However, at the end of the day there was no question that Delfin was the preferred joint venturer for a number of reasons, not the least being its size, its proven track record, and its proven ability to be involved in a very large development of this kind.

Schedule passed.

Title passed.

Bill read a third time and passed.

PRICES ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the House of Assembly's amendment:

Clause 3, pages 1 and 2:

Leave out all words after line 18 on page 1 and all words on page 2 and insert:

(a) by striking out from paragraph *(d)* of subsection (1) the passage 'subject to subsection (1a) of this section,';

(b) by striking out subsections (1a) and (1b);

(c) by striking out from subsection (2) the passage ', where the amount claimed or involved in any case does not exceed the sum of five thousand dollars,';

and

(d) by striking out subsection (3a).

The Hon. J.R. CORNWALL: I move:

That the amendment be disagreed to and the following alternative amendment be made in lieu thereof:

Clause 3—

Page 1, lines 29 to 34—

Page 2, lines 1 to 27—

Leave out subclause (3b) and insert subclauses as follows:

(3b) In subsection (3a), 'the prescribed amount' means—

(a) where the consumer is or is to be a party to proceedings in his capacity as a purchaser or prospective purchaser of land upon which he resides or intends to reside—the amount of eighty thousand dollars or such other amount as may be prescribed;

(b) where the consumer is or is to be a party to proceedings in his capacity as a mortgagor of land upon which he resides or intends to reside—the amount of forty thousand dollars or such other amount as may be prescribed; or

(c) in any other case—the amount of twenty thousand dollars or such other amount as may be prescribed.

(3c) A regulation prescribing an amount for the purposes of subsection (3b) shall not take effect—

(a) until 14 sitting days of each House of Parliament (whether or not occurring in the same session of Parliament) have elapsed after the regulation is laid before each House; and

(b) if within those 14 sitting days notice of a motion to disallow the regulation is given in either House of Parliament—unless and until the motion, or, if there is more than one such motion, each of the motions, is defeated, withdrawn or lapses.

The Hon. J.C. BURDETT: I support the motion. Honourable members will recall that there were two controversial issues when the Bill was before the Council. The first was in regard to the investigatory powers of the Commissioner of Consumer Affairs. At the present time in the Prices Act the Commissioner has power only to investigate where there is a consumer complaint, where there is a request from the Commonwealth or an interstate agency, or where the Commissioner has reasonable cause to suspect that the consumer law has been breached.

The Bill before the Chamber proposed to remove these restrictions and to provide that for any reason or for no reason at all of his own motion the Commissioner could launch an investigation. There is no need to canvass the issues again, but the position that won the support of the Chamber was that there was no need to extend the powers of investigation, because they could be unduly oppressive on business. The effect of this motion is that the investigatory powers of the Commissioner will not be disturbed. In other words, this motion in regard to the investigatory powers does not refer to them at all and, therefore, deletes them from the Bill and supports the position that this Council took before.

The matters that these amendments specifically are directed to are in regard to the power of the Commissioner of Consumer Affairs to introduce proceedings on behalf of consumers. In the existing law there is an upper limit, and land is excluded. The Bill sought to remove the limits so that there is no limit at all, and to include land. The position that gained the numbers in the Council was (this was pursuant to an amendment moved by me as amended by an amendment moved by the Hon. Lance Milne) a compromise position to increase the jurisdiction from where it is in the present Act to $20 000 and to include land where it comprises a residence or land purchased for the purpose of building a residence thereon up to a limit of $75 000, and a mortgage on such a residence or land purchased for that purpose up to the same limit, and $20 000, as I have said, in the general case.

What is proposed here is that land generally shall remain excluded, but shall be included where it comprises a residence or land purchased for that purpose up to a limit of $80 000. That being regarded as being more realistic on today's prices, and also fitting in with the rest of this amendment. The next thing is in regard to a mortgage on land. Instead of $75 000 or $80 000, it was decided to make it $40 000. It was pointed out that that is more realistic: one would not expect the mortgage to go to the whole extent of the value of the property. Also, the sum of $40 000 fits in with provisions in the Consumer Credit Act.

I believe that these provisions are perfectly acceptable. There is one very interesting aspect of these amendments with which I agree and which should be of considerable interest to honourable members. The original amendments moved by me and amended by the Hon. Lance Milne contained a provision for limits indexed to the CPI. That provision has been removed and another procedure substituted.

I had discussions with Mr Michael Noblett, the Commissioner of Consumer Affairs and Director-General of the Department of Public and Consumer Affairs, who objected to the indexation provision on the grounds of lack of certainty from time to time: one would not know in advance what the CPI increase would be. He has proposed instead a most interesting procedure—that the limits can be varied by regulation but, unlike most regulations, this regulation to vary the limits will not have the force of law until it has run the period of 14 sitting days before both Houses of Parliament or, if a motion to disallow it is moved in that time, until that motion has been resolved. It is unlike the usual situation where regulations have the force of law forthwith but may be disallowed. Under this procedure the regulations will not have the force of law until they have run the 14 sitting days period and have abided by the result of any disallowance motion that may be moved during that time.

In this instance, that is very appropriate. Such a provision is appropriate in important policy matters such as this, and the procedure may be used on other occasions. I do not suggest that it is always appropriate: there are some occasions on which regulations must come into force forthwith. However, in matters of this kind the procedure is quite appro-

priate. In the past the Liberal Party in regard to other issues has sought provisions of this kind and generally speaking the Labor Party has not agreed with them, so it is interesting to note that the Government has introduced this amendment to provide for such a procedure.

There are other cases where the ordinary procedure is varied. There is an interesting case in regard to the Forestry Act, where the procedure uses a proclamation, but the proclamation does not come into force until it is laid on the table and has abided by Parliamentary procedures. Of course, not being a regulation it would not go before the Subordinate Legislation Committee whereas in this case, as it is a regulation, it would go before that committee. It is a bit of a toss up between the two procedures, both being hybrid procedures. The regulation does not take the usual form of regulations and the proclamation under the Forestry Act does not take the usual form of proclamations.

I support this provision and I believe it is most appropriate in this case. I draw the attention of the Committee to the fact that, while this action is not completely unprecedented, it is a departure from the ordinary regulation-making procedure, one that I believe could be followed by the Government in future in other areas. For the reasons I have outlined, I support the amendment.

The Hon. J.R. CORNWALL: Honourable members will remember that this Bill was substantially amended when it was last before this Council. The Hon. Mr Milne and the Hon. Mr Burdett moved amendments which deleted the provisions designed to remove unnecessary and illogical restrictions on the power of the Commissioner for Consumer Affairs to conduct investigations. They also moved amendments to the provisions in relation to the ability of the Commissioner to represent consumers in legal proceedings.

The Bill has now been amended in another place to put it back in the state it was in when first introduced in this Council. This has enabled further consideration to be given to the concerns which were expressed by some honourable members; it has also enabled the Government to consider whether there was any middle ground upon which we might reach agreement.

I have already indicated to this Council, on behalf of the Attorney-General, the reasons why the Government thought these amendments to be necessary. I do not propose to repeat those reasons again. I must say, however, that I am absolutely amazed at the attitude of those who have opposed these amendments. It is quite clear, when one examines the functions of the Commissioner for Consumer Affairs under the Prices Act, that the Commissioner is not charged only with responsibility for conciliation of disputes between consumers and traders. It is quite clear that he is also a law enforcement officer in the case of legislation which he is required to administer—his functions include the conduct of prosecutions for offences. This seems to have been overlooked by those who have been critical of this Bill.

To me and to the Attorney-General the position is quite clear. Licensing inspectors quite properly have powers of inspection of licensed premises to ascertain whether the provisions of the Licensing Act are being complied with. Inspectors of places of public entertainment have appropriate powers in relation to the Places of Public Entertainment Act. Fisheries inspectors conduct random inspections and monitoring programmes to detect whether breaches of the law are occurring. Local government inspectors have extensive powers of investigation under the Local Government Act and under the Building Act. In almost every other case it seems to be accepted that law enforcement officers must have appropriate powers of investigation to enable them to act not only on complaint but also to conduct investigations to see whether the law is being complied with.

Despite this, there seems to be some paranoia about consumer affairs officers having similar powers under legislation which they are required to administer. The Attorney even suggested a compromise to the Hon. Mr Milne and the Hon. Mr Burdett, I understand, under which the power to investigate without receiving a complaint, and without having to wait until there was a reasonable suspicion that unlawful practices were being carried on, would be restricted to legislation which specifically provided for administration by the Commissioner for Consumer Affairs. However, they refused to agree even with this.

The only substantive argument advanced in opposition to these amendments is that the powers might be abused at some future time. The Attorney cannot accept that that is a valid reason not to confer the powers. Any statutory powers of this kind are capable of being abused, but there are mechanisms available to take appropriate action if those abuses do occur. Let me give just one example of the existence of similar powers conferred under legislation passed by the Tonkin Liberal Government. The Meat Hygiene Act, 1980, quite properly gives very wide powers to the inspectors who are responsible for the administration of that Act. An inspector may enter upon business premises and may 'require a person to answer truthfully any question that in his opinion may disclose information as to whether or not the provisions of this Act are being complied with . . .'. He may also 'require the production of, and inspect and take copies of any book, paper or document or any record of any kind that in his opinion may disclose information as to whether or not this Act is being complied with'.

Quite clearly, those powers are capable of being abused. However, this apparently did not concern the Liberal Government at that time. And yet when this Government tries to introduce similar provisions to enable the Commissioner for Consumer Affairs properly to administer and enforce the legislation for which he is responsible, some members talk about unnecessary interference with legitimate business activity and the potential for the abuse of powers. The mention of the name 'Commissioner for Consumer Affairs' seems to do strange things to their powers of logic and reason. I trust that I have made it quite clear that the Attorney does not consider that there was anything wrong with the amendments introduced by the Government in relation to the investigation powers of the Commissioner for Consumer Affairs.

However, in view of the persistently intransigent attitude taken by some members opposite, and in order to avoid the inevitable conference to resolve a deadlock at this late stage in the sitting, I propose, on behalf of the Attorney-General, to withdraw them for the time being and to give further consideration to a possible alternative which might not receive such a paranoid reaction. As far as the provisions relating to the ability of the Commissioner to represent consumers in legal proceedings are concerned, I stand by the comments that the Attorney-General made when introducing the Bill into this House. However, in the spirit of compromise for which the Attorney is so well known, I moved amendments that I believe members opposite should find acceptable.

The present monetary limits of application of the Consumer Credit Act and the Consumer Transactions Act are $15 000 for most transactions and $30 000 for home mortgages. These amounts have recently been reviewed and legislation is being prepared to increase those amounts to $20 000 and $40 000 respectively. It seems to the Government to be logical that the transactions in respect of which the Commissioner may represent a consumer in legal proceedings ought to be the same as the transactions that are covered by the Consumer Credit Act and the Consumer Transactions Act. In fact, it would be rather ludicrous if

the Commissioner did not have that power in respect of a transaction subject to those Acts. I therefore propose on behalf of the Attorney-General that the monetary limit for general purposes under section 18a (2) of the Prices Act should be $20 000 and that the limit in the case of a home mortgage should be $40 000. Although I do not concede that it is necessary or logical to place any limit on the value of a consumer's home for the purpose of these provisions, I propose to include such a limit (again, by way of compromise) of $80 000.

Quite clearly these amounts should be able to be increased from time to time to keep pace with current market values. However, the Hon. Mr Burdett has indicated that he would not support a provision under which these amounts could be increased by regulation. Again, the Attorney says he finds it difficult to understand this objection and says that he would have thought that this is the very type of area in which regulations should be used. After all, they can always be disallowed by the Parliament if they are considered to be unacceptable. However, again in order to speed the passage of this Bill, and without in any way conceding that there is any substance to this objection, the Attorney-General has asked me to propose the amendment under which the amounts could be altered by regulation, with the regulation not coming into force until after Parliament has had the opportunity to disallow it. I want to make it quite clear on behalf of the Attorney-General that I do not accept that this is a precedent which should be followed in all cases in which amounts referred to in legislation may be adjusted by regulation. The amendment is a compromise and, in the view of the Attorney-General and the Government, not an entirely satisfactory one. However, it will improve the position as it presently stands and I hope members opposite will accept this amendment in the spirit in which it is offered.

The Hon. J.C. BURDETT: I do accept the compromise in the spirit in which it is offered. This is another case, and we have had several such cases recently, where the Opposition has had both the logic and the numbers. I dealt with the merits of the matter to a certain extent when I spoke before, so I do not propose to go through them again in detail. They were dealt with when the amendments were before the Council. Very briefly with regard to the investigative powers, I believe that it is perfectly proper to confine them to cases of complaint, request by another authority and reasonable grounds to suspect. The reason I say that is that there is ample evidence—and I have received lots of complaints from small businesses about this, particularly where investigations have been launched—that for a small business in particular an investigation is very oppressive and can cause great inconvenience, loss of money and loss of clientele for the time being for the party being investigated.

I believe that it is entirely appropriate to keep powers where they already are. In relation to the inspection of things such as building sites, used car yards and so on, I point out that they are inspected, anyway. There is no objection taken to this. It is my view that it could be argued that there is proper authority to do that. I do not believe that it is necessary on that account to increase the investigative powers. I think that the other matters in relation to the substance of the subject matter I have covered before, both when speaking a few minutes ago and when amendments were before the Council. I maintain that the attitude of the Opposition has not been intransigent, but has been logical and reasonable with a view to striking a balance between the rights of consumers and the rights of the business community. I do accept the compromise in the spirit in which I am sure it was meant. I support the motion.

Motion carried.

The following reason for disagreement to the House of Assembly's amendment was adopted:

Because the amendment was contrary to the spirit of the principal Act.

NATIVE VEGETATION CLEARANCE

Adjourned debate on motion of the Hon. K.L. Milne:

1. That a Select Committee be appointed to inquire into and report upon—
   - *(a)* The administration of the Vegetation Clearance Regulations;
   - *(b)* The drafting of a Native Vegetation Clearance Act which separates vegetation clearance matters from the Planning Act; and
   - *(c)* The future administration and control of native vegetation clearance in South Australia.
2. That in the event of a Select Committee being appointed, it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.
3. That this Council permits the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

(Continued from 5 December. Page 2120.)

The Hon. I. GILFILLAN: In concluding this debate, I welcome the unanimous support of members of this Council for this measure.

Motion carried.

The Council appointed a Select Committee consisting of the Hons. M.B. Cameron, B.A. Chatterton, C.W. Creedon, Peter Dunn, M.S. Feleppa, and K.L. Milne; the committee to have power to send for persons, papers, and records, and to adjourn from place to place; the committee to report on 2 April 1985.

NATIVE VEGETATION (CLEARANCE) BILL

Adjourned debate on second reading.

(Continued from 5 December. Page 2131.)

The Hon. M.B. CAMERON (Leader of the Opposition): In concluding this debate I again congratulate everyone associated with the matter in finally arriving at a point where discussion will occur in a Select Committee atmosphere. I am certain that the Select Committee will have a very positive view—a view to cleaning up this matter and obtaining a resolution to the problem.

Bill read a second time and referred to the Select Committee on Native Vegetation Clearance.

PLANNING ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 19 September. Page 952.)

The Hon. I. GILFILLAN: I appreciate that this measure has the substantial support of members of the Council for its intention. I commend it to the Council.

Bill read a second time and referred to the Select Committee on Native Vegetation Clearance.

[Sitting suspended from 5.23 p.m. to 2.5 a.m.]

EQUAL OPPORTUNITY BILL

At 2.5 a.m. the following recommendations of the conference were reported to the Council:

As to Amendments Nos. 1 to 5:

That the Legislative Council do not further insist on its disagreement to these amendments.

As to Amendment No. 6:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 7:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 8:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendments Nos 9 and 10:

That the House of Assembly do not further insist on these amendments.

As to Amendment No. 11:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 12:

That the House of Assembly do not further insist on this amendment.

As to Amendments Nos 13 and 14:

That the House of Assembly do not insist on these amendments but make in lieu thereof the following additional amendments to the Bill:

Clause 18, page 7—

After line 3 insert new subclause as follows:

(2a) A person is not eligible for appointment as the Presiding Officer unless he is (i) a judge of a court of this State or the Commonwealth; or (ii) a magistrate.

Line 4—Leave out 'the Presiding Officer or'.

Lines 6 and 7—Leave out paragraph *(a)* and insert paragraphs as follows:

(a) a judge of a court of this State or the Commonwealth;

(b) a magistrate;.

Lines 10 and 11—Leave out 'person holding judicial office under the Local and District Criminal Courts Act, 1926,' and insert 'judge or magistrate'.

Lines 25 and 26—Leave out 'hold judicial office under the Local and District Criminal Courts Act, 1926' and insert 'to be a judge or magistrate'.

Line 27—Leave out 'the Presiding Officer or'.

Clause 22, page 9—

Line 10—Leave out 'Senior Judge' and insert 'Presiding Officer'.

Line 13—Leave out 'Senior Judge' and insert 'Presiding Officer' and that the Legislative Council agree thereto.

As to Amendment No. 15:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 16:

That the Legislative Council do not further insist on its amendment but make in lieu thereof the following amendment to the Bill:

Clause 29, page 13—

Line 8—Leave out 'For the purposes' and insert 'Subject to subsection (3a), for the purposes'.

Lines 31 to 37—Leave out all words in these lines.

After line 37 insert subclause as follows:

(3a) Where—

(a) a person discriminates against another on the basis of his appearance or dress;

(b) that appearance or dress is characteristic of, or an expression of, that other person's sexuality; but

(c) the discrimination is reasonable in all the circumstances, the discrimination shall not, for the purposes of Division II, be taken to be discrimination on the ground of sexuality.

and that the Legislative Council agree thereto.

As to Amendment No. 17:

That the House of Assembly do not further insist on this amendment but make in lieu thereof the following amendments to the Bill:

Clause 33—

Page 15—

Lines 35 to 42—Leave out subclause (1) and insert the following subclauses:

(1) It is unlawful for a firm or a person promoting the formation of a firm to discriminate against a person (otherwise than on the ground of sexuality) in determining, or in the course of determining, who should be offered a position as partner in the firm.

(1a) It is unlawful for a firm or a person promoting the formation of a firm to discriminate against a person on the ground of sexuality in determining, or in the course of determining, who should be offered a position as partner in the firm, unless the firm consists, or is to consist, of less than six members.

(1b) It is unlawful for a firm or a person promoting the formation of a firm to discriminate against a person in the terms or conditions on which that person is offered a position as partner in the firm.

Page 16—

Line 1—Leave out 'consisting of two or more partners'.

and that the Legislative Council agree thereto.

As to Amendment No. 18:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 19:

That the House of Assembly do not further insist on this amendment but makes, in lieu thereof, the following amendment:

Clause 50, page 22—

Line 10—Leave out 'doctrines, beliefs or teachings' and insert 'precepts'.

Lines 13 to 21—Leave out subclause (2) and insert subclause as follows:

(2) Where an educational or other institution is administered in accordance with the precepts of a particular religion, discrimination on the ground of sexuality that arises in the course of the administration of that institution and is founded on the precepts of that religion is not rendered unlawful by this Part.

and that the Legislative Council agree thereto.

As to Amendments Nos. 20 to 23:

That the House of Assembly insist on these amendments but make the following additional amendments to the Bill:

Clause 87, page 35—

Line 11—After 'ensure' insert 'as far as practicable'.

After line 16 insert subclause as follows:

(9a) Damages shall not be awarded in respect of a failure to take steps to prevent sexual harassment (being a failure that is unlawful by virtue of subsection (7), (8) or (9)) unless it is established that the person guilty of that failure instructed, authorised, or connived at, the sexual harassment.

and that the Legislative Council agree thereto.

As to Amendment No. 24:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 25:

That the House of Assembly insist on its amendment but make the following additional amendments to the Bill:

Clause 91, page 36—

Line 23—Leave out 'subsection (2)' and insert 'this section'.

After line 25 insert subclause as follows:

(1a) A person is not vicariously liable for an act of sexual harassment committed by an agent or employee unless he instructed, authorised, or connived at, that act.

and that the Legislative Council agree thereto.

As to Amendment No. 26:

That the House of Assembly do not further insist on this amendment but make, in lieu thereof, the following amendment:

Clause 24, page 10—

Lines 15 and 16—Leave out 'a person other than a legal practitioner' and insert 'an officer or employee of a registered industrial association or by any other person'

and that the Legislative Council agree thereto.

As to Amendment No. 27:

That the House of Assembly do not further insist on this amendment but make, in lieu thereof, the following amendment to the Bill:

Clause 93, page 38—

Lines 1 to 12—Leave out subclauses (2) and (3) and insert subclause as follows:

(2) A complaint must be lodged—

(a) when the alleged contravention is constituted of a series of acts—within six months of the last of those acts;

(b) in any other case—within six months of the date on which the contravention is alleged to have been committed.

and that the Legislative Council agree thereto.

As to Amendment No. 28:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 29:

That the House of Assembly do not further insist on this amendment.

As to Amendment No. 30:
That the House of Assembly do not further insist on this amendment.
As to Amendment No. 31:
That the Legislative Council do not further insist on its disagreement to this amendment.
As to Amendment No. 32:
That the House of Assembly do not further insist on this amendment.
As to Amendment No. 33:
That the House of Assembly do not further insist on this amendment.
As to Amendment No. 34:
That the House of Assembly do not further insist on this amendment but make, in lieu thereof, the following amendment:
Clause 105, page 42—
Line 28—Leave out 'Senior Judge' and insert 'Presiding Officer of the Tribunal'
and that the Legislative Council agree thereto.
As to Amendment No. 35:
That the House of Assembly do not further insist on this amendment.
Additional Amendment:
That the House of Assembly make the following further amendment to the Bill:
Clause 89, page 36—
Line 16—After 'summary of the' insert 'actuarial or statistical'
and that the Legislative Council agree thereto.

AUSTRALIAN FORMULA ONE GRAND PRIX BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

CHILDREN'S SERVICES BILL

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

PLANNING ACT AMENDMENT BILL (No. 4)

Returned from the House of Assembly without amendment.

PRISONS ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly with amendment.

CORRECTIONAL SERVICES ACT AMENDMENT BILL

Returned from the House of Assembly with amendments.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Page 1, after line 18 (clause 3)—Insert definition as follows:
'ER' film means a film classified as an 'ER' film by the Board in pursuance of this Act:

No. 2. Page 2, line 4 (clause 3)—After '"R"' insert 'or an "ER"'.

No. 3. Page 2, after line 20 (clause 3)—Insert subclause as follows:
(2a) In this Act a reference to the designation 'ER' in relation to the classification of a film is, if that designation is declared by regulation to be replaced by some other designation, a reference to that other designation.

No. 4. Page 3, line 5 (clause 5)—Leave out paragraph *(d)* and insert paragraph as follows:
(d) in the case of a film—
(i) as an 'R' film;
or
(ii) as an 'ER' film.

No. 5. Page 3, after line 5 (clause 5)—Insert subclause as follows:
(1a) Notwithstanding the provisions of subsection (1), until the prescribed day, where the Board decides that a film is a film of the kind referred to in subsection (1) *(a)* or *(b)*, the Board shall refrain from classifying the film unless satisfied that it is suitable for classification as an 'R' film.

No. 6. Page 3, lines 27 to 42 and page 4, lines 1 to 9 (clause 5)—Leave out paragraphs *(b)* and *(c)*.

No. 7. Page 5, lines 9 and 10 (clause 6)—Leave out paragraph *(b)*.

No. 8. Page 5, line 16 (clause 6)—After 'publication' insert 'and every "ER" film'.

No. 9. Page 5, line 17 (clause 6)—After 'publication' insert 'or film'.

No. 10. Page 5, line 20 (clause 6)—After 'publication' insert 'or film'.

No. 11. Page 5, line 26 (clause 6)—After 'publication' insert 'or film'.

No. 12. Page 5, line 28 (clause 6)—After 'publication' insert 'or film'.

No. 13. Page 5, line 29 (clause 6)—After 'publication' insert 'or film'.

No. 14. Page 5, line 32 (clause 6)—After 'publication' insert 'or film'.

No. 15. Page 5, line 35 (clause 6)—After 'publication' insert 'or "ER" film'.

No. 16. Page 6, lines 17 and 18 (clause 9)—Leave out 'ten thousand dollars or imprisonment for six months' and insert 'five thousand dollars or imprisonment for three months'.

No. 17. Page 6, lines 19 to 26 (clause 9)—Leave out subclause (3a).

No. 18. Page 6, lines 39 to 44 (clause 9)—Leave out subclause (4aa).

No. 19. Page 7, line 6 (clause 9)—Leave out 'or'.

No. 20. Page 7, after line 8 (clause 9)—Insert:
or
(c) before the prescribed day, by means of any process copies the whole of or any part of the film that is classified under a corresponding law otherwise than as a 'G' film, a 'PG' film, an 'M' film or an 'R' film.

No. 21. Page 7, line 10 (clause 9)—Leave out 'ten thousand dollars or imprisonment for six' and insert 'five thousand dollars or imprisonment for three'.

No. 22. Page 7, after line 14 (clause 9)—Insert definition as follows: 'the prescribed day' means the day prescribed for the purposes of section 13 (1a):.

No. 23. Page 7, lines 32 to 35 (clause 9)—Leave out all words in these lines.

No. 24. Page 7, line 39 (clause 9)—After 'subsection (8)' insert ', or a film of the kind referred to in subsection (7) *(c)*,'.

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

That the House of Assembly's amendments be agreed to.

I do not wish to recanvass all the arguments that there are around this issue. The amendments that have been inserted by the House of Assembly to the Classification of Publications Act Amendment Bill return to the Bill the ER classification that was taken out of the Bill by the Legislative Council when it was before us previously. The amendments also deal with the other matters relating to the ER classification. That is the issue with which we are faced. It was substantially the issue with which we were faced when the matter was before us previously, apart from certain amendments that were moved by the Hon. Mr Lucas who wanted to confine the ER category to certain cinemas and other public places or private functions such as sporting clubs and the like. That did not find favour with the Council on a previous occasion, either.

That would be one area of potential compromise should the matter be discussed further, but I do not believe that the Hon. Mr Lucas's suggestions form the basis of any reasonable compromise in this area. The ER category, which

was put forward by the Government (that is, a non-violent category, and I emphasise that), for sale or hire and therefore availability in the home is a more desirable option than the establishment of so-called adult cinemas.

Therefore, I ask the Council to accept that the Government moved in this area in a decisive fashion in conjunction with the South Australian Parliament to introduce a control over violence in videos for the first time in Australia last year and to make sure that videos were covered by the law for the first time in Australia last year—violent videos in particular. That has supported since the debate last year a compulsory classification system. That has supported a tightening up of the guidelines on violence in the M and R categories, and that has put forward the view that a reasonable compromise in this area is for a non-violent (eventually called 'extra restricted') category of video that involves, in effect, sexual acts between consenting adults. But I emphasise 'non-violent' and 'non-coercive'. That is the issue that we are debating here tonight.

The Council must realise that this Bill as introduced by the Government bans X rated videos as they are commonly known in the community. Most of the so-called 'video nasties' have already been banned as a result of the voluntary system which we currently have and which was passed last December. So, the Government acted decisively on the so-called 'video nasties' and ensured that they were removed from the market. There has been an active policy of prosecution of anyone who has been selling videos that have been refused classification since then.

The legislation now goes further and bans X. It bans any pornography with violence or in a coercive situation. As I said, that is a reasonable compromise in this area. I also emphasise that the Government's Bill makes it an offence to show a video to any other person that has been refused classification. That is a strict regime that has been introduced by the Government. It is an offence to show to any other person a video that has been refused classification. It would be—

The Hon. K.T. Griffin: Is it an offence to own it?

The Hon. C.J. SUMNER: No, it is an offence to show it to any other person or to copy it.

The Hon. R.I. Lucas: You will throw the 14-year old in the clink?

The Hon. C.J. SUMNER: The honourable member is being flippant.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: The honourable member may not believe it, but children commit crimes; children sometimes commit armed robberies and rapes; children sometimes pinch chocolates from supermarkets. For the honourable member to say that there cannot be legislation that deals with children breaking the law is an irrelevant argument in this context. What I am saying is that the legislation is very tight with regard to those videos that have been refused classification. The legislation will be tougher than the legislation in Queensland on this point—tougher than Queensland has indicated will apply on this topic—because it says that any video that is refused classification cannot be shown to any other person. It makes it an offence to do that. It makes it an offence to copy that video, and I believe that it is not proposed that that clause be used in the legislation in the other States. With respect to that material, the so-called video nasties, if you like, the X category, the showing of that material to another person will be an offence.

As I said, we introduced the ER category and again there are strict controls. It will be an offence to show an ER or R category movie to a minor. That important control has been urged on the Government by groups in the community and it has been accepted. I point that out to the Committee. The important point for members to remember is that, if this Bill fails, we will not have banned X rated videos in South Australia. We will not have compulsory classification of videos in South Australia. That is a point that the Committee needs to remember: if this Bill is not passed the existing law will remain in place, that is, a voluntary system of classification. If the Committee wants to ban X, which this Bill does—

The Hon. K.T. Griffin: It does not—it bans 5 per cent. What are you going on like this for at 2.30 in the morning? Are you setting up a conference?

The Hon. C.J. SUMNER: I am putting the points.

The Hon. R.I. Lucas: We've heard it all before.

The Hon. C.J. SUMNER: I appreciate that, but I am concerned to point out to members that the result of their opposition to this Bill and their defeat of this Bill will be that the voluntary system of classification will continue: there will be no compulsory system of classification of videos in South Australia, which is what the Opposition has been arguing for; X rated videos will not be banned and there still will be ER. It will not be an offence to show ER or R rated videos to minors; it will not be an offence to show a video that has been refused classification to any other person. None of those controls will be in the law if this Bill fails. That is the point I wish to make. On that basis, I argue strongly that the Committee should now accept these amendments and allow the Bill to pass into law.

The Hon. K.T. GRIFFIN: At 2.30 am on the third morning of this week that it has been 2.30 am or later, after sitting all afternoon, evening and morning, we are now being threatened by the Attorney with dire consequences: he says, 'If the Council defeats the Bill . . .' There is no intention by members on this side of the Chamber to defeat the Bill. What we want to do is to talk about a suitable compromise, and I do not know why the Attorney is going on like this for such a long period just reiterating what has already been said, unless he has some other plan up his sleeve to try to throw the blame onto the Opposition if he cannot ultimately get his own way in regard to the ER category.

The fact is that he is not banning X videos. He is changing the name of that category to ER and so amending the standards that 5 per cent only of the previous X rating category in fact are prevented from sale or hire. The Attorney is allowing 95 per cent of the X rated videos to continue to be available in South Australia for sale or hire.

The public ought to recognise that and they ought to recognise that, although there is an element of so called violence removed from the new ER 95 per cent X category, the fact is that the category will contain explicit acts, depictions of sexual acts. That is not going to show, as the Hon. Anne Levy may have suggested whenever we last debated this matter, sensitive acts of sexual intercourse. Undoubtedly, it will reflect depictions of a variety of sexual acts ranging from intercourse to a whole range of other explicit sexual acts. Let no-one be mistaken that this material is pornography, and it is hard core pornography and that that is what the Attorney-General wants to make available.

The Attorney has no regard for the fact that this material will have a deleterious effect on children, on minors, into whose hands it may well fall. Parliament has to have a sense of responsibility for minors, the younger people in the community in regard to the access that they may be able to obtain to this material, as well as having some regard to the so called rights of adults to see and hear what they wish. The primary responsibility of adults is to ensure that the minors of South Australia grow up in a normal atmosphere to take their place in society and develop into balanced and reasonable adults.

It is my view that if the ER category is available, undoubtedly it will in one way or another fall into the hands of

minors and will have a deleterious effect because of the depictions that will be allowed in that category. What the Opposition is seeking to do is to prevent that material being available. The Hon. Mr Lucas made a proposal that seemed in principle at least to meet or to get the support of a number of members for some sort of ER category cinema.

The Hon. Mr Lucas will have the opportunity to speak on that and to explore it at greater length in the conference, if the Attorney-General intends to go to a conference. In view of the statements he has been making, as I said earlier, I wonder whether he is going to seek to deny a conference and to throw the blame back on the Opposition. Let me say that if that is his intention ultimately, it will not work. It will backfire on him because the people of South Australia will see that we have tried to give proper consideration to this matter and that we are willing to consider the matter further at a conference. It may well be that there is a suitable compromise that is achieved.

In the light of the 14 hours spent yesterday and today on a conference on the Equal Opportunity Bill, which has resulted in a satisfactory compromise, no-one can claim that the Opposition is not prepared to support alternative options. That is the position in relation to this piece of legislation. I put on the record that we are prepared to consider rationally and reasonably any reasonable proposition that might be raised during the course of the conference.

The Hon. I. GILFILLAN: The volume of the debate seems to have increased, but I am not sure that the content has. The shadow Attorney-General has stated emphatically that 95 per cent of the X category videos will now be acceptable as ER-rated videos. Is there substantive evidence to support that claim, or not?

The Hon. K.T. Griffin: Yes, the Attorney-General's speech.

The Hon. I. GILFILLAN: If that means that the objectionable material that was formerly in the X category and included violence and other criteria including coercion has been removed and totals only 5 per cent then the 95 per cent is not really the criterion on which to base quality and standards. If we are to accept the ER category as encompassing explicit sex between consenting adults the volume of it is relatively insignificant. What is important is the fact of having removed the material that is regarded by the authorities as a dangerous and bad influence. My position in relation to this matter remains the same. I believe that explicit sexual material is relatively innocuous and see no reason why it should not be available for adults to view under the circumstances outlined in this Bill. I will support the Government in this matter.

The Council divided on the motion:

Ayes (8)—The Hons G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, C.J. Sumner (teller), and Barbara Wiese.

Noes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), C.M. Hill, R.I. Lucas, and K.L. Milne.

Pairs—Ayes—The Hons Frank Blevins and J.R. Cornwall. Noes—The Hons Diana Laidlaw and R.J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

The following reason for disagreement was adopted:

Because the amendments are unsatisfactory.

EQUAL OPPORTUNITY BILL

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

The House of Assembly has agreed to the recommendations of the conference and the long legislative process with respect to the now Equal Opportunity Bill will be concluded if this Council also agrees to those recommendations. As honourable members will realise, the conference was a long one extending over some 14 hours, from 10.30 a.m. The conference was constructive and I thank the managers who participated from this Council and the House of Assembly for the way they approached the conference, which was with a view to obtaining agreement on what the Government believes is a very important measure.

I would now like to deal as quickly as I can with the major points of agreement. The first issue talked about was the question of superannuation. The Bill contains a provision to prevent discrimination in superannuation schemes. When I introduced the Bill I indicated that it was not the Government's intention to proclaim that section immediately. I have now undertaken, as a result of the conference, to repeat certain views of the Government on this question. First, the Government does not have any intention to proclaim the sections dealing with superannuation immediately. Secondly, the Government has a substantial desire for national legislation, that is, legislation that would be uniform throughout Australia included in the Commonwealth Sex Discrimination Act and, if necessary, picked up as mirror legislation in the States.

Further, the Government will not proclaim the superannuation sections until the Human Rights Commission has reported on this topic. The Human Rights Commission has received a reference from the Commonwealth Attorney-General on the question of superannuation. I received a letter from the Human Rights Commission indicating that it hopes to report on superannuation by May 1985. I further indicate that the South Australian Government will provide all the material that it has accumulated by research, reports and otherwise over the past 10 years or so on this topic and that Mr Allan Archer, the Acting Public Actuary, will assist the Human Rights Commission in its deliberations.

Further, I undertake to establish a small committee in South Australia consisting of representatives from the industry (the Life Insurance Federation and anyone else who is considered to be relevant), the Government, and the Commissioner for Equal Opportunity. The Government representative will, in all probability, be Mr Archer. This small *ad hoc* committee will monitor the developments in this area and the impending report of the Human Rights Commission. I believe that that covers the comments I undertook to make as a result of the conference, although there is one other point here and I cannot read my writing. If the Hon. Mr Griffin thinks that I have not covered—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Yes, I said that we had a significant desire for national legislation and will certainly be pursuing it if that is possible. What we say, however, is that if there is no progress in a national solution to these problems by some time next year then we will consider the proclamation of those sections of the legislation. Certainly, we would strongly prefer national solutions and we hope that the Commonwealth can find an acceptable formula for dealing with this matter. I will not go through all the other amendments that were made. I do not think that that is necessary. Honourable members can peruse the schedule of amendments that have been agreed. I should perhaps mention the major ones. With respect to the composition of the tribunal, it was eventually agreed that the Senior Judge of the District Court would not have any role in the tribunal but that the presiding officer of the tribunal would be a

person holding judicial office—either a magistrate or a judge of the State or Federal Court.

The Hon. K.T. Griffin: Commonwealth court, not the Federal Court.

The Hon. C.J. SUMNER: Of a Commonwealth court, yes. That view was put by the Hon. Mr Griffin as a compromise and was accepted by the managers on the basis that it provided as chairman of the tribunal someone with judicial tenure and, therefore, judicial independence. The managers from the House of Assembly agreed to fixed three year appointments for the chairman, the deputy chairman and members of the tribunal, subsequent to the first appointments that could be for shorter periods in order to obtain a staggering of the appointments. But, all subsequent appointments would be for a fixed three year period; that was a view put forward by the Legislative Council.

The Legislative Council managers accepted that the experience and knowledge of people in the area were criteria in the selection of the panel. On the question of sexuality and dress, which was an amendment moved by the Hon. Mr Lucas in the Legislative Council, a compromise was reached which, I think, is reasonable. The Hon. Mr Lucas nods and says that he is happy with it. It provides:

> Where a person discriminates against another on the basis of his appearance or dress—
>
> *(b)* that appearance or dress is characteristic of or an expression of that other person's sexuality
>
> *(c)* the discrimination is reasonable in all circumstances
>
> the discrimination shall not for the purposes of Division II be taken to be discrimination on the ground of sexuality.

Honourable members will recall that this was the question of whether or not the existing law was satisfactory to cover the situation where an employer felt that he should have some prerogatives with regard to the appearance or dress of an employee and the fear that appearance or dress might be part of the expression of a person's sexuality and that therefore the employer could not give directions to the employee with respect to appearance or dress. I put the argument that that would not be the case under general law and cited the example of the caftan clerk. Mr Lucas persisted with his amendment. I do not believe that the amendment takes the existing law very much further but certainly places it in the legislation and, in so far as it will assuage some of the fears in this area, the House of Assembly managers in Government were prepared to accept it. In terms of changing the amendment of the Hon. Mr Lucas, we removed the reference to the manner in which a person behaves. It was felt that that was too broad an exemption and that it was sufficient to confine it to appearance or dress. That was the ultimate agreement.

The other major area was that of sexual harassment. The definition of 'sexual harassment' in the Government Bill was upheld by the conference so that sexual harassment *per se* will be an unlawful act of discrimination and there will not need to be a detriment that flows from the act of sexual harassment. The compromise was with respect to vicarious liability; a person would not be (obviously an employer: generally it would be any person but we are primarily dealing with an employment situation) vicariously liable for an act of sexual harassment committed by an agent or an employee unless he instructed, authorised or connived at that act. We think that, with the maintenance of the definition of 'sexual harassment' that the Government introduced, together with that protection to employers, was a reasonable compromise.

We also came to a compromise which provided that damages would not be awarded against an employer for the failure on his part to take steps to prevent sexual harassment unless it was established that the person guilty of that failure instructed, authorised or connived at the sexual harassment. The important thing is that other orders can be made. Although no orders for damages could be made against the employer, other orders can be made by the tribunal and it still keeps in the legislation the provision that the employer must take steps to maintain an environment free from sexual harassment.

In summary, sexual harassment *per se* remains an unlawful act of discrimination. It is an obligation, not an exhortation, on employers to take reasonable steps to maintain an environment free of sexual harassment. No order for damages on the basis of sexual harassment can be made against an employer unless that employer instructed or connived at the harassment or, in fact, was the harasser. There is no vicarious liability on the employer for sexual harassment unless he connived at or instructed the harassment. That was an important compromise on that issue.

The House of Assembly managers did not press the question of class actions and the Government has obviously decided to leave that for another day. The time within which complaints must be made was brought back to six months, but the 21 day suggestion for complaints to be made in the case of dismissal of an employee was removed. The limit that had been inserted previously on damages that could be awarded was not insisted upon and the current legislation therefore applies. There is no limit on damages, but the highest award of damages in the 10 years existence of the Sex Discrimination Act was $1 200. That covers the major matters on which agreement was reached.

I wish to mention two other matters: first, the Hon. Mr Griffin asked whether some kind of informal consultative committee could be set up to monitor developments in this area. I am happy to give consideration to that proposal. Regarding the consultative committee of employers, employees and the Commissioner for Equal Opportunity, we would have to think about who might be on it. It was not insisted that it be part of the legislation by way of a formal advisory committee. The Hon. Mr Griffin suggested that an *ad hoc* consultative committee might be useful, and I am certainly prepared to consider that and advise the Council further on the Government's decision.

The final matter is that some concern has been expressed in the community on the question of blood donors and AIDS. I make it clear that this equal opportunities legislation does not in any way affect any preventative measures that might be taken by the Government with respect to the donation of blood by homosexuals. That is quite clear and any confusion that might exist in the community about that topic should be removed. This legislation does not interfere with any measures that the Government would wish to take to combat the potential spread of AIDS and deal with the question of blood donors. I understand that concern was expressed about that and I wish to clarify that matter to ensure that the intention of the legislation in that respect is fully understood. I have covered the major points in the compromise. I thank all members of the Council who participated in the conference.

The Hon. K.T. GRIFFIN: I am pleased that a compromise has been reached after a very long conference yesterday and this morning. The Opposition expressed a number of concerns in the debate leading up to the conference and a significant number of these concerns have been resolved one way or another. As a result of the conference I believe that a proper balance has been achieved and that the employer groups, women's groups, independent schools, religious bodies and other bodies can be reasonably satisfied with this legislation. I also hope that those women's groups who gathered on the steps of Parliament House and circulated letters to a variety of people about the Oppositions' attitude to this Bill will now recognise that the information on which they based those letters and that protest was misguided and that in fact they had been misled in respect of the Oppo-

sition's attitude on this measure. I will certainly make the appropriate points to them as the occasion arises.

One of the major concerns I expressed during the debate on the Bill related to sexuality. I opposed the inclusion of reference to sexuality in the Bill because I did not believe that it was proper or approriate for it to be included. However, I recognised in the context of the conference that that was a matter which had been decided by a majority of the members of the Council, including Government members, one Australian Democrat and several members from this side on the basis that that issue was allowed by the Liberal Party to be a conscience vote of its members. However, the inclusion of sexuality in the Bill and particularly in that part relating to sex, marital status and pregnancy certainly elevated sexuality to the same level and status as sex, marital status and pregnancy, and for that reason the Opposition felt obliged to endeavour to write down some aspects of the Bill because of the inclusion by the Government and the Council of sexuality in the Bill.

Those concerns have been met by the compromises arrived at in the conference in relation to sexuality, and as a result the areas that concerned a number of people in relation to established and accrued rights that were granted either by the Sex Discrimination Act, 1975, or the Handicapped Persons Equal Opportunity Act are in fact maintained. I believe that that must be recognised as a significant achievement of the conference in separating out some aspects of sexuality that had previously caused a compromise of that position in relation to sex, marital status and pregnancy. I should indicate that there was not the same degree of prejudice to that area of discrimination on the ground of physical impairment.

Regarding superannuation, I accept the undertakings that the Attorney-General has given, and for that reason the Opposition is now prepared to accept that the clause relating to employer subsidised schemes will come into effect by proclamation, which means two years after the date of that proclamation. I was concerned that the clause relating to employer subsidised schemes in fact provided for some material to be identified by regulation. There was no information about what would be in the regulation, and the question of consultation with the life insurance and superannuation industries was relevant in the light of the incorporation in the statute of a provision relating to these sorts of schemes. That has now been satisfactorily resolved, in my view.

The question of the judge has also been resolved. I would have preferred to see the Senior Judge have an overriding responsibility, but I can recognise that the option which I proposed and which the conference accepted provided a more coherent structure for the Tribunal, and that in fact a judge or magistrate will be the presiding officer. That person will exercise the powers and responsibilities that I had proposed originally should be exercised by the Senior Judge. I believe that it is important that this Tribunal has status and that there is a security of tenure that will not result in any member of the Tribunal being compromised by an undue reliance on that position for income, thus having to have at least one eye cocked over the shoulder to see what may happen upon the expiration of the term of office. I am satisfied that this provides a better mechanism to ensure independence.

Regarding the term of office of the members of the Tribunal the Government has acceded to my proposal that there be a fixed term of three years after the first period of appointment. We have dealt with the question of religious orders and independent schools by providing a similar sort of provision as that which was included by the Legislative Council to allow religious orders and independent schools to practise their religious beliefs in relation to sexuality without having to compromise them but ensuring that the position that was established by the 1975 Sex Discrimination Act in relation to areas of sex, marital status and pregnancy was only that available to religious orders and independent schools.

Regarding sexual harassment, as the Attorney-General has indicated that the compromise is to a large extent that provision which was in the Bill as introduced in the Council with the important limitation about liability of employers and unlimited damages. That was the major concern I had in moving amendments to bring sexual harassment into line with the Commonwealth provisions. The liability of the employer was unlimited and the obligations on the employer in the original Bill were uncertain. I believe that the compromise which has been reached and which recognises a substantial restriction upon employer liability and precarious liability satisfies my concern.

The elimination of class actions is something that I strongly urged, and I am pleased that the conference was able to agree that class actions should not be included. The original Bill had a provision that a trade union could be a party before the Tribunal. That has now been modified to the extent that a representative of a registered industrial association may by leave of the Tribunal represent a party appearing before the Tribunal. Because it retains the concept of leave being required, that is a satisfactory amendment.

One of the concerns that I had involving trade unions in the conciliation and arbitration process was that it would become an adversary proceeding. That would compromise the equal opportunity aspects of any complaint and make it essentially an industrial matter, a situation which would not be in the best interests of the thrust of this legislation. The time within which complaint may be laid has been brought back to six months from 12 months. That period of six months may, where there is a series of acts, be from the last act, and the Tribunal may take into account the series of acts which constitute the discrimination.

I have withdrawn from the 21-day period within which complaints should be made for dismissal because I recognise that there is a distinction between the reliefs available under this Bill and the dismissal provisions of the Industrial Conciliation and Arbitration Act, where reinstatement is an option and there is a need to deal with that as urgently as possible. So, the compromise in relation to time meets significantly the objections that I had to the original period of 12 months.

I make one other comment in relation to complaints: I moved and the Council supported an amendment to require a copy of the complaint to be made available to a potential respondent in order that the respondent would know what the allegations were at the earliest opportunity. That has been slightly amended so that a summary is to be provided. Again, that is a substantial improvement to the original Bill.

There are a number of other areas with which I do not intend to deal. Undoubtedly, those who have a keen interest in the Bill will read it when the amendments have finally been incorporated in it. I make one other comment in relation to the AIDS question to which the Attorney referred: I do not think that this Bill will have any impact on that question, but it is not a question that I have considered in very great depth, particularly in the course of the pressure of this week's sitting. However, I am pleased to hear that the Attorney-General and the Government are concerned to monitor the very grave concern that is evident in the community about AIDS and to express his view that this Bill will give no additional rights that may prejudice the proper monitoring and control of potential AIDS victims and of that disease.

It is a very serious disease and ought to be dealt with as calmly as possible, but every step ought to be taken to

ensure that it is kept as much as possible under control and that the spread of that disease is minimised as much as possible. It is important for me to make that comment on the Attorney-General's observation because I have not really given a great deal of consideration to the application of that Bill to the AIDS question, although I believe that the position is as the Attorney-General has stated it. We will watch it carefully as this Bill is implemented. I would be most surprised if any person sought to use this Bill as a basis for alleging that there has been discrimination where a health question of this or any other nature is concerned.

I thank all those who were involved on the conference for the way in which the conference was conducted and for the compromises that have been reached. It is an important piece of legislation and has been improved as the result of the decisions taken at the conference.

The Hon. K.L. MILNE: I agree with what the Attorney-General and the Hon. Mr Griffin have said; therefore, I will not go over that again. They have both made a very good summary of what happened at the conference. I am very gratified at the result of this conference. It looked like being very difficult and it turned out not to be so, and I understand that all the managers feel the same.

The managers took into account the difficulties of people in business. I did not want to make it any more difficult for business people to employ other people. A number of us had in mind the question of unemployment. We found a good compromise. We have achieved in the area of sexual harassment a balance of discipline for the employers with responsibility, while retaining protection for employees. Likewise, we have retained protection for those who are not heterosexual. Discrimination on other grounds is covered by standards already in existence, and these were retained. I thank the Hon. Chris Sumner for his chairmanship and my other colleagues in the Legislative Council and in another place for their ready co-operation. I believe that this Council will be pleased with the result.

The Hon. ANNE LEVY: I do not wish to take up the time of the Council with a lengthy discussion, but I will put on record, first, my appreciation of the way in which the conference was conducted and the sincere effort at reaching a compromise which obviously was intended by all participants at the conference.

Secondly, I emphasise that the result, as one may expect from a conference, is a compromise. I do not agree with the Hon. Mr Milne that we have a better Bill; there has been loss in achieving the compromise. I refer in particular to the vicarious liability of employers with regard to sexual harassment. Overseas experience suggests that the real problems of sexual harassment in the workplace cannot be tackled unless there is real commitment from the top of any organisation. One way of ensuring that there is total commitment from the top of an organisation is to impose financial penalties if action is not taken. However, that will not apply as a result of our legislation.

I hope that at some stage the Parliament in this State will see fit to improve the legislation in this way. However, I do not wish to finish on a negative note. The Act, as it will soon be, certainly contains improvements and advances on what was previously the law in this State.

There had been changes in attitudes in the last nine years since the first anti discrimination legislation was introduced, and the improved attitudes in the community do result in more progressive legislation than we had nine years ago. I commend all participants in the conference for achieving that gain.

Motion carried.

NURSES BILL

Returned from the House of Assembly without amendment.

PRICES ACT AMENDMENT BILL (No. 2)

The House of Assembly intimated that it no longer insisted on its amendment and had agreed to the alternative amendment made by the Legislative Council.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

The House of Assembly intimated that it insisted on its amendments to which the Legislative Council had disagreed.

Consideration in Committee.

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

That disagreement to the amendments be not insisted on.

I made my speech about half an hour ago and I will not make another one. I emphasise all the points that I made then.

The Committee divided on the motion:

Ayes (8)—The Hons G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, C.J. Sumner (teller), and Barbara Wiese.

Noes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin (Teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and K.L. Milne.

Pairs—Ayes—The Hons Frank Blevins and J.R. Cornwall. Noes—The Hons R.C. DeGaris and R.J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons Peter Dunn, K.T. Griffin, R.I. Lucas, Anne Levy, and C.J. Sumner.

CHILDREN'S SERVICES BILL

Second reading.

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

That this Bill be now read a second time.

I seek leave to have the second reading speech inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Bill provides for the co-ordination and development of children's services. It also repeals the Kindergarten Union Act, 1974. The Bill provides for a most significant initiative in the administration of services for young children in this State. It establishes a structure for effective co-ordination and planning, and a sound basis for the future development of these vital community services.

In June of this year, the Government decided to establish a new structure to co-ordinate early childhood education and care services. This followed comprehensive review of early childhood services conducted by Mrs Marie Coleman in 1983. Mrs Coleman's report identified that, while service provision in South Australia was of a high standard, there were distinct gaps in service availability. There was very little co-ordinatation of the various services provided and, indeed, duplication and overlap in some areas. Public com-

ment on Mrs Coleman's report was then invited, and many submissions from organisations and individuals were received. The very strong common thread in virtually all these submissions was endorsement of the need for effective co-ordination and co-operation between all the care and education services provided for young children.

After detailed consideration, the Government took the decision in June to draw together a number of responsibilities, and place then under the control of a single Minister, and to bring together the various service functions in a new agency—the Children's Services Office. Since then, an exhaustive process of planning for the establishment of these new arrangements has taken place. There has been close involvement of management and officers of the services involved, and industrial organisations, in the planning work. There has also been considerable community discussion in a variety of forums and specific comment sought on a number of key aspects and issues.

Every effort has been made to provide information during the planning process and to provide the opportunity for community input into that work. There has been substantial consultation, down to a level of detail unusual in such a planning process. There are, of course, many individual groups and organisations involved in the children's services field, and it may not have been possible to reach or respond to all of them. Nevertheless, a wide range of local groups, organisations, and concerned individuals have made a very valuable contribution to planning these very significant changes.

In deciding on the schedule for implementation of the new structure, the Government had uppermost in mind the needs of our young children. There have now been many inquiries in this field in recent years and, clearly, broad agreement has now been reached on the need for effective action towards co-ordination of all services. We believe, therefore, that it is important not to delay implementation. The date set for the start of operation of the Children's Services Office is February 1985. We believe that, to be least disruptive, this change to the administrative structure should be made at the beginning of the calendar of school year—that being the basis on which children's service operate—rather than half-way through a term or year.

The Government considers that these changes are of such importance, and will yield such benefits for our children, that they should not be further postponed. In implementing the changes to the administrative arrangements, every effort will be made to ensure that there is as little change to local arrangements and to actual service provision as possible.

This Bill involves the repeal of the Kindergarten Union Act and the incorporation of its operations into the new structure established by the Bill. The Kindergarten Union has rendered great service to the South Australian community, and in its long and distinguished history, has developed pre-school education services for our children which are regarded as among the best in Australia. From a number of locally supported centres, the kindergarten movement has grown into a widely available service, principally funded by Government. This is an excellent foundation on which to build for the future: by drawing together the planning and provision of both pre-school education and child care services, and other associated services, we are seeking to develop the very best range of services for all young children. The transitional arrangements associated with the repeal of the Kindergarten Union Act will be outlined at this point, the provisions being set out in the First Schedule. The Bill provides for the transfer to the Minister of all property, rights and liabilities currently vested in or attached to the Kindergarten Union.

The Bill provides that a kindergarten, either a branch or affiliate, registered under the repealed Act shall be deemed to be registered under the new legislation. This means that kindergartens retain their current status, form of management and consititution, and that there is no change with respect to any real or personal property vested in local management committees. Local kindergartens can expect no significant change in their general operations, except that they will look to the Minister and the Children's Services Office for funding, resources and staff, rather than to the Kindergarten Union Board and administration.

With respect to two Trust Funds administered by the Kindergarten Union Board, the Lillian de Lissa and Jean Denton Trust Funds, which provide for the award of scholarships, a specific arrangement has been considered. It has been proposed to the Kindergarten Union Board that these trusts be transferred by the time of the proclamation of this Act to the administration of the Public Trustee, with the provision for an advisory group to assist in their administration in accordance with bequests.

In relation to the current staff of the Kindergarten Union, all staff will be protected. There will be no retrenchments as a result of the transition, and staff will not be unfairly disadvantaged in the changeover to the new Office. The vast majority of the Union's staff will be transferred directly to employment under this new Act, on their current terms and conditions. This will apply to all local level service delivery staff. Some of the more senior positions within the new Children's Services Office have been or will be openly advertised, and this may result in a limited number of people not being able to be placed satisfactorily in the new structure, or being appointed against a substantive position which is nominally at a lower level. In all cases, the Government's income maintenance policy will apply, and in addition, there will be salary maintenance, updated by any national wage increases, for all who opt to transfer to the Children's Services Office. Salary maintenance will also apply for existing staff for whom there is no position in the new organisation for which their qualifications and/or experience are appropriate.

The Children's Services Bill invests the Minister with the overall powers and responsibilities for co-ordination and administration of services. The Bill also invests the Minister with the powers of a body corporate, enabling the acquisition, holding and disposing of property, and incurring of rights and liabilities. The Children's Services Office will comprise the Director of Children's Services and staff employed under this Act, and will provide the administrative arm for effective implementation of the Act.

The objects of the Minister under this Act are to promote and ensure the proper pre-school education, care and development of children; to ensure the development of an accessible range of children's services to meet the needs of all groups in the community; to promote equality of opportunity in the provision of children's services; to ensure that the multicultural and multilingual nature of the community is reflected in the planning and implementation of programmes and services for children and their families; and to promote the involvement of parents and other members of the community in the provision of children's services. The Minister's functions include to provide and co-ordinate the provision of children's services, having regard to the needs of the community and the need to achieve efficient use of available resources; to monitor and evaluate the nature and quality of children's services, to ensure the highest possible standards; to keep under review the special needs of individual groups of children; and to collaborate and consult with other departments, agencies and organisations involved in children's services.

The Bill, therefore, provides the Minister with responsibility for the overall co-ordination of the provision of children's services. With respect to pre-school education services,

the Minister's role will include co-ordination and oversight of those pre-school services provided by the Education Department. The Government has decided that the pre-school services provided by the Education Department—child parent centres in schools—should not be directly incorporated into the new children's services agency at this stage. The Director-General of Education and the Director of Children's Services will be reviewing the arrangements for the provision of support structures for child/parent centres and providing further recommendations by the end of 1985. Nevertheless, the planning and resource allocation functions for the child/parent centre programme will be handled from the outset through the Children's Services Minister and Office, thus co-ordinating Education Department services with the development and planning of other pre-school and care services.

The Bill does not prevent the Minister of Education providing pre-school education services, as the Minister is empowered to do under the Education Act. This Bill does, however, require the Minister of Education to work within the overall co-ordinating focus of the Minister responsible for children's services. The Bill facilitates collaboration with other agencies involved in the provision or support of children's services, and a close co-operative relationship between the education area and the new children's services structure will be the basis for the development of pre-school education services. The Bill provides for the appointment of a Director of Children's Services under this Act, for a term of up to five years, with eligibility for re-appointment at the expiration of the term. The Minister may delegate functions and powers to the Director or any other person.

The Bill establishes the Children's Services Office as comprising the Director and other staff employed pursuant to this Act. The Minister is empowered to appoint such officers and employees as are necessary for the purposes of the Act, on terms and conditions that the Minister may determine. Conditions will include eligibility for State superannuation and long service provisions, as provided under the Public Service Act.

The Minister will be able to make use of the services of Public Service officers and other Government employees. This will enable, on the transition to the new structure, public servants who are employed in functional areas which are incorporated into the Children's Services Office to transfer to the new Office yet retain their Public Service status if they wish. It will also allow future secondments of public servants and other Government employees to the Office for specified periods. Arrangements will also be made to facilitate mobility and interchange for Children's Services Office staff with other areas of public sector employment.

The accrued leave rights and other entitlements are protected by provisions of the Bill for persons who may transfer from Public Service or other prescribed employment to employment under this Act. 'Prescribed employment' is intended to include employment in subsidised child care centres and thus facilitate transfer of such staff who may become employees in the Children's Services Office. Parent and community involvement is a vital component of the operation and development of children's services. The Government fully supports the continuation of this involvement, and is committed to the provision of mechanisms for extensive parent and community consultation at various levels.

The Bill establishes a Children's Services Consultative Committee, which will provide advice to the Minister and the Director on any matter relating to the administration of the Act, and identify and assess community needs and attitudes in relation to children's services, and programmes to meet those needs.

The State level consultative committee, as set out in the Bill, consists of strong parent representation—12 parent representatives nominated by regional advisory committees; representation to cover the principal service areas to be included in the scope of the new structure—the Minister will be seeking nominations from relevant organisations to provide members to represent each of the following service areas: pre-school education, child care, family day care, playgroups, toy libraries, and out of school hours and vacation care; members representative of the interests of groups with special needs in relation to children's services—again the Minister will seek nominations from relevant organisations; three nominees of the United Trades and Labor Council; four members nominated by the Minister—these members will be persons who can bring special expertise to the committee, for example, from other backgrounds relevant to the provision of children's services or in the field of financial management.

The Bill provides for the establishment of regional advisory committees. The composition of the regional committees and the method for election of local representatives to these committees will be prescribed by regulation. It is envisaged that regional committees will consist of a mix of parent, service provider, and "special needs" representation, as well as appropriate local government or other agency representation. The consultative mechanisms at all levels have been widely discussed, and specific arrangements at regional levels will be finalised by the time the Children's Services Office is established, or as soon as possible after its commencement. Community groups and services are keen to participate in further discussion on regional level arrangements and to contribute to the drawing up of the required regulations. In this way, regional advisory structures which are most appropriate to the needs of each of the regions around the State can be achieved.

The transfer of responsibility for the regulation of the operation of various child care services from the Community Welfare Act is effected by this Bill. No changes have been made to existing provisions, and the associated regulations will be re-enacted under this Act. A comprehensive review of child care licensing provisions and regulations has been recently initiated, and it is anticipated that amendments will be proceeded with next year. The Director of Children's Services under this Bill will take over the responsibilities with regard to licensing, currently carried out by the Director-General of Community Welfare.

In accordance with the current situation in relation to child care licensing, an appeal process is provided. Appeals against decisions of the Director of Children's Services in relation to licensing of child care services may be directed to the Minister. Provision is made for the establishment of appeal boards to provide advice to the Minister on such matters.

The Bill provides for children's services centres to make application for registration under this Act which, if granted, provides corporate status for such centres. Children's services centres include kindergartens, child care centres which are non-profit and publicly funded, or other children's services. This is very similar to the current process for registration of branch kindergartens by the Kindergarten Union. The provisions under this Act will also cover other children's services, as well as kindergartens, which may wish to have or require a direct relationship with the Children's Services Office structure.

Local centres must provide an acceptable constitution and be administered by a management committee. In order to accommodate a range of different centres and situations, various forms of provisions in constitution of centres may be approved by the Director. Nevertheless, in the case of kindergartens, it is envisaged that there will be little change in the form or content of constitution applicable to kindergartens. It is also pointed out that, while not specifically set

out, affiliate status, as currently available to pre-school bodies under the Kindergarten Union Act, can and will be accommodated within the new legislation, through variation in the form of constitutions.

In the event of the dissolution of a registered children's services centre, the Bill provides for transfer of assets and liabilities to the Minister, unless otherwise provided in the constitution of a centre. In the case of kindergartens, for example, the current practice of requiring all assets to return to the responsible administrative body, henceforth the Minister, will be continued. For some other types of centres, this may not be appropriate where various other bodies or agencies have equity in a centre.

The mechanism for incorporation of children's services centres under this Act will be available to community based child care centres. The question of the future relationship of these services to the new Children's Services Office structure is a complex one, and is currently being discussed with the Commonwealth Government. Expansion of the provision of high quality community child care services is a priority for this Government, and we are co-operating with the Commonwealth Government in a planned development programme. The most effective means of providing much needed support to the staff and management groups in the community child care sector will be addressed in these discussions between the two Governments.

The Bill exempts children's services centres registered under this Act from land tax. Existing registered kindergartens are exempt from land tax and local government rates, under the provisions of the Kindergarten Union Act, and these exemptions will be maintained for existing kindergartens under this Act. With respect to the application of local government rates to new children's services centres established under this Act, the Government will pursue this matter in consultation with local government. The Children's Services Bill establishes a new structure for the planning and development of all services for young children in this State. The Government is committed to ensuring that the best range of services is provided for all children. This new structure will provide the basis for that development and for improved services to the community.

Clause 3 provides for the definition of expressions used in the measure. Of significance are the following:

"baby sitting agency" means a person or body that carries on the business of employing people to care for children in their own homes in the temporary absences of their guardians, or of introducing a guardian to persons who are prepared to care for children in those circumstances.

"child" means a person under the age of 18 years.

"child care centre" means any premises in which children under the age of six are, for consideration, cared for on a non-residential basis.

"children's services" include pre-school education, the provision of non-residential care for children, and any other service by way of assistance in or the provision of facilities for, the proper care guidance and support of children.

"children's services centre" means a kindergarten, a licensed child care centre that does not operate for profit and is Government funded, or any other prescribed establishment.

"family day care agency" means the business of introducing to guardians persons who are prepared to care for children on a non-residential basis in a family environment.

"guardian" means a parent or legal guardian of a child and includes any person with immediate custody and control of a child.

"kindergarten" means an establishment at which pre-school education is provided for children.

"parent" includes step-parent.

"pre-school education" means the provision of courses of training and instruction to children under the age of six.

Clause 4 provides for the repeal of the Kindergarten Union Act, 1974, and the making of consequential amendments to the Community Welfare Act, 1972. Clause 5 provides that the provisions of the First Schedule form part of the measure. Clause 6 provides that the Minister and his successors in office shall be a corporation sole. In that capacity he may sue and be sued; acquire, hold and deal with property; and incur any other rights or liabilities.

Clause 7 provides that the Minister's objects are to promote and ensure proper pre-school education for children, and the proper care and development of children; to ensure the development of an accessible range of children's services to meet the need of all community groups; to encourage the provision of children's services without discrimination on the basis of sex, marital status, mental or physical impairment, religion, race or nationality, except so far as is necessary to assist a child to overcome a disadvantage; to ensure that the multicultural and multilingual nature of society is reflected in the implementation of programmes for children and their families; and to promote the involvement of parents and other members of the community in the provision of children's services.

Clause 8 sets out the functions of the Minister. They are to provide and co-ordinate children's services, having regard to the needs of the community and the need to achieve efficient use of resources; to develop, or assist in the development of, policies relating to the provision of children's services and to keep their operation under constant review and evaluation: to monitor and evaluate the nature and quality of children's services; to ensure that the expertise and qualifications of persons who provide children's services are of the highest possible standards; to encourage or assist in the provision of children's services by voluntary groups; to keep the public informed on the availability of children's services; to keep under review the special needs of individual groups of children (including disadvantaged children) and to provide or promote services to meet those needs; to collaborate and consult with Government departments (State and Commonwealth) public authorities, municipal or district councils and non-Government organisations that provide children's services; and to encourage public discussion of policies effecting the provision of children's services.

Clause 9 enables the Minister to delegate to the Director or any other person any of his powers or functions under the measure. Clause 10 provides that the Director and the other staff of the Minister under the measure may be referred to as the Children's Services Office. In addition to his other functions, the Director is responsible for staff management and any other matter relating to the Children's Services Office. Clause 11 provides that there shall be a Director of Children's Services, to be appointed for a period not exceeding five years. At the expiration of that period, the Director is eligible for reappointment. The Public Service Act, 1967, does not apply to the office of Director.

Clause 12 provides that the Minister may appoint such officers and employees as he thinks necessary to assist him to carry out his functions under the measure on such terms and conditions as he determines. The Minister may make use of any officer or facilities of a department with the approval of the Minister administering it. Clause 13 provides that the Minister may enter into arrangements with the South Australian Superannuation Board with respect to superannuation of any of his officers or employees under the measure. Any officer or employee of the Minister who

was, immediately before becoming such an officer or employee, a contributor to the South Australian Superannuation Fund, remains a contributor, and any other officer or employee is entitled to become a contributor to that Fund.

Clause 14 provides that where a person becomes an officer or employee of the Minister under the measure after ceasing to be employed in the Public Service or prescribed employment, and that employment with the Minister follows immediately on that cessation, his transfer shall be effected without loss of accrued recreation leave, and his existing rights in respect of sick leave, accouchement leave and long service leave continue in effect. Provision is also made for such continuation, subject to modification by the Minister, in the case of such persons where there is a break of less than three months between those two employments.

Clause 15 establishes the Children's Services Consultative Committee. The Governor may appoint a member of the committee to be Chairman and another to be Deputy Chairman. Provision is made for the appointment of suitable persons as deputies of members of the committee. Clause 16 provides for the term of office of members of the committee. A member is appointed for up to three years and is then eligible for reappointment. Standard provisions for removal from office by the Governor and for the occurrence of vacancies are included.

Clause 17 provides for allowances and expenses for members of the committee. Clause 18 provides for the conduct of the business of the committee. Clause 19 provides that a decision of the committee is not invalid by reason of a vacancy in the membership of the committee or a defect in the appointment of any member.

Clause 20 provides that the functions of the committee are to advise the Minister on any matter relating to the administration of the Act (other than the employment of staff); to identify and assess community needs in relation to children's services; and to advise the Minister and Director in relation to programmes to accommodate those needs and to investigate any matters referred by the Minister for advice. Clause 21 provides that the Minister may designate areas within the State in relation to which regional advisory committees shall be established. Such committees shall be established in each such area. Clause 22 provides that each committee consist of such number of members as may be prescribed, and that members shall be appointed or elected in accordance with the regulations. The members of each committee elect a Chairman of the committee.

Clause 23 provides that committee members hold office on prescribed terms and conditions, and receive allowances and expenses determined by the Minister. Clause 24 provides for the conduct of business of regional advisory committees, and the making of reports to the Director and the committee.

Part III deals with children's services. Division I provides for the licensing of child care centres. This division is in substantially the same form as the corresponding provisions of the Community Welfare Act, 1972. The provisions are effectively transferred from that Act to this measure. Clause 25 provides that it is an offence to run a child care centre unless licensed to do so. Provision is made for the granting of licences. Clause 26 provides for the cancellation of licences by the Director if satisfied that proper cause exists. Clause 27 provides that it is an offence to leave a child under six years of age in a child care centre for more than the prescribed number of consecutive hours. Clause 28 requires licensees to keep a register of particulars with respect to each child cared for by them. Clause 29 provides powers of entry and inspection to the Director with respect to licensed child care centres.

Division II provides for the licensing of baby sitting agencies. This division is in substantially the same form as the corresponding provisions of the Community Welfare Act, 1972. Those provisions are effectively transferred from that Act to this measure. Clause 30 provides for the licensing of baby sitting agencies. Provision is made for the granting of licences. Clause 31 provides for the cancellation of licences by the Director if satisfied that proper cause exists. Clause 32 provides for the keeping of prescribed records by licensees. Such records must be produced for inspection on demand by the Director.

Division III provides for approved family day care and licensed family day care agencies. This division is in substantially the same form as the corresponding provisions of the Community Welfare Act, 1972. The provisions are effectively transferred from that Act to this measure. Clause 33 provides for the granting of approvals to persons as family day care providers and of the premises in which they are to operate. Clause 34 provides for the cancellation of approval by the Director if satisfied that cause exists. Clause 35 requires approved persons to keep a register of particulars with respect to each child cared for by them.

Clause 36 provides powers of inspection to the Director with respect to approved family day care providers and premises. Clause 37 provides that it is an offence falsely to represent that one is approved, or that one's premises are approved. Clause 38 provides for the licensing of family day care agencies. Clause 39 provides for the cancellation by the Director of a licence if satisfied that proper cause exists. Clause 40 requires licensees to keep prescribed records. Such records must be produced for inspection on demand by the Director.

Division IV provides for the registration of children's service centres. Clause 41 provides for applications for registration of children's service centres. Such applications must be accompanied by a copy of the constitution under which the children's services centre is to operate. Clause 42 provides for the registration by the Director of children's services centres—upon registration a certificate of incorporation is issued. The Director must not register a children's services centre unless he has approved the constitution under which the children's services centre is to operate. A registered children's services centre is a body corporate with the powers and functions prescribed by its constitution.

Clause 43 provides that the Director may direct a registered children's services centre to amend its constitution. If the centre fails to comply, the Director may cancel its registration. Any amendment to the constitution of a registered children's services centre has no effect until approved by the Director. Clause 44 provides that a registered children's services centre shall be administered by a management committee constituted in accordance with its constitution. Clause 45 provides, subject to the constitution of a registered children's services centre, that on its dissolution all property, rights and liabilities vested in it shall vest in the Minister.

Clause 46 provides for appeals to the Minister against decisions of the Director to refuse a licence or registration or to cancel a licence or registration. The appeal must be constituted within one month from the date of the decision becoming effective, but the Minister may extend that limit. The Minister may establish appeal boards to investigate appeals. Members of such boards require such allowances as the Minister determines. Provision is made for the staying of action to implement a decision under appeal. In determining an appeal, the Minister may revoke the decision appealed against and substitute any decision that could have been made at first instance. Clause 47 provides that the Director, or a person authorised by him, may, where the Director suspects on reasonable grounds that a child is being cared for in any place in contravention of this measure, enter that place and investigate the matter.

Clause 48 provides that no person shall by public advertisement represent that he is prepared, for consideration, to care for children under six years of age away from their homes unless he is the holder of a licence under the measure in respect of caring for such children or unless he is an approved family day care provider. Clause 49 provides for the preparation of an annual report on the administration of the measure and other matters directed by the Minister. The report is to be laid before each House of Parliament. Clause 50 provides that moneys required for the purposes of the measure are to be paid out of moneys appropriated by Parliament for the purpose. Clause 51 provides that the Minister is empowered to declare an organisation (being registered under the Industrial Conciliation and Arbitration Act, 1972) to be a recognised organisation. Recognised organisations may make representations to the Minister on any matters that are industrial matters within the meaning of that Act.

Clause 52 provides that registered children's services centres are exempt from the payment of land tax. Clause 53 provides for the service of notices. Clause 54 provides for the summary disposal of proceedings for offences. Clause 55 provides that a person who contravenes a provision of the measure is guilty of an offence, and where no penalty is specifically provided, the penalty for offences is $1 000. Clause 56 is an evidentiary provision. Clause 57 is a regulation-making power.

The first schedule to the measure sets out transitional provisions necessitated by the repeal of the Kindergarten Union Act, 1974 (the repealed Act) and the amendment of the Community Welfare Act, 1972 (The amended Act). A kindergarten registered under the repealed Act immediately before the commencement of the measure shall be deemed to be registered under the measure. Such kindergartens continue to be exempt from land tax and council rates. All property, rights and liabilities vested in the Kindergarten Union of South Australia immediately before the commencement of the measure vest in the Minister on that commencement. A licence or approval in force under the amended Act immediately before the commencement of the measure shall continue in force. Provision is also made with respect to employees of the Kindergarten Union of South Australia immediately before the commencement of the measure. Such employees become employees of the Minister on that commencement. There is a qualification to that principle: the Governor may declare that a salaried former employee becomes a public servant in a specified department, or that any other former employee become an employee of a specified Minister. The rights of former employees in respect of sick leave, accouchement leave and long service leave, are not affected by the transfer to the Minister's employment. Such former employees are transferred without loss of accrued recreation leave.

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

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

A message was received from the House of Assembly agreeing to a conference to be held in the Legislative Council conference room at 10 a.m. on Friday 7 December.

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

That Standing Orders be so far suspended as to enable the conference with the House of Assembly to sit while the Council is in session.

Motion carried.

[Sitting suspended from 3.55 a.m. to 2.47 p.m.]

Later:

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement in relation to the conference.

Leave granted.

The Hon. C.J. SUMNER: I inform the Council that the conference is still proceeding and that it will be necessary for the conference to continue during the adjournment of the Council and report on Tuesday 12 February 1985. This is covered by Standing Order 254.

In providing that information to the Council I wish to indicate that the conference has not been able to reach agreement at this stage. Managers at the conference wish to examine further the suggested Commonwealth/State Ministers' standards on the proposed ER (Extra Restricted) category. The conference of managers wish to provide me with the opportunity of discussing these guidelines further with Commonwealth and State Ministers, and relevant authorities. The managers also want these discussions to include the proposal raised in this Chamber by the Hon. Mr Lucas relating to adult cinemas.

To enable that to happen, the conference suggested that it adjourn until we resume on 12 February 1985 and that the conference would reconvene then and be advised of the results of any further discussions that I have had with Commonwealth/State Ministers, and also would have taken the opportunity to further examine the proposed guidelines for the ER category.

That is to be done on the basis that no decisions have been made or no firm positions are taken without prejudice to the ultimate result of the conference and the fate of the Bill. I suggest that the Council can adjourn until 12 February 1985 in the knowledge that the conference will resume on that date.

The Hon. I. GILFILLAN: Is it possible for the Attorney-General or someone else to indicate the action, if any, on compulsory classification in the interim? Is that held in abeyance or will there be some progress?

The Hon. C.J. SUMNER: The *status quo* which has existed since December last year will be maintained for a further few weeks. I emphasise again that, as a result of the decisions taken by this Council last year, there is in place an effective system which prohibits the worst of the 'video nasties' as they are referred to. However, the compulsory system will await the results of this conference in February.

CORRECTIONAL SERVICES ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1. Page 12, lines 33 to 47 (clause 38)—Leave out subsection (2) and insert subsections as follows:

(2) Where—

(a) a person who is in prison serving a sentence of imprisonment is further sentenced to imprisonment (whether for an offence committed before or after his admission to prison);

and

(b) the total period of imprisonment to which he is liable (taking into account the combined effect of the sentences referred to in paragraph *(a)*) is one year or more,

the court shall, unless it thinks there is special reason for not doing so, fix a period during which the person shall not be released on parole, or shall extend any existing non-parole period, as the case may require, but the period by which an existing non-parole period is extended shall not exceed the period of the further sentence of imprisonment referred to in paragraph *(a)*.

(2a) Where—

(a) a person who has been released on parole is sentenced to imprisonment for an offence committed during the period of his release on parole;

and

(b) the total period of imprisonment to which he is liable (taking into account the combined effect of the balance of his existing sentence that he is liable to serve pursuant to section 75 and the further sentence referred to in paragraph *(a)*) is one year or more,

the court shall, unless it thinks there is special reason for not doing so, fix a period during which he shall not be released on parole, and the non-parole period so fixed may be greater or less than the period he is liable to serve pursuant to section 75.

No. 2. Page 13, lines 15 and 16 (clause 38)—Leave out paragraph *(a)*.

No. 3. Page 15, after line 40—Insert new clause as follows:

39a. *Amendment of s. 69—Duration of parole in relation to prisoners other than life prisoners.* Section 69 of the principal Act is amended by inserting after the passage 'unless his release is cancelled' the passage 'or suspended'.

No. 4. Page 15, line 44 (clause 40)—After 'cancelled' insert 'or suspended'.

No. 5. Page 17, after line 5—Insert new clause as follows:

44a. *Insertion of new s. 74a. Suspension of parole while serving imprisonment for offence committed before release on parole.* The following section is inserted after section 74 of the principal Act:

74a. Where a person who has been released on parole is sentenced to imprisonment for an offence committed before his release on parole or for non-payment of a pecuniary sum—

(a) his parole is suspended for the duration of the imprisonment actually served in prison in pursuance of the subsequent sentence;

and

(b) on his release from prison—

(i) he shall continue on parole in respect of the sentence that was first imposed for the balance of the period of parole remaining as at the date of the commencement of the subsequent sentence;

and

(ii) if released on parole from the subsequent sentence, he shall upon his release also be on parole in respect of that sentence for the period of that parole.

No. 6 Page 17, lines 7 to 13 (clause 45)—Leave out paragraphs *(a)* and *(b)* and insert paragraph as follows:

(a) by striking out subsection (1) and substituting the following subsections:

(1) Where a person who has been released on parole is sentenced to imprisonment for an offence committed during the period of this release on parole and that sentence is not suspended, he is, subject to this Part, liable to serve in prison the balance of the sentence, or sentences, of imprisonment in respect of which he was on parole, being the balance unexpired as at the day on which the offence was committed.

(1a) Subsection (1) applies notwithstanding that at the time of conviction of the person, his parole may have expired or been discharged.

The Hon. FRANK BLEVINS: I move:

That the House of Assembly's amendments be agreed to.

The amendments made by the House of Assembly are in identical terms to the Bill which passed this Council on Tuesday and which was introduced on 15 November 1984, that is, the Prisons Act Amendment Bill (No. 2), 1984. The explanation of the Bill can be found on page 1941 of *Hansard*. The Correctional Services Act was amended in this way because it has yet to be proclaimed, but when it is proclaimed we hope to have all the necessary provisions of the Prisons Act under which we work at the moment incorporated in it. I hope we can have a period of working with the Correctional Services Act without having to amend it too often. It merely inserts the provision that passed this Council in the Prisons Act Amendment Bill (No. 2) into the Correctional Services Act for use when it is proclaimed and the Prisons Act is repealed.

The Hon. K.T. GRIFFIN: Because of the length of various conferences in which I have been involved in the past few days I have not had a chance to give detailed consideration to the amendments proposed in the message, but from my quick perusal of them it appears that they are almost identical with those that were moved in the short Prisons Act Amendment Bill which we considered at the beginning of this week and which we were prepared to facilitate in the light of a judgment of the Court of Criminal Appeal in which the judges had differing points of view as to the way in which a non-parole period ought to be dealt with in circumstances where it related to a sentence imposed subsequent to a sentence of imprisonment imposed for an earlier offence. From my quick perusal, it appears to be in order and, on the assurances of the Minister, I support the motion.

Motion carried.

PAPER TABLED

The following paper was laid on the table:

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

Pursuant to Statute—

South Australian Timber Corporation—Report, 1982-83.

ADJOURNMENT

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

That the Council at its rising adjourn until Tuesday 12 February 1985 at 2.15 pm.

I take this opportunity very briefly to wish honourable members and everyone concerned with the running of Parliament a merry Christmas and a prosperous new year. I will not dwell during this speech on an extensive round of thanks to everyone. Suffice it to say that I greatly appreciate the work that is done by everyone in the Parliament, whether directly in this Chamber or in some other way connected with the Parliament. I particularly thank those people for their assistance to me personally and to the Parliament in general. I wish them the compliments of the season.

The Hon. M.B. CAMERON (Leader of the Opposition): I second that motion. In doing so I add my thanks to the people who have assisted us in our duties as members of this Council, in particular the Clerk and the Black Rod, who have been very patient with us—the Clerk, in particular, in the past three days when, from time to time, I am sure that he wondered whether we knew what we were doing.

I also thank the staff of *Hansard*, who have a very difficult task, which we have not made any easier by taking the microphones out of the Chamber, but I assure them that this has made life a lot better down here in the Chamber.

To the staff of the dining room, the kitchen staff and all the other people who have assisted us, I express my thanks. Also, I want to say how much we will miss one reporter from the *Advertiser*, Lachie Colquhoun, who has been in some little difficulty just lately, but I am sure that headlines are not his fault. He is leaving the Council and I wish him the best wherever he goes within the *Advertiser*.

It is with pleasure that I second the motion and give thanks to the people on my side; to the Ministers, who have not always co-operated but who have done their best to assist us; and to members of the Government, particularly on Select Committees. I trust that the Council will continue to work as it does—extremely well—and certainly much better than other Houses of Parliament.

The Hon. I. GILFILLAN: On behalf of the Democrats, I endorse the comments of the mover and seconder of the motion with enthusiasm. We feel a sincere gratitude for the services, care and understanding that have been lavished on us, and on me in particular, as occasionally, more through ignorance than deliberate intention, I may be the cause of

extra concern and bother to those who exercise control in this place.

I hope that it is not unduly churlish of me to make one comment. The Hon. Mr Cameron mentioned the Ministers. It has been a very productive session, conducted in a climate that has been recongised as having an extraordinary degree of harmony and goodwill—that is a great credit to all members and to your leadership, Mr President; I would like to give you credit for that, as your forebearance and good temper have often helped us keep in a productive frame of mind. However, it seems unfortunate that we have experienced what has happened at the end of such a session. Surely there is a way to organise our programme to reduce the incidence of the extraordinary hours that we have kept over the past three days. It is difficult to know whether we are adjusting as a different species: I will find it very difficult to consider going to sleep before midnight on any one day, and I will be somewhat dubious as to what day I am in. I make that comment with some hope that it is not beyond the wit of men and women in the Government, who have the sense of responsibility, to organise our time table a little better.

Members interjecting:

The PRESIDENT: Order! Peace on earth, and that includes this place.

The Hon. I. GILFILLAN: I relish your protection here, Mr President. Once again, I do not wait in vain as from both sides they snipe—you are protecting the weak and the indefensible. I attribute some considerable blame to the Democrats, not because we speak for too long but because we take a little longer to understand than others.

I want to say that it has been a pleasure to have had young John working in this Council. It is delightful to see that we have someone young and new in the messengers' team each year. I am confident in saying how much all of us have appreciated his good humour, efficiency and thoroughness in doing what he has been asked to do. Certainly, I hope that the Clerk will convey that message to him and wish him well in his future work.

Lance and I have had a more than an average chance to appreciate how pleasant Lachie Colquhoun has been in this place. I am glad that Martin Cameron picked that up. We join with others to wish him well in his journeying and his work, and look forward to seeing him back here in whatever capacity he chooses. In conclusion, I say how much the Democrats have enjoyed the year until now and thank all those who have helped make it a pleasant time.

The PRESIDENT: I would like to take this opportunity to support remarks made by the three leaders in wishing every member, their family and those dear to them a happy Christmas season and a prosperous 1985. As one who is probably more closely associated with the staff of the Parliament than any other member, I too want to say that we should be grateful, as each speaker has said, for the great service provided. I suppose that the tireless efforts of Jan and Clive are of particular note. However, I believe that each and every one of the staff has been extremely loyal to all members. They endeavour at every turn to provide the best service possible. To those people too, I extend the seasons greetings as well as to *Hansard*, the catering staff, and even to the press, who sometimes do not say everything in the way in which we would like it said. We wish each and every one the very best luck in the festive season that is about to commence and in the New Year.

Motion carried.

At 3.7 p.m. the Council adjourned until Tuesday 12 February 1985 at 2.15 p.m.