LEGISLATIVE COUNCIL

Tuesday 19 March 1985

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

ASSENT TO BILLS

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

Consent to Medical and Dental Procedures,
Electoral Act Amendment,
Local Government Act Amendment (No. 4),
Prices Act Amendment (No. 3),
Real Property Act Amendment,
Second-hand Goods,
Second-hand Motor Vehicles Act Amendment,
State Disaster Act Amendment,
Statutes Amendment (Commercial Tenancies).

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner)—
Pursuant to Statute—
Financial Institutions Duty Act, 1983—Regulations—Exemptions.
Trustee Act, 1936—Regulations—Authorised Trustee.

By the Minister of Ethnic Affairs (Hon. C.J. Sumner)—
Pursuant to Statute—
South Australian Ethnic Affairs Commission—Report, 1983-84.

By the Minister of Health (Hon. J.R. Cornwall)—
Pursuant to Statute—
Building Act, 1970—Regulations—Wall Materials.
Coast Protection Board—Report, 1982-83.
Health Act, 1935—Regulations—Private Hospitals.
Planning Act, 1982—Regulations—Development Control, West Torrens.
Crown Development Reports by S.A. Planning Commission on proposed—
Erection of radio communications tower and equipment building at Camelback.
Construction of single persons quarters at Naracoorte.
Ceramics workshop and female toilets, Adelaide Hills TAFE College, Aldgate Branch.
Division of land at Section 3345 and Part Sections 3344 and 3346, Hundred of Munno Para.
Construction of multi-purpose hall, Highbury Primary School.
Erection of single transportable classroom, Salisbury High School.
Construction of single transportable classroom, Elizabeth.
Community College, Kings Road, Salisbury.
South Australian Health Commission Act, 1975—Regulations—Private Hospital Construction.

By the Hon. J.R. Cornwall, for the Minister of Correctional Services (Hon. Frank Blevins)—
Pursuant to Statute—
Prisons Act, 1936—Regulations—Parole Release Orders.

STATE AQUATIC CENTRE

The PRESIDENT: I inform honourable members that I have received a reply from the Auditor-General (Mr T.A. Sheridan) concerning the resolution passed by the Legislative Council on Wednesday 13 March in relation to the State Aquatic Centre project. The reply reads:

Thank you for your letter of 14 March 1985. I note the resolution passed by the Legislative Council on the previous day.

The resolution touches on an important principle with respect to the role of an Auditor-General. The Westminster system of Government requires that not only must he be independent, he must be seen to be independent in discharging his statutory responsibilities to the Parliament.

Within that charter an Auditor-General is responsible ultimately to the Parliament. However, to respond to requests from individual members of the Parliament, either Government or non-government, or to one section only of the Parliament, would seem to place that independence at risk. I note that the House of Assembly did not pass a similar resolution when it was presented to that House of the Parliament on 13 March 1985.

An examination of capital works projects undertaken by Government forms part of the audits normally undertaken by my Department. Full disclosure of relevant information would be required if there was any reason to believe that expenditure was not authorised properly, was excessive or was not a proper charge on the funds of the State.

If any matter emerges from an examination of any project or financial transaction, which I believe should be reported to Government in accordance with section 12 of the Audit Act, or to the Parliament in accordance with section 38 of that Act, then I will do so.

I have forwarded a copy of this letter to the Speaker of the House of Assembly, the Premier and to the Leader of the Opposition.

NUCLEAR POWERED VESSELS

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question about visits of nuclear powered vessels to South Australia.

Leave granted.

The Hon. M.B. CAMERON: Last weekend there was evidently a meeting of the Labor Party to decide its new policies. Under an old policy adopted in 1982, the Labor Party did not permit nuclear powered or nuclear armed vessels to visit South Australian ports. Evidently a new policy was adopted at the weekend. At the special platform convention of the ALP a resolution was apparently passed directing the State Government to take all possible steps to discourage the presence of nuclear powered or armed vessels or aircraft in South Australia.

The Hon. R.J. Ritson: That's a Federal matter.

The Hon. M.B. CAMERON: It does not seem to be a big change, either. I guess we will get an explanation. It is generally believed that any attempt to discourage such vessels or aircraft would pose a potential threat to our defence arrangements. Outside the convention the Premier, Mr Bannon, said he was happy with the new policy. Asked how the Government would discourage visits by such vessels or aircraft, he said, 'I am not sure.' He pointed out that South Australia is bound by Federal policy and Federal treaty arrangements on the issue. He said that the State Government would not prevent nuclear powered or armed vessels from coming to South Australia by withholding the services of State-run utilities including electricity, water and pilot vessels. Mr Bannon said, 'We are required to make provisions available.' How will the Government discourage such visits, and why?

The Hon. C.J. SUMNER: The question of the visits of nuclear powered ships to Australian waters is a matter for the Federal Government. It comes clearly within the defence power of the Federal Constitution. I would have thought that that would be known to the honourable member as Leader of the Opposition in the Legislative Council. Apparently he has not taken his legal advice from the Hon. Mr Griffin today. Clearly, the Hon. Mr Griffin would know, as a former learned Attorney-General and as the current shadow Attorney-General in this State, that the Federal Constitution overrides State law or regulation where there is any inconsistency.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The honourable member knows that. It has been drawn to everyone's attention in stark manner. With the Tasmanian dams case, the honourable member knows that Federal law was upheld, relying on the external affairs power of the Commonwealth. The defence power is also a power of the Commonwealth, which has paramountcy over State laws that may conflict with it. I merely put to the Council and honourable members that where there is inconsistency the Federal law prevails. I do not believe that the State Government is in a position not to make facilities available if they are to be made available pursuant to the defence power. Clearly, the Federal Government would have the power to override a State that sought to deny port access to ships that were berthing as a result of the policies of the Federal Government with respect to defence and treaty matters.

The Hon. R.J. Ritson: Has the Federal Government squashed Mr Burke's position in Western Australia?

The Hon. C.J. SUMNER: I am not aware of that situation.

The Hon. L.H. Davis: It is a simple answer: yes or no.

The Hon. C.J. SUMNER: It is not a matter for the State Government. I have outlined that. The defence of the Commonwealth is a matter for the Federal Government. Anyone, with just a cursory glimpse of the Australian Constitution, will know that.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: A supplementary question, Mr President. This is a most unusual situation. I indicate that at a later stage I will ask a further question of the Attorney-General.

COUNTRY DOCTORS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about country doctors.

Leave granted.

The Hon. J.C. BURDETT: The Minister, in his Ministerial statement of 27 February, stated:

Honourable members will recall that in my Ministerial statement last week I outlined the actions of a doctor who transferred a number of frail, aged patients from Riverton Hospital to Adelaide. I indicated that those actions had been referred to the Medical Board of South Australia for urgent consideration under the provisions of the Act relating to unprofessional conduct. I regret to say that a number of other cases have come to light in which doctors have transferred acute care patients in circumstances which were prejudicial to their care and which, in some cases, may have potentially involved life-threatening situations.

One case, in particular, caused disquiet because the patient appears to have been subjected to unnecessary risk. This involved an 18-year-old patient in early labour whose diagnosis was pre-clamptic toxaemia and foetal distress and who was transferred from Port Augusta Hospital to the Queen Victoria Hospital by road ambulance. The transfer was made on the authority of a general practitioner, without seeking the opinion of specialist obstetricians available in Whyalla and Port Augusta.

This case, along with 15 others, has been referred to the Medical Board by the Health Commission for investigation and appropriate action. The 16 cases involve six Port Augusta general practitioners. They appear to have been related to industrial action being taken at that time at the Port Augusta Hospital.

The *Advertiser* of 23 February 1985 reports:

... Dr Cornwall said the South Australian dispute was brought to a head yesterday morning when he learnt that 16 patients had been transferred to Adelaide in situations which variously posed a threat to their well being and, in a few cases, their lives.

Dr Cornwall said a case that was particularly brought to his attention was that of an 18-year-old pregnant woman who had toxaemia in advanced pregnancy and whose baby was suffering foetal distress. She had been transferred to Adelaide in a 4½ hour journey without an obstetric opinion although a resident obstetrician was available in that town. 'It was a situation which I couldn't tolerate as Minister of Health and one which the State President of the AMA believed had to be able to countenance a situation where patients were being endangered.'

The Minister had then met Dr Kimber and reached agreement about the moratorium and the need for future discussions to be held federally.

It would seem to be clear that the case referred to in the *Advertiser* report is the same as the case referred to in the Ministerial statement. Country doctors were appalled by these allegations and asked the AMA to obtain details of the cases from the Health Commission. The Health Commission did not provide any details. In these circumstances the doctors had to make their own inquiries. They found that there was only one case of a transfer from the Port Augusta Hospital to Queen Victoria Hospital by road ambulance which bore any resemblance to the facts stated to the Council by the Minister. This was the case of an 18-year-old mother who presented at Port Augusta. There was a base line Bradey Cardia—that is to say, the baby's heart beat was not as fast as would be expected. Contrary to the Minister's statement, there was no foetal distress.

The purely medical decision was that it would be better to transfer the mother and unborn child to the Queen Victoria Hospital so that the child when born could be taken to a neo natal clinic and properly looked after. It was considered that there was less risk in transferring the child *in utero* than transferring the child, when born, to a neo natal clinic. The Minister in his statement said that the transfer was made without seeking the opinion of a specialist obstetrician available in Whyalla and Port Augusta. While this statement is literally correct, the doctor in question did seek an opinion from an Adelaide specialist obstetrician who has beds at the Queen Victoria Hospital. This was because of the decision which had been made to transfer the baby *in utero*. The general practitioner's opinion was confirmed by the specialist.

The Minister's statement that the 18-year-old patient was in labour is not correct. She was not in established labour. The trip took 3½ hours (the usual time for road transfer from Port Augusta to Adelaide) not 4½ hours as stated in the press report. The mother transferred quite comfortably; she did not go into labour until 2.30 p.m. on 13 February and the baby was born at 3.30 a.m. the following morning—13 hours after arrival. In fact, on arrival at the hospital and after preliminary examination, the staff did not call for a doctor until some 2½ hours later. They were in no concern whatever about the condition of the mother and her unborn child.

If the mother had stayed in Port Augusta she would probably have had a caesarian birth. If ever there was a clear case for transferring the mother and unborn child to Adelaide, this was it. The decision was purely medical and proved to be good medicine. Industrial action did not come into the decision made at all. The only link between the case in question and industrial action was in Dr Cornwall's fertile mind.

The Hon. L.H. Davis: Futile.

The Hon. J.C. BURDETT: The honourable member can take it whichever way he wants.

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order!

The Hon. J.C. BURDETT: The details stated by the Minister in the press statement are incorrect and have caused considerable distress to the doctors concerned. The Minister on occasions has called country medical practitioners mavericks and the builders labourers of the bush. One wonders whether any of his information is better founded than it was on this occasion.

Will the Minister apologise to the doctors concerned, and to the Council, for the incorrect statement in his Ministerial and press statements?

The Hon. J.R. CORNWALL: Never in all the time that the Hon. Mr Burdett has been the shadow Minister of Health have I once heard him express concern for patients. He is following that line again today. The matter that he refers to is now with the South Australian Medical Board. The complaint was made expressly by the Secretary of the South Australian Health Commission, not by me. The advice was tendered to me by senior officers of the South Australian Health Commission. Mr Burdett says that some doctors were incensed. I assure the Council that no doctors were more incensed than the specialist physicians employed by the South Australian Health Commission when they investigated and were appraised of the conditions under which these patients had been transported.

The simple fact is, as I said at the time, that there was no specialist obstetrician's opinion sought in Port Augusta, despite the fact that a resident specialist obstetrician was available. There was no specialist obstetrician's opinion sought in Whyalla, which is 45 miles away—not three and a half hours or four and a half hours by road ambulance, whichever the case may be—and approximately 45 minutes away. They are the facts of the case as they were reported to me.

The fact that the local obstetrician was not used would seem, on the face of it, to be remarkable, to say the least. It now seems that Mr Burdett has taken it upon himself to express views that could only be reliably listened to if they were given by a specialist obstetrician. I have not expressed personal views regarding the clinical aspects of this case. Any views that I have expressed have been on the advice of specialist medical practitioners within the South Australian Health Commission. The matters to which the Hon. Mr Burdett referred, as I said before, are currently matters for consideration and, if appropriate, suitable action by the South Australian Medical Board.

The Hon. J.C. BURDETT: I have a supplementary question. In view of the fact that I consulted the specialist obstetrician involved, will the Minister, when the finding of the South Australian Medical Board has been made, table that finding in this Chamber?

The Hon. J.R. CORNWALL: That is an extraordinary request. When the finding of the Medical Board has been made, that information will be available to any particular doctor against whom a complaint has been laid. One would presume that there will also be some report made to the person who lodged the complaint, that is, the Secretary of the Health Commission. To ask me, in advance, to table that report and, more particularly, if it is an adverse report, under Parliamentary privilege, I find extraordinary. I give an assurance that in the event that the Medical Board finds the actions of all six doctors against whom 16 charges of possible unprofessional conduct have been laid to be totally unfounded, then clearly it would be less than fair not to make that knowledge personally available. I am sure that in the event that that happens the six doctors will make it available publicly without any assistance from the Minister of Health or anyone else.

COMPANIES CODE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General about the Companies Code.

Leave granted.

The Hon. K.T. GRIFFIN: On 22 January the Ministerial Council for Companies and Securities released a draft Bill to amend the Companies Code. The closing date for comments was 1 March, a mere five weeks at a time of the year when annual leave commitments meant that companies and advisers were not operating at full capacity. The Bill deals with limited liability for unit trust holders and a shorter form of annual return for companies. The key financial data required to be disclosed in the proposed shorter form of annual return relates to current assets, current liabilities, working capital, other assets, other liabilities, shareholders' funds and profit for the year. It also requires information about the number of permanent, part-time and casual employees of the company.

The *Financial Review* of 22 February reported that it had telephoned half a dozen big privately owned companies and 'the news was met with ignorance followed by alarm, and indications that a telephone call to lawyers had suddenly become the next item on the day's agenda.' This has been the reaction of those in Adelaide to whom this matter has been referred. The *Financial Review* also stated:

> The changes would render Corporate Affairs Commissions gold mines of information which may be used by creditors, analysts and financial journalists and, if computerised on a macroeconomic scale, by Government departments such as the Department of Industry, Commerce and Technology.

The draft Bill is separate from the general Bill amending the Companies Code which is likely to be exposed and enacted later this year and that in itself is somewhat unusual in a matter of significance like this. There is widespread concern about the availability of this information to competitors, to companies considering takeover possibilities, and to unions in relation to wage bargaining—picking off the weakest companies, one at a time in pursuit of wages and other claims. The question might well be asked, 'Why should the numbers of employees be disclosed in the shorter annual return? It is not relevant to the administration of the Companies Code.'

The whole proposal smacks of greater Government and union intrusion into the affairs of proprietary companies under the guise of 'deregulation' when there is no need for the disclosure proposals incorporated in this draft Bill. My questions are as follows:

1. Why is this proposal proceeding separately from the main amending Bill?

2. Will the Attorney-General seek an extension of the time for making submissions?

3. Will the Attorney-General seek to persuade the Ministerial Council of the undesirability of the proposal for disclosure of key financial information by all proprietory companies?

The Hon. C.J. SUMNER: I believe that this matter is proceeding separately because it was considered to be not an additional burden on industry but a decided move towards reducing the burdens on private companies in terms of what they have to present to the Corporate Affairs Commission. The short form return was designed to be a simple return for filing with the Corporate Affairs Commission. However, it contains additional information, which was proposed as being information that should be disclosed in accordance with the general principles (which the honourable member and the Ministerial Council have supported) of ensuring greater disclosure of information relating to companies so that creditors and the public have a better idea of the sort of organisation with which they are dealing. I know that the honourable member has supported that in the past.

I do not know whether there should be an extension of time for submissions. I have already received submissions about the Bill along the lines that the honourable member referred to in his question outlining concerns that are similar to those outlined by the honourable member. I am considering those submissions. If there is a need for an extension of time to further consider the issues, I am sure that that extension of time will be considered sympathetically by the Ministerial Council. The Ministerial Council does not meet

until early in May, so there is still adequate time for the matters to be considered.

However, I should repeat that my recollection at least is that a decision to separate this Bill was made because it was considered that it probably would not be particularly controversial and that, in fact, it would benefit business by reducing the bureaucracy required of companies in their reporting procedures, and in relation to the material they have to file and the form in which they have to file it with the Corporate Affairs Commission. It was generally felt to be a reasonably sensible proposal. Obviously, there are objections, and those objections will be considered by me and the Ministerial Council at its next meeting. If concern is such that it is thought that there is a need for further consideration of the measures, I am sure that that will be done.

EQUAL OPPORTUNITY

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister representing the Minister of Education a question about equal opportunity in TAFE.

Leave granted.

The Hon. ANNE LEVY: The Equal Opportunity Unit in the Department of Technical and Further Education has been running programmes relating to equal opportunity and affirmative action. These programmes have been of two types: there have been general programmes in equal opportunity employment management for principals and managers throughout TAFE, these courses being for both men and women; and there have been programmes for women specifically, including women who are public servants, staff in TAFE and so on, on topics such as communication skills, financial planning and other such topics.

The money for these courses run by the Equal Opportunity Unit has been provided by the Staff Development Centre of TAFE as they can be regarded quite properly as staff development. I understand that at the end of 1984 there was a change in that these courses are now the responsibility of the Staff Development Centre rather than of the Equal Opportunity Unit. The Staff Development Centre in TAFE runs all the other staff development programmes for the Department, so obviously it is logical that these programmes should be its responsibility. We are now nearly one-quarter of the way through the TAFE financial year (TAFE being funded on a calendar year basis rather than on a financial year basis) but so far I understand that no courses in equal opportunity have been made available, despite the fact that the Staff Development Centre has far greater resources available to it than the Equal Opportunity Unit ever had. Furthermore, I understand that the funds from the Commonwealth Tertiary Education Commission, which have been provided for staff development in the TAFE area, give a priority in staff development to women.

What are the staff development programmes in the equal opportunity area for 1985? What programmes in equal opportunity management are planned for 1985? When are these likely to be implemented (clearly, I am referring both to the specific staff development programmes for women and to the general equal employment management programmes for principals and managers)? Are there any other equal opportunity programmes being planned for implementation in 1985?

The Hon. J.R. CORNWALL: On behalf of my colleague I will be pleased to refer the question to my other colleague in another place and bring down a reply.

HERITAGE LIST

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister for Environment and Planning, a question about heritage listing.

Leave granted.

The Hon. I. GILFILLAN: It is an embarrassment to anyone who really cares about items which are listed either on the Heritage List or the Interim Heritage List of South Australia to see what appears to be how fragile that protection is. It is now before the public that, however one views the value of the Colonel Light Hotel, it has been placed on the Interim Heritage List. My understanding of the Interim Heritage List is that it is a significant recognition by the Minister and it is only a matter of automatic process that the interim listing becomes a full listing, unless something quite extraordinary happens in between. Other items that have been placed on the Interim Heritage List are the Yatala A Block and the Grange Vineyards. They are stark reminders of what can happen to items which to many people are precious and irreplaceable assets of South Australia when economic and other pressures override Governments and people who have pretended to be great defenders of these riches of the State.

In view of the fact that the Colonel Light Hotel, recently placed on the Interim List of State Heritage Items by the Minister, now appears almost certain to be demolished at the determination of the Adelaide City Council, and because other items previously listed on the Heritage List (such as, the Yatala A Block and the Grange Vineyards) have already been demolished, can the Minister inform Parliament what protection, if any, is given to items on the State Heritage List, whether they be in areas under the Planning Act or in areas under the City of Adelaide Development Control Act? If in fact there is no effective protection, what action does the Minister intend to take? If he does not intend to take any further action, can the Minister explain what on earth is the point of the Heritage List legislation?

The Hon. J.R. CORNWALL: I will refer the question to my colleague, the Minister for Environment and Planning, and bring down a reply.

MULTI CULTURAL EDUCATION

The Hon. C.M. HILL: I seek leave to make a short statement before asking the Minister of Ethnic Affairs a question about the mainstreaming process in education.

Leave granted.

The Hon. C.M. HILL: Late last year I questioned the Minister about the effectiveness of implementing the recommendations of the Ministerial task force on multi cultural education within the Education Department. The task force was chaired by Dr Smolicz. The Minister assured me that he had the question well in hand and that he and his colleague, the Minister of Education in another place, had established a committee chaired by a Mr Barr in the Education Department (that committee being known as the Barr Committee) and that it was established to pursue the implementation of the recommendations within this very large State Government Department, namely, the Education Department. The Minister also assured me that he would pursue the matter with some determination. Senior members of the ethnic community involved in education are very concerned indeed with what has happed since then.

They have found that there is another committee that has been established without any public announcement apparently—a committee under the chairmanship of Mr Jim Giles. These ethnic educationists understand that this

committee is involved with the very same subject. This has caused them some concern. They believe that not enough progress will be made—nor can it be made—under this Government with the present machinery. So great is the concern that a very high powered deputation of ethnic people involved and concerned in education yesterday called upon the Premier by way of delegation, I am told, and expressed their fears as to what is actually happening in this area. First, can the Minister assure me that definite progress is being made in this area of implementing the recommendations of Dr Smolicz's committee within the structure of the Department? Secondly, can he tell me the purpose and the objectives of the Giles committee? Thirdly, is the Minister still determined that the mainstreaming process will be implemented effectively and as soon as possible?

The Hon. C.J. SUMNER: The honourable member really is an astonishing fellow. As Minister Assisting the Premier in Ethnic Affairs from 1979 to 1982, the Hon. Mr Hill presided over a substantial reduction in the teaching of languages in our primary and secondary schools. The honourable member knows that. His Government also promoted and set up the Keeves Committee of Inquiry into Education, which recommended that there be no teaching of community languages in primary schools—none whatsoever! That was the recommendation of the committee established by the Hon. Mr Hill's Government: nothing—absolutely nothing! The former Government endorsed the Keeves Committee in principle.

The Hon. C.M. Hill interjecting:

The Hon. C.J. SUMNER: You did not reject it, either. There is nothing in the public record—

The Hon. C.M. Hill interjecting:

The Hon. C.J. SUMNER: That is not correct. The previous Government endorsed the Keeves Committee Report in principle.

The Hon. C.M. Hill interjecting:

The Hon. C.J. SUMNER: But you did not do anything about it.

The Hon. C.M. Hill interjecting:

The PRESIDENT: Order! The Hon. Mr Hill can ask a supplementary question.

The Hon. C.J. SUMNER: The previous Government substantially slowed down the teaching of community languages in our school system, and the honourable member knows that.

The Hon. C.M. Hill: That's a lie.

The Hon. C.J. SUMNER: The figures are there. I invite the honourable member, with a calm—

The Hon. C.M. Hill: You look at the figures.

The Hon. C.J. SUMNER: I have produced them. The Hon. Mr Hill attended a seminar in November where I gave a very comprehensive speech.

The Hon. C.M. Hill: I don't believe you.

The Hon. C.J. SUMNER: The figures are correct.

The Hon. C.M. Hill: I didn't believe you. You had all your mates there.

The Hon. C.J. SUMNER: It was quite an open seminar.

The Hon. C.M. Hill: Answer the question.

The Hon. C.J. SUMNER: If the honourable member stops interjecting I will.

The PRESIDENT: Order! The Hon. Mr Hill must stop interjecting.

The Hon. C.J. SUMNER: I am merely setting the record straight. The Hon. Mr Hill, as Minister Assisting the Premier, with his colleagues Mr Allison and the then Premier, conspired to reduce the amount of funds involved that could go—

The Hon. C.M. Hill: That is a terrible accusation.

The PRESIDENT: Order! I have requested the Hon. Mr Hill more than once to stop interjecting. If he interjects again I will have to proceed to take the necessary measures to have him removed from the Chamber. On the other hand, if he wishes to call a point of order—

The Hon. C.J. SUMNER: The situation is clear: there was a substantial increase in the teaching of community languages in our schools—secondary and primary—during the 1970s. In 1980 that increase levelled off. That occurred under the policies of the previous Liberal Government: that is clear.

Secondly, that Government established the Keeves Committee, which recommended against any foreign or community language teaching in primary schools. That clearly was the recommendation of that committee. No member in this Council can deny that those are the facts. That is the record of the previous Government. This Government, since coming into office, has established the Smolicz Committee, which produced a comprehensive report in this area. A lot of what is in the Smolicz report has budgetary implications. The Hon. Mr Hill knows that where there are budgetary implications in proposals they have to be assessed, fed into the Budget process and considered as part of that process. That was a task that the Barr group had, which was a group comprising people from the Minister's office (Mr Barr), the Education Department, and Ethnic Affairs Commission people. It had to try to put costings on the proposals and produce a plan of action for the Government. That is what has happened under this Government. So, rather than, as happened under the previous Government, a reduction and reversal of policies that had been followed in this area during the 1970s, we have gone out of our way to set up the mechanisms to try to ensure that that position is reversed, but that cannot be done overnight: that is clear. There is a need for budgetary considerations. All proposals that come up have budgetary implications that have to be considered.

The final decisions with respect to this matter will have to be announced as part of the Budget process for the next financial year, but I indicated publicly last year that the Government accepted the general principles of the Smolicz Report, and that is still the position. There has not been any resiling from that, as occurred under the previous Government.

The position of Mr Jim Giles is a matter within the Education Department. He is an Assistant Director-General in the Department of Education. I believe, and I can certainly confirm this if the honourable member wishes, that he has been given the task of overseeing not just the implementation of the Smolicz Report with respect to language teaching, but of overseeing—

The Hon. C.M. Hill: Putting a blanket on it all.

The Hon. C.J. SUMNER: He had better not. There is no suggestion that that is the case. The policy directions have been given to him by the Government and the Minister and he is expected to carry them out: that is clear. If there is any suggestion that that is not clear—

The Hon. C.M. Hill: Why did they all see the Premier yesterday?

The Hon. C.J. SUMNER: I do not know whether they saw the Premier or not. The Premier sees a lot of people. Mr Giles had, as a very successful officer during the 1970s, the job of overseeing the introduction of multicultural education in the Education Department. That was generally considered to be one of the success stories of multicultural education in Australia. They were the policies that were stopped or slowed down substantially by the previous Government. Now, it is a matter of trying to reverse that trend. It is really a great pity that in 1979 the previous Government took that action to slow down the teaching of community

languages in the schools. The honourable member can shake his head, grunt, groan and mutter under his breath, but if he or any other member opposite objectively examines the situation they will see that that is correct. I am happy to debate them anywhere about it.

So, that is the role, I understand, that Mr Giles is supposed to play. He will carry out the policies that will be enunciated by the Minister, which are in support of multicultural education within our education system. The Barr Committee is designed to cost the specific matters raised in the Smolicz report, and to feed them into the Budget considerations with a view to implementing the principles of the report.

AIRPORT TOURIST INFORMATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Tourism, a question about the promotion of South Australia at the domestic airport.

Leave granted.

The Hon. L.H. DAVIS: Many international and interstate visitors fly into Adelaide on internal flights and would reasonably expect to find some basic information about South Australia and its capital city of Adelaide available at the domestic terminal. However, I am alarmed to find that little attempt is made to assist inbound visitors. There is a Travellers Service Bureau at the domestic airport that provides assistance with booking hotels and motels, and postal facilities. This facility is arranged through the Federal Department of Aviation.

If any tourist group wishes to have literature on display at the airport it costs between $300 and $400 a year to have the Travellers Service Bureau display the literature. I am in no way critical of the Travellers Service Bureau, which is privately run and is open six days a week from 8.30 a.m. to 6 p.m. It is a commercial venture and must be run on commercial lines. However, the proprietor of the Travellers Service Bureau is the only person in the airport on hand to answer questions from inbound visitors from interstate and overseas. He has become the unpaid mouthpiece for South Australian tourism. I understand that the proprietor is asked many questions every day, and that often visitors express amazement that there is no appropriate visitor information counter.

Certainly, some brochures such as *What's on in Adelaide* are available at the Travellers Service Bureau, but many individual travel operators quite understandably have refused to pay $300 to $400 a year for the right to promote their services or facilities at one of the main gateways to Adelaide.

Many examples underline the damage that is being done to South Australia as a visitor destination. For example, in recent months two wealthy Americans flew into Adelaide and wished to visit Kangaroo Island. No literature was available, and no-one could provide a ready answer to their questions. So, they went to an airline counter and in disgust booked the next flight to Sydney. A Japanese visitor, who spoke little English, wished to organise a trip to Kangaroo Island from the airport, but could not do so until the proprietor of the Travellers Service Bureau spent 45 minutes assisting him—of course, without payment.

I have the greatest admiration for the quality and dedication of the key people in the South Australian Travel Centre, who work long hours under pressure with too few resources. From what I have been told, it is a lack of financial resources that has prevented the South Australian Travel Centre from establishing a visitor information counter at the airport. My questions to the Minister are:

1. Will the Government urgently upgrade visitor information services at Adelaide Airport by either contracting out to the Travellers Service Bureau or establishing a travel centre desk?

2. Will the Government ensure that in future South Australian tourist groups and operators can display literature at the domestic terminal without having to pay $300 or $400 per annum for the privilege?

The Hon. C.J. SUMNER: I will seek some information for the honourable member and bring back a reply.

PETROL SNIFFING

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Health a question about the establishment of an area within which to treat Aboriginal children who have been petrol sniffers.

Leave granted.

The Hon. PETER DUNN: I believe that a plan to establish a treatment centre on Wardang Island for young Aboriginal petrol sniffers has been scrapped after a disagreement between the Aboriginal Child Care Agency and the Point Pearce Aboriginal Community Council. It was envisaged that this programme would be carried out on Wardang Island. The community council Chairman Mr Milera said that the council was not fully consulted before the agency announced in February that a treatment centre would be established. The agency director, Mr Butler, said that the island was ideally suited to a rehabilitation programme and that petrol would not be available on it. He said that child petrol sniffers would in assessed to Adelaide before being transported to Point Pearce on the west coast of Yorke Peninsula.

First, can the Minister explain why the Point Pearce Aboriginal Community Council was not consulted before the Aboriginal Child Care Agency announced in February that the treatment centre would be established on Wardang Island. Secondly, what areas has the Aboriginal Child Care Agency in mind to use as treatment centres now that Wardang Island is not available? Thirdly, will this urgent and possibly lifesaving programme be held up because there is no suitable area available in which to establish a rehabilitation programme?

The Hon. J.R. CORNWALL: I thank the honourable member for that series of questions. The fact is that, as far as I can gather, the Aboriginal Child Care Agency did not consult with too many people at all before making its public announcement. I read about this suggestion first in the paper, as did members of the Aboriginal Health Organisation, among others. That was regrettable. I do not say that in any critical sense: I commend the Aboriginal Child Care Agency for its deep concern about this problem of petrol sniffing, among many other problems. However, regrettably they did not consult, as I understand, with Point Pearce or the Aboriginal Health Organisation or a number of other agencies. I do not have firsthand knowledge of the attitude of the Point Pearce community, but the Aboriginal Health Organisation was not attracted to the idea of virtually transporting people to a lonely, windswept island: the treatment could be viewed virtually as punishment rather than a positive approach to cure.

The metropolitan project will proceed. There is a pilot project that the Aboriginal Health Organisation, with my enthusiastic support and funding of $4 000 in the first instance, is proceeding with. Chronic petrol sniffers from the north-west and their parents will be brought to Adelaide for that pilot programme. If the programme is successful it will be extended. I can also tell the Council that I am deeply concerned about petrol sniffing and have been ever since I became Minister. Because of that concern I recently called a meeting involving the Federal Department of Aboriginal

Affairs officers, officers from the State Department of Aboriginal Affairs, officers from the Department for Community Welfare, two members of the Nganampa Aboriginal Community Health Control Council and the Education Department, among others, with Maggie Brady.

Miss Brady is the woman who worked in the western desert project at Yalata. At that time she was attached to the Flinders Medical Centre. She now works with communities in the Northern Territory and has written several papers on this problem. As a result of that meeting and extensive discussions, I have asked that representatives from each of those bodies, who represent Aboriginal interests right across the board, prepare a draft Cabinet submission for the Minister of Aboriginal Affairs, Mr Crafter, and me within six weeks.

I am anxious that we co-ordinate all of our efforts. I think that everyone acknowledges that this is an enormous problem; that no-one, until this time, has found a simple solution. It is a complex problem with a complex set of reasons underlying it. The Government is very anxious that we should get into effective programmes relating to this matter as quickly as possible. That is the state of play at this time.

QUESTION ON NOTICE

PAROLE

The Hon. K.T. GRIFFIN (on notice) asked the Minister of Correctional Services: Of those prisoners released on parole between 1 July 1984 and 31 December 1984—

1. How many have committed offences?
2. What offences have been committed?
3. For what crimes were those prisoners who have committed offences while on parole originally been imprisoned?

The Hon. C.J. Sumner for the **Hon. FRANK BLEVINS:** The replies are as follows:

1. A total of 10 parolees committed further offences.

2. and 3. The attached list provides the new offences committed and the corresponding details of original offences for which the parolee was imprisoned and was subsequently released on parole. I seek leave to have the tabular list which is part of the answer inserted in *Hansard* without my reading it.

Leave granted.

DETAILS OF OFFENCES

New Offence	Original Offence
1. Wilful damage	Unlawful use of motor vehicle Assault person Disorderly behaviour
2. Break, enter and larceny (4)	House break with intent and burglary
3. Illegal use	Shop break and larceny (2) Assault, break enter with intent
4. (1) Attempted house break (2) Possess implements (3 months imprisonment)	Shop break and larceny Accessory after the fact Attempted escape
5. Drive manner dangerous Fail to truly answer Inappropriate licence Disobey traffic lights	House break and larceny (3) Breach parole
6. Possess house break implements	Defraud False pretences (2) Break and enter Defraud (3)
7. Break, enter and larceny Illegal interference Larceny	Illegal Use Justice Appeal
8. Fail to cease loiter	Drive without consent (2) Unlawful possession Interfere with motor vehicle Drive disqualified (3) Larceny
9. Break, enter and larceny	Club room break with intent False pretences
10. Illegal use and larceny (2 year bond)—1 month imprisonment)	Robbery

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL (No. 2)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Land and Business Agents Act, 1973. Read a first time.

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

That this Bill be now read a second time.

This short Bill is a measure linked with the new Liquor Licensing Act. It amends the Land and Business Agents Act to require that those carrying on the business of hotel broking obtain an endorsement on an agent's licence under that Act. At present hotel brokers are subject to an unnecessary 'double licensing' requirement. Hotel brokers must first obtain an agent's licence under the Land and Business Agents Act as a precondition to obtaining a hotel broker's licence under the Licensing Act. It has been decided to rationalise the provisions relating to hotel brokers by transferring the occupational licensing requirements to an occupational licensing Act—the Land and Business Agents Act. At the same time, a narrower and more appropriate definition of 'hotel broker' has been adopted. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 inserts in the definition section, section 6, a definition of 'hotel broker'. The term is defined as meaning a person who acts as an agent in relation to the sale, purchase or exchange or any other dealing with or disposition of premises in respect of which a hotel licence is in force under the Liquor Licensing Act, 1985.

Clause 4 inserts a new section 13a providing that it is to be an offence for a licensed agent to act, or hold himself out, as a hotel broker unless his licence bears an endorsement, made in accordance with the regulations, authorising him to act as a hotel broker. Clause 5 amends section 107, the regulation making section, by inserting a power to make regulations providing for any matter or thing relating to hotel broker endorsements, including the proceedings and grounds for the making or removal of such endorsements.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

ELECTORAL BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and intoduced a Bill for an Act to regulate the conduct

of Parliamentary elections; to repeal the Electoral Act, 1929; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It represents the most important and comprehensive overhaul of the State's electoral laws in over 50 years. The Bill seeks to effect a number of long overdue reforms making it easier for an elector to cast a vote in a State election and, at the same time, effects a number of administrative improvements which became necessary because of anomalies caused by successive amendments to the original 1929 Act and recent changes to the Commonwealth Electoral Act.

The present Electoral Act was first passed in 1929 and has been the subject of no fewer than 22 separate subsequent amending Acts which have varied greatly in both their nature and extent. As well, a number of important matters have been specifically dealt with by detailed regulations promulgated pursuant to the original Act which are now incorporated into this revised Act.

What presently obtains, therefore, is an unsatisfactory pastiche of measures that lie scattered throughout the Statute Book and other sources. The principal objective behind this comprehensive revision of the Electoral Act is to make it as easy and as simple as possible for South Australian electors to enrol and to cast an effective vote. The Bill seeks to be simple and straightforward—simple to read and understand, simple to administer and simple to comply with.

All unnecessary impediments and obstacles to an elector seeking an entitlement to vote and exercising that entitlement have been removed. The provision in this Bill would ensure that in casting a vote an elector would have a greater likelihood of that vote being formal than has been the case in the past. The likelihood of votes being informal in both Legislative Council elections and House of Assembly elections is considerably reduced.

The Government considers this healthy for a democracy because it puts the future of the State exactly where it should be—in the hands of the people. A significant initiative in this Bill and one which is likely to be adopted by other States and the Commonwealth is the simplified method of voting for electors who cannot attend polling booths on the day of the election in their enrolled district.

All they will now be required to do is to certify that they will be unable to attend and they will be issued with a ballot paper. This can be done by post and most significantly at the office of any Returning Officer or Assistant Returning Officer appointed for that purpose.

This and other initiatives in the Bill derive from three major sources. The first is the report of the Electoral Commissioner on the conduct of the 1982 election; the second is the substantially revised Commonwealth Electoral Act which was amended following a joint Select Committee Report of the Federal Parliament; and the third was the policy of the Australian Labor Party in respect of elections which was announced during the 1982 State election.

In his report to the Government in March 1983 on the Parliamentary Elections and Referendum of 6 November 1982, the Electoral Commissioner (Mr A. K. Becker) made the following trenchant observations:

> . . .my concern is that the [present] system is extremely fragile and not well equipped to cope with late 20th century pressures. The Electoral Act which is the blue print for the conduct of elections is essentially a 19th century document which has been amended so often that it is becoming difficult even for the Crown Solicitor to interpret.
>
> It is my view that the Act needs to be substantially overhauled to provide an electoral system which cannot be frustrated by the idiosyncratic problems that occur in all large scale operations. In addition, such a document should be capable of interpretation by all involved in the electoral process. Unfortunately in this regard the current Act leaves a lot to be desired.

The Electoral Commissioner highlighted major areas requiring attention. They were:

> (1) amending the Electoral Act to remove ambiguities and provide better facilities for staff and the electorate;
>
> (2) improving administration and extending training programmes and educational facilities for staff in the electorate;
>
> (3) improving support services for Returning Officers;
>
> (4) upgrading the roll maintenance system; and
>
> (5) instituting a continuing research programme to identify deficiencies.

Following the release of this report the Government approved the establishment of a working party, chaired by the Electoral Commissioner, to prepare drafting instructions for a new Electoral Act. In considering the contents and format of a new Act the Working Party examined recent changes to the Commonwealth Electoral Act, the Electoral Commissioner's Report and ALP policy for the purpose of advancing solutions to a variety of electoral and organisational problems. Some of the matters which have now been enacted in the Commonwealth sphere and which are now included in this Bill are:

> (1) the facility of provisional enrolment for those aged 17 years;
>
> (2) the suppression of addresses of electors in certain cases related to their safety (that is, members of the Judiciary);
>
> (3) the eligibility of certain overseas and itinerant electors to enrol;
>
> (4) the provision of the facility of mobile polling booths for remote areas of the State; and
>
> (5) registration of political Parties—to enable political affiliation to appear on the ballot paper.

The policy of the Australian Labor Party announced at the time of the last election was to amend the Electoral Act to:

> (1) improve the admissibility to scrutiny of certain ballot papers;
>
> (2) simplify the electoral process; and
>
> (3) address the 'donkey vote' issue by having positions on the ballot paper determined by lot and allowing for the political affiliations of candidates to be printed on the ballot paper.

The working party formulated 37 major recommendations which provided the basis for more detailed instructions to Parliamentary Counsel for the preparation of the present Bill. The present Bill is therefore a vehicle for substantial reforms; it also seeks to deal with the many administrative criticisms and difficulties made and dealt with by the Electoral Commissioner in his report. An example of one such difficulty was raised by the working party when it noted that:

> Administratively the Electoral Act is extremely difficult to manage. The vestigial remains of long forgotten practices cloud the more recent innovations. For example, there has not been a separate [Legislative] Council roll for more than 10 years; yet procedures for maintenance are set out in full. Subdivisions and polling places were logically grouped together when there was but one polling place per subdivision. That situation changed at the turn of the century. Subdivisions today are relevant only in respect of overlapping boundaries of State and Commonwealth electorates and there only for enrolment purposes.

This new Bill then, has the following major features:

(1) It provides for Party or ticket voting in Legislative Council elections as an alternative to electors voting for candidates.

At the November 1982 election over 10 per cent of voters in the Legislative Council election voted informally because of confusion with the ballot paper and the requirements of the voting method. Some voters had voted with crosses and ticks, some had not filled in the required number of spaces; but the largest number of informal votes were as a result of electors putting more than one figure one (1) on the ballot paper.

The voter confusion sent the informal vote in the Legislative Council from 4.4 per cent in 1979 to 10.1 per cent in the 1982 election. This level of effective disenfranchisement is not acceptable. It amounts to up to three House of Assembly elec-

torates having no say in the composition of the Council.

The system proposed in this Bill allows the electors the choice of voting for candidates or voting for groups of candidates. In other words it combines the existing system with the system which operated previously and it is up to the electors to decide how they will cast their vote.

It is the same system which applied in the Senate election late last year which saw the level of informality drop from 8.8 per cent to about 5.4 per cent.

The method entails the Parties or political groupings registering their how-to-vote card or cards indicating how the votes of a group or a Party are to be distributed.

If the elector chooses to vote for a Party or group of candidates and that Party or group has lodged a registered voting ticket with the Electoral Commissioner, the vote will be distributed in accordance with that ticket. Even if the elector votes for the group with a tick or a cross it will still be a valid vote.

If, however, the voter wishes to use his own discretion and vote for candidates he must vote for all candidates. Some allowances will be made for genuine omissions, for example, a number missing in a sequence. The Council system of voting will now be full preferential, but the voter will have the option of voting for a group or for individual candidates.

(2) The full preferential system which exists for the House of Assembly at the moment is maintained. As under the existing law, electors will be required to express a preference for every candidate in an election. However, changes have been made to the rules governing the determination of the validity of votes during the scrutiny to ensure that where an intention to express a vote for a candidate is clear, then the vote may be rendered valid by virtue of a registered voting ticket lodged with the Electoral Commissioner.

(3) It is proposed that common names and Party affiliation be permitted on the ballot paper so that the elector has as much information as possible about who is contesting an election when casting his or her vote. The Bill provides for a registration mechanism to allow this to happen. Allowance is also made for common names to be permitted as well, that is, 'Ted Smith'.

Registration is necessary to ensure that there is no improper or unauthorised use of the names of established political Parties by candidates who 'pirate' them and use them without authority. Registration also relieves the Electoral Commissioner from having to determine whether candidates have authority to use the name of a political Party or grouping. The provisions allow for a candidate who has the consent of a registered political Party or grouping to have the full name of that Party or grouping printed on the ballot paper against their name; the provisions also allow for an unendorsed candidate to use the word 'independent' provided that it is used with no more than six other words, is not frivolous or obscene and is not the name of another political Party or grouping. This provision, however, would not exclude the use of terms such as 'Independent Labor' or 'Independent Liberal'.

However, it is not possible to have an independent Party; one is either an independent or a member of a Party. Provision is also made for photographs to be included where appropriate—for example, when two candidates have the same name. The Bill also contains provisions for the position of candidates, names on the ballot paper to be determined by lot rather than by the current alphabetical system.

(4) The Bill ensures that electors have adequate time to get their voting entitlement in order prior to an election by:

- allowing for the provisional enrolment of 17 year olds;
- specifying a minimum period of seven days between the issuing of a writ for an election and the closing of the rolls.

Voting entitlement of itinerants is also addressed in the Bill providing a variety of options to an elector who is moving around the State and who may not otherwise qualify for a vote due to limited residency in an area where they are working. The conditions are similar to those contained in the Commonwealth Electoral Act. To qualify for such an entitlement the elector must complete a formal declaration advising the Electoral Commissioner of his or her circumstances.

(5) By far the most significant reform in the actual polling procedure is the simplification of the current system for people unable to attend polling booths on polling day in their enrolled districts. The tangled web of administrative arrangements applying to the present various forms of certificate voting which are subject to various interpretations and complications and which make administration unnecessarily difficult and cumbersome are simplified.

The distinction between absent votes, postal votes, institutional votes, registered postal votes, electoral visitor votes and section votes are all removed. In its place is a simple, streamlined system of declaration of voting whereby an elector declares that he or she is unable to attend a polling booth on polling day and they are immediately given a ballot paper.

Electors can seek a declaration vote in person or in writing without filling in prescribed forms. A simple letter to a Returning Officer or an officer appointed for the purpose from an elector, for example, sick at home, will be sufficient for a ballot paper to be forwarded. This system will make voting in institutions and hospitals much easier. Electors visiting relatives or working away from the electorate will similarly be able to vote much more quickly by simply signing a declaration form.

South Australia led the country with the electoral visitor programme and this new provision will similarly prove to be a model for the Commonwealth and other States and will be welcomed by thousands of electors who for a variety of legitimate reasons cannot get to a polling booth or polling booth in the right area on polling day.

(6) Other provisions in the Bill address anachronisms and anomalies, for example:

- qualification for enrolment—as to which neither the Constitution Act nor the Electoral Act, 1929, has anything to say even though they do address the question of entitlement to vote;
- removal of the anachronisms between the electoral district and subdivisions;
- removal of the need to have a separate Legislative Council roll.

(7) The Bill also addresses the question of electoral rolls and allows for the suppression of addresses where it can be shown that the safety of people might be put at risk.

(8) The Bill tightens the law regarding inaccurate and misleading electoral advertising as well as substantially increasing penalties for a whole range of conduct that the present Act prescribed.

(9) The deposit for persons wishing to contest elections will be set by regulation in line with inflation as at present. However, that deposit will be redeemable if a candidate wins 4 per cent of all the primary votes cast. This is similar to the provision now contained in the Commonwealth Electoral Act.

More generally the Act deals with the administration and conduct of elections and seeks to clarify the responsibilities of the Electoral Commissioner, simplify the language of the principal Act of South Australia's democratic process, improve facilities for electors, extend their range of choice and provide for better co-ordination with Commonwealth electoral authorities.

The Bill ensures that electors can more easily claim and then exercise their voting entitlement. It removes unnecessary obstacles to the exercise of a voter's intention and it effects a greater degree of consistency between the system of voting at the Commonwealth and State level. The Bill represents a major reform of South Australia's electoral laws and should endure the demands placed on it for the foreseeable future. I commend the Bill to the Council. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 provides for the repeal of the Electoral Act, 1929. Clause 4 contains the definitions that are required for the purposes of the new Act. Clause 5 provides for the appointment of the Electoral Commissioner and the Deputy Electoral Commissioner. These are statutory officers outside the Public Service. Clause 6 provides for acting appointments to the office of Electoral Commissioner and Deputy Electoral Commissioner.

Clause 7 deals with the terms and conditions of office of the Electoral Commissioner and the Deputy Electoral Commissioner. Clause 8 sets out the general powers and responsibilities of the Electoral Commissioner. Clause 9 provides for the delegation of powers and functions by the Electoral Commissioner. Clause 10 sets out the duties of the Deputy Electoral Commissioner. Clauses 11 and 12 provide for the appointment of the Electoral Commissioner's staff. Clause 13 provides that no candidate for election, or person holding an official position in a political Party, shall be appointed as an officer of the Electoral Commissioner's staff.

Clause 14 recognises the division of the State into electoral districts in accordance with the Constitution Act. Clause 15 provides for the division of electoral districts into electoral subdivisions. An electoral subdivision may be declared, in appropriate cases, to be a remote subdivision. Clauses 16 and 17 deal with the appointment and duties of district returning officers. Clause 18 provides for the appointment and abolition of polling places. Clause 19 provides for the district and subdivisional rolls.

Clause 20 deals with the information to be included in an electoral roll. Clause 21 provides for suppression of the address of an elector from a roll where publication of the address would endanger the elector or some other person. Clause 22 provides for alteration of rolls where new subdivisions are created or existing subdivisions are altered. Clause 23 provides for the updating and revision of the information contained in the rolls. Clause 24 provides that the rolls may be kept by computer. Clause 25 provides for the printing of the rolls. Clause 26 provides that copies of the latest prints of the rolls are to be kept available for public inspection at various public offices. They are also to be available for purchase. Clause 27 enables the Electoral Commissioner to acquire the information that he needs to maintain the rolls in an up-to-date form. Clause 28 recognises the Commonwealth/State agreement under which officers of the State and the Commonwealth collaborate in jointly maintaining the rolls.

Clause 29 sets out the qualifications for enrolment. Subclause (1) sets out the qualifications substantially as they appear at present in the Constitution Act. Subclause (2) provides for provisional enrolment of persons who have attained 17 years of age but have not yet had their 18th birthday. Subclause (3) provides for the enrolment of persons who are enrolled under the Commonwealth Act as eligible overseas electors, as members of the family of eligible overseas electors or as itinerant electors. Subclause (5) provides that, where a prisoner is enrolled, the enrolment shall relate to a place that constituted the prisoner's principal place of residence before his incarceration, or, if the prisoner so elects, a plan nominated by the prisoner at which he proposes to reside on his release from prison.

Clauses 30 and 31 deal with the making and registration of claims for enrolment. Clause 32 imposes an obligation on a person who is entitled to enrolment to make a claim for enrolment. Clause 33 provides for notification by an elector of any change of address. Clause 34 provides that proceedings for an offence against the compulsory enrolment provisions shall not be commenced after the relevant claim or notificaton has been given. Clause 35 provides for the making of objections to enrolment of persons alleged not to be entitled to be enrolled in a particular subdivision. Clause 36 provides that an elector is to be given a reasonable opportunity to answer an objection made to his enrolment (other than a frivolous objection, which the registrar is empowered to reject without reference to the elector). Clause 37 provides for the determination of objections by the electoral registrar.

Clause 38 contains a number of definitions required for the purposes of the new provisions relating to registration of political Parties. Clause 39 establishes the entitlement of an eligible political Party to registration. Clause 40 requires the Electoral Commissioner to maintain a public register of registered political Parties. Clause 41 deals with the manner in which an application for registration of a political Party is to be made. Clause 42 deals with the order in which applications are to be determined by the Electoral Commissioner. Clause 43 requires public notice to be given of applications for registration and provides for objections. Clause 44 sets out the criteria to be applied by the Electoral Commissioner in determining an application for registration of a political Party. Clause 45 deals with alteration of the register.

Clauses 46, 47 and 48 provide for deregistration of political Parties in certain circumstances. These circumstances are as follows:

(a) where the Party voluntarily seeks deregistration;

(b) where the Party ceases to exist;

(c) where the membership of the Party falls below 150;

(d) where no candidate has been endorsed by the Party at the last two general elections; or

(e) where registration was obtained fraudulently.

Clause 49 provides for the issue of writs for elections by the Governor, or, in the case of a by-election for a House of Assembly district, by the Speaker. Clause 50 provides that the writ must fix (subject to certain limitations set out in subclauses (3), (4) and (5)) the time for close of the rolls,

nomination day, polling day and the day for return of the writ. At a general election for the House of Assembly a single writ may be issued for elections in all districts. Clause 51 provides that, in order to meet difficulties that may have arisen in the conduct of an election, the time allowed by the writ for the various steps in an election may be extended. Clause 52 provides that where an error or omission occurs in the conduct of an election, or in proceedings preliminary to an election, the Governor may, by proclamation, stipulate a course of action to be followed in order to correct the error. Clause 53 provides for the issue of a writ for a supplementary election where an election fails. Clause 54 provides for the nomination of electoral candidates. Clause 55 deals with qualification of candidates. No-one is eligible for nomination unless he is an elector. A person is not entitled to be, at the same time, a candidate in more than one election. Clause 56 sets out the manner in which a nomination is to be made. If photographs of candidates are to be included in a ballot paper, the nomination must be accompanied by a photograph of the candidate.

Clause 57 provides for the declaration of nominations. A nomination may be rejected if the name under which a candidate is nominated is obscene, frivolous or appears to have been assumed for an ulterior purpose. Clause 58 provides that where the number of candidates does not exceed the number of vacancies to be filled, the candidate or candidates may be declared elected without proceeding to polling. Clause 59 provides that where two or more candidates die before polling day in a Legislative Council election, the election fails. If any candidate in a House of Assembly election dies, the election fails. Clause 60 provides for the return of a candidate's deposit where he is elected, or receives a specified proportion of the vote on polling day. Clause 61 deals with the grouping of names on ballot papers for use in Legislative Council elections.

Clause 62 deals with the order in which the groups and names of individual candidates are to be arranged in Legislative Council ballot papers. Clause 63 deals with the arrangement of names on a ballot paper for the House of Assembly. Clause 64 empowers the Electoral Commissioner to determine, subject to the new Act, the form of ballot papers. Clause 65 provides for the printing of the names of political Parties opposite the names of candidates endorsed by those Parties. Clause 66 provides for the lodgment of voting tickets by individual candidates and groups. Clause 67 provides that, if the Electoral Commissioner so decides, photographs are to be printed on ballot papers. Clause 68 imposes on each district returning officer a duty to ensure that polling booths are properly established at each polling place within his district and properly equipped and staffed on polling day.

Clause 69 provides for the display of how-to-vote cards and voting tickets in polling booths. Clause 70 provides for the appointment of scrutineers. Clause 71 requires the Electoral Commissioner to supply the returning officer for a district in which an election is to be held with a certified list of electors. Clause 72 deals with entitlement to vote. Clause 73 provides that an elector is not to be disqualified from voting by an error or omission in the roll. Clause 74 provides that an elector may vote either by making an ordinary or a declaration vote. Subclause (2) provides for the circumstances in which a declaration vote may be exercised.

Clause 75 deals with the issue and authentication of voting papers. Clause 76 sets out the questions that are to be put to an elector who appears before an officer and claims to vote. Clause 77 deals with the issue of declaration voting papers by post and provides for the keeping of a register of declaration votes. Clause 78 provides for the issue of fresh voting papers to a person who satisfies the issuing officer that papers previously issued have been inadvertently spoiled. Clause 79 requires a voter to indicate, by consecutive numbers, an order of preference in relation to all candidates. However, in a Legislative Council election, the voter may record his vote by placing the number 1 in a voting ticket square. A tick or cross is deemed equivalent to the number 1. Clause 80 provides for polling at static and mobile polling booths. In the case of voting at mobile polling booths in remote subdivisions, public notice is to be given of the times and places at which the booth will be open for polling. Clause 81 deals with the issue of ballot papers at polling booths.

Clause 82 provides for the voter to mark his vote in private. Clause 83 provides for assistance to certain voters. Clause 84 provides that where declaration voting papers have been issued by post to an elector, he shall not be entitled to vote at a polling booth unless he delivers up the declaration voting papers, or makes a declaration to the effect that the declaration voting papers have not been received. Clause 85 sets out the manner in which a declaration vote is to be exercised. Clause 86 provides for declaration voting before electoral visitors at declared institutions. Clause 87 provides for the forwarding of declaration ballot papers to the appropriate returning officers at the close of the poll.

Clause 88 makes voting compulsory and deals with the procedure to be followed by the Electoral Commissioner in relation to electors who appear to have failed in their duty to register a vote. Clause 89 empowers a presiding officer to appoint a suitable person to act in his absence. Clause 90 deals with the security of ballot boxes. Clause 91 provides for the adjournment of polling where unforseen circumstances arise making it impracticable to proceed with the poll. Clause 92 provides that the result of an election is to be ascertained by scrutiny. Clause 93 provides that all proceedings at the scrutiny are to be open to inspection by the scrutineers and deals with the marking of ballot papers to which an objection is taken at the scrutiny. Clause 94 provides for the preliminary scrutiny of declaration ballot papers. Clause 95 deals with the interpretation of Legislative Council ballot papers where the voter has exercised an option to vote in accordance with a voting ticket.

Clause 96 deals with the interpretation of House of Assembly ballot papers where the voter fails to express a complete order of preference and voting tickets have been registered by the candidates. Clause 97 deals with the circumstances in which a ballot paper is to be registered as informal. Clause 98 deals with the scrutiny of ballot papers in a Legislative Council election. The clause sets out in detail the method of counting and the procedure of excluding candidates from the count. Clause 99 deals with the scrutiny and counting of votes in a House of Assembly election. Clause 100 provides for a recount of ballot papers in certain circumstances. Clauses 101 and 102 provide for the declaration of the results of an election and the return of the writs.

Clause 103 sets out various categories of administrative decisions that are subject to review under Part XII. Clause 104 provides for a review either by the Electoral Commissioner or by a local court of full jurisdiction. Clause 105 provides for the manner in which the result of an election may be disputed. Clause 106 constitutes the Supreme Court as a court of disputed returns for the purposes of the new Act. Clause 107 makes certain requirements with which a petition disputing the result of an election must comply. Clause 108 provides that the Electoral Commissioner is to be the respondent to a petition disputing the result of an election. Clause 109 provides that the court is to be bound by good conscience and the substantial merits of each case. It is not to be bound by the rules of evidence. Clause 110

sets out the nature of the orders that the court is empowered to make. It deals also with the grounds on which an election may be avoided.

Clause 111 provides that decisions of the court are to be final and conclusive. Clause 112 makes it an offence to commit electoral bribery. Clause 113 makes it an offence to exercise violence or undue influence in an attempt to sway the outcome of an election. Clause 114 makes it an offence to hinder or interfere with the free exercise of rights and duties conferred or imposed by the new Act. Clause 115 requires the name of a person who authorised an electoral advertisement to be shown in the advertisement. Clause 116 makes it an offence to publish inaccurate and misleading electoral advertisements. Clause 117 requires an electoral advertisement to be clearly designated as such.

Clause 118 requires that the name of the authors of electoral commentaries published during an election period be shown at the end of the articles, letters or reports in which they are contained. Clause 119 is a corresponding provision relating to the publication of electoral material by radio or television. Clause 120 prohibits a candidate from taking part in the conduct of an election. Clause 121 deals with the question of who may be present in the polling booth during polling. Clause 122 provides for the removal from a polling booth of a person who disobeys a direction of the presiding officer or who otherwise misconducts himself in the booth. Clause 123 makes it an offence for a person to attempt by dishonest means to ascertain how an elector voted. Clause 124 prohibits political solicitation by officers and scrutineers. Clause 125 makes it an offence for a person to exhibit in a polling booth unauthorised material as to how a voter should vote.

Clause 126 deals with the duties of persons who witness electoral papers. Clause 127 makes it an offence for a person dishonestly to attempt to exercise a vote to which he is not entitled and deals with various kinds of dishonest conduct by an elector in relation to voting. Clause 128 restricts political canvassing in the vicinity of polling booths. Clause 129 makes it an offence for a person to distribute or publish electoral material for a House of Assembly election suggesting that a voter should vote otherwise than by indicating a complete order of preferences. Clause 130 makes it an offence for a person to whom electoral papers have been entrusted to fail to transmit them to the appropriate officer.

Clause 131 makes it an offence to forge electoral papers or to utter forged electoral papers. Clause 132 makes it an offence to forge an official mark or to have instruments capable of being used to forge an official mark. Clause 133 requires an employer to allow his employee reasonable leave of absence in order to vote. Clause 134 deals with the signing of electoral papers. It provides for the making of a mark by a person who is incapable of signing his name. Clause 135 empowers the Supreme Court to grant injunctions restraining breaches of the Act. Clause 136 disqualifies a person who is convicted of bribery or undue influence from sitting, or being elected, as a member of Parliament within two years of the date of the conviction. Clause 137 provides for service by post on the Electoral Commissioner.

Clause 138 provides for the preservation of ballot papers and other election materials until the election can no longer be challenged. Clause 139 provides that offences constituted by the Act are, except where otherwise provided, to be summary offences. Clause 140 exempts declarations made for the purposes of the new Act from stamp duty. Clause 141 is a regulation making power. The regulations may authorise the use of voting machines for the purposes of elections.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

FOOD BILL

Adjourned debate on second reading.

(Continued from 13 March. Page 3148.)

The Hon. J.R. CORNWALL (Minister of Health): When I sought leave to conclude my remarks last week I indicated that I intended to canvass the various issues raised by the Hon. Mr Burdett and the Hon. Mr Griffin. Probably the most convenient way to do that is to go through the issues raised in the order in which the relevant clauses appear in the Bill. Regarding the long title, the Hon. Mr Burdett pointed out, quite correctly, that there is a reference to the Local Government Act being amended which, in fact, the Bill does not seek to do. In fact, one of the earlier drafts amended that Act; the Hon. Mr Burdett was quite right and I am advised that Parliamentary Counsel will arrange the necessary clerical correction.

The next point raised by members opposite was in relation to clause 11. Both honourable members who spoke referred to the fact that, after the first appointment of the committee, during which some staggering in the terms would occur, the terms thereafter should be for a fixed period. In fact, an amendment in the name of the Hon. Mr Burdett seeks to make that fixed period three years. I would accept that there is some advantage in staggered appointments; I would also accept that there is some advantage in continuity. However, on balance, having thought about these things for a number of days, I would have to say that my strongest feeling is as an advocate for flexibility. I do not accept the inference of the Hon. Mr Griffin as to political interference. The committee will be a technical, expert committee. The discretion of the Minister as to whom he or she appoints, I would have thought, was fairly well circumscribed, considering the categories or qualifications for membership. I seek to preserve (and I feel rather strongly about this) the ability to appoint a member to the committee for a shorter period than three years if circumstances are such that injection of particular expertise to address a specific issue is warranted. That arises, particularly in the health field, with a reasonable degree of frequency. A person may be quite outstanding for a particular appointment to a committee or board under the jurisdiction of the Minister of Health; however, it may be known that he or she is available for only 12 months or two years, and in those circumstances it is quite awkward being stuck with a prescription in the legislation that demands that members must be appointed for three years.

In view of the nature of the committee, the technical aspects and expertise involved and the way in which the membership is carefully delineated in the legislation, I believe that it would be quite unwise to constrain the Minister of the day and consequently the Cabinet in regard to the length of time for which members are appointed. It may well be that significant expertise that would otherwise be available to the committee would be denied on occasions because of that amendment, if it was passed. I, and various other members, I am sure, can point to some Acts that provide for a fixed period of appointment and others that contain a 'not exceeding' provision. In summary, given the technical nature of the committee and for the other reasons I have outlined, the Government is not prepared to accept the amendment.

I turn now to clause 16. The Hon. Mr Griffin referred to the penalty applying under this clause. I was prepared to accept the advice of Parliamentary Counsel on this matter. It is certainly not a matter on which the Government adopted a specific line. In an earlier draft (and there have been many drafts of the Food Bill over a lengthy period), the penalty was inadvertently omitted. When that matter was brought to my attention by industry I accepted as appropriate the

advice that a penalty of $5 000 or two years imprisonment should be inserted. I understand that there is a general review of penalties under way. I will say two things about that: first, it is not a matter which rightly falls within the jurisdiction of the Minister of Health, as I am sure the distinguished former Attorney-General would know. I am informed that at this stage it has not reached a stage of finality.

I agree that this is an important clause, particularly from the industry's point of view. I make clear to the Council that we are certainly not in the business of wanting to get at trade secrets. I appreciate the sensitivity of the matter and, in fact, I have had lengthy discussions about it with the Food Technology Association, in particular. In view of that, and having considered the submissions which were made to me, I point out that there is an amendment standing in my name which seeks to add the words 'or engaged' to line 41. As the clause stands, it provides:

> Disclosure of information acquired by reason of a person having been employed in or connection with the administration of the Act is an offence.

However, at this stage I do not believe that that is broad enough to cover persons who, while they are not employed in the administration of the Act, may be engaged in some aspect of its administration and be in a position to have access to certain information. The amendment standing in my name will broaden the clause accordingly and I believe meets the valid objections that have been raised both by industry and by the Hon. Mr Griffin.

In addition, there is another amendment standing in my name to clause 22, the effect of which will be to allow authorised officers access only to documents of a prescribed class. Industry again expressed its concern to me over access of authorised officers to food industry records and, in particular, product formulae. While I believe the concern may have been somewhat overstated, I am prepared to concede what I believe is a significant amendment in this area. The amendment is a significant restriction of the normal powers of access of inspecting officers to records and documents. In most Statutes this is written in general terms. As I understand it, such access must be relevant to the particular inspection and is not just a general right of access. However, this provision provides for access to be restricted to a particular class of records to be prescribed by regulation. As I said, I believe that the initial valid objections raised by industry and echoed in the contribution of the Hon. Mr Griffin have been adequately dealt with.

I now turn to clauses 21 and 28. I will deal with them together since both industry representatives with whom I met and the two Opposition members who spoke in the debate linked them also. Clause 21 sets out certain hygiene requirements that are required to be met by food handlers. They are required to be not suffering from a prescribed disease; they are required to comply with regulations under the Act relating to hygiene; and they are to observe reasonable standards of personal hygiene. Subsection (2) provides that, where the offence is committed in the course of employment, the employer is guilty of an offence.

Clause 28 provides a general defence of reasonable diligence, as it is normally known, to a charge under the Act where the offence arose from the action or failure to act of another party. This does not extend to the actions or failure of an agent or employee. The amendment that has been placed on file by the Hon. Mr Burdett to clause 28 seeks to include the actions or omissions of employees within the reasonable diligence defence. The Food and Drugs Act currently provides defences, whereby a vendor can show that the default was due to another person, or that the substance was unavoidably present due to the process of collection or preparation, or that it was added to make an article fit for commerce without fraudulently changing its characteristic. Further, the purchaser can seek from his supplier a warranty that the food complies with the Act. It does not contain an equivalent of the Victorian 'all reasonable precautions' provision. The Hon. Mr Burdett and the Opposition are trying to amend the Bill to remove the general defence of 'reasonable diligence', which is in both the existing legislation in South Australia and the proposed legislation, and replace it with the defence of 'all reasonable precautions'. Of course, that is very much weaker.

The Hon. K.T. Griffin interjecting:

The Hon. J.R. CORNWALL: I will cover that point in a moment; I will say a little about the Victorian experience, where the Legislative Council in that State nobbled the legislation. The model Food Act provides for a vendor who follows the procedure of giving notice and specified information to show that the fault was due to the action of another person. That provision has been adopted in Queensland. That is very much more workable and more reasonable than that proposed by the Opposition.

I have considered a number of representations on this matter from a number of organisations ranging from the Food and Technology Association, through individual manufacturers, to the Chamber of Commerce. I decided that the sensible thing to do would be to get in touch with my counterpart in Victoria. While I did not speak to the Minister of Health personally, there has certainly been inter-office contact. The fact is that the Victorian Bill, as originally presented to the Parliament and as approved by the Victorian Cabinet and Caucus, contained a provision as set out in the model Act, that is, the same as the legislation in Queensland. However, following strong representations by industry along the same sort of lines to which the Opposition now appears to be succumbing in this State, the model Act provision was withdrawn in the Legislative Council, where the forces of darkness, that is, the Liberal Party and the National Party, had the numbers, and the 'all reasonable precautions' provision that has existed solely in Victoria was substituted. The 'all reasonable precautions' provision is not on the Statute books anywhere else with regard to food legislation in this country.

The Hon. K.T. Griffin interjecting:

The Hon. J.R. CORNWALL: We have two lawyers on the front bench, and I have access to many others. The effect of this provision has enabled industry to successfully defend cases, and has led to legal precedents resulting in the administering authorities in that State being loath to institute proceedings. Of course, that is completely unacceptable. As I said, the situation that exists in Victoria, as proposed by the amendment, is unacceptable.

Members interjecting:

The Hon. J.R. CORNWALL: The Hon. Mr Griffin can chuckle, and the Hon. Mr Burdett—

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: I have talked to Parliamentary Counsel, and I have spoken to my Legal Services officer. I have taken substantial legal advice on the matter, and all of my instructions to this moment indicate that what the Hon. Mr Burdett is attempting to do is to move us to an 'all reasonable precautions' provision and away from a 'reasonable diligence' provision. The effect of it would be—deny it, if honourable members will—to very substantially water down the provisions of this legislation. Why, otherwise, are honourable members moving it? They are moving it so that they can protect the unscrupulous elements in the food industry. That is the effect of it.

The Hon. K.T. Griffin: You have wrong advice.

The Hon. J. R. CORNWALL: Oh no. Why else would members opposite be moving it?

The Hon. J.C. Burdett interjecting:

The PRESIDENT: Order! This is really the type of debate that one would expect in Committee, not in the summing up.

The Hon. J.R. CORNWALL: If you would shut them up, Sir, I would not need to respond. I get frustrated by the lack of control. The situation that exists in Victoria is unacceptable in that the situation that currently exists in South Australia would continue with the restriction of the defence as proposed. A similar provision exists in the Meat Hygiene Act, section 61, which was passed by this Parliament at the time when the Hon. Trevor Griffin was the Attorney-General.

The Hon. J.C. Burdett: We are not proposing any changes—

The Hon. J.R. CORNWALL: Indeed, you are. Clause 28, as introduced by the Government, is virtually identical with existing section 61 in the Meat Hygiene Act, and the Opposition is attempting to water it down. Members opposite should get their copies of the Meat Hygiene Act and look at the phraseology; they will see that what we introduced in this place was almost identical, albeit with slightly different phraseology, to section 61 of the Meat Hygiene Act. Members opposite are proposing to substantially water down the consumer protection that currently exists and as proposed in this legislation. I gave an undertaking to the industry representatives during the recent discussions to monitor the operation of clause 21 (2) and clause 28 to assess the position after they had been in operation for a reasonable period and, if necessary, to take any action that may be appropriate if their concerns prove to be well-founded. I indicated that I would place this on record during the second reading debate.

The other matters raised in debate were the concerns expressed by the Hon. Mr Griffin as to the appropriateness of the Health Commission as the body to review directions given by councils and to the lack of right of appeal against Commission decisions contained in clause 26. The Health Commission has powers under other Statutes to make decisions and give directions under other public health legislation, for example, the Radiation Protection and Control Act. Again, that major piece of legislation was introduced by the Liberal Government. I envisage that the Commission would establish appropriate advisory mechanisms and delegate certain powers to assist in the administration of this legislation. The Food Quality Committee is one source of advice and consultation in this area. I have also put in train a review of the interrelationship between the Commission and local government in the general environmental health area. That review is now proceeding.

I do not accept that the Commission is not the appropriate body to make the decisions referred to by Hon. Mr Griffin. Its processes and decisions, while not automatically appealable, are subject to normal legal processes if they are seen as denying natural justice or being *ultra vires*.

It is essential in this area for quick action to be taken, particularly in the exercise of those powers given to the Commission under Clauses 23, 24 and 25 relating to prohibition of sale, and destruction of food that is unfit for human consumption. A respected, impartial body such as the Commission should be able to act quickly and decisively in such cases where lives are at stake, and not be subject to automatic challenge.

I do not concede that the provisions of the Meat Hygiene Act are applicable in this instance. Section 25 of that Act provides for a review by the Minister of a refusal to grant an abbatoir licence or the conditions on such a licence. Section 29 goes on to provide that an appeal may be made to a local court of full jurisdiction against a suspension or cancellation of such a licence. The necessary quick action would not be available to the Commission in such instances.

I thank members for the general support that they have expressed during the second reading. I believe that specific issues can be dealt with in more detail in Committe.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

STATUTES AMENDMENT AND REPEAL (CROWN LANDS) BILL

Adjourned debate in Committee.

(Continued from 14 March. Page 3253.)

Clause 2—'Short title of Crown Lands Act.'

The Hon. PETER DUNN: This clause refers to the repeal of the Marginal Lands Act.

The CHAIRMAN: It only refers to the Crown Lands Act as being the principal Act. I do not think that the honourable member can do much with that.

Clause passed.

Clause 3—'Commencement.'

The Hon. J.R. CORNWALL: I have a slight problem with clause 3 because I was involved in shuttle diplomacy and Ministerial business in Brisbane and Sydney towards the end of last week and I have not had a chance to be fully briefed. I therefore ask that progress be reported.

Progress reported; Committee to sit again.

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 12 March. Page 3084.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill. The major area of concern when this Bill was introduced in the House of Assembly was that there had been no consultation on the final Bill with all those people in the private sector who were likely to be affected by the operation of this piece of legislation. It makes significant changes to the practice of the Lands Titles Office. The concern at the time was that, notwithstanding assurances that there would be consultation, there was none. To have the Bill introduced in the House of Assembly and debated so soon after it was introduced and without opportunity for that consultation was the principal cause of complaint by the Opposition in another place. The legislation makes a number of changes to the practice of the Lands Titles Office in respect of division of real property, largely arising out of the review of the Planning Act and the interrelationship between that Act and the Real Property Act.

The first item dealt with in the Bill relates to the identification of an allotment of land where there are, in fact, two parts of what is regarded as one allotment. For the purposes of the computerisation programme in the Lands Titles Office, it is provided that, notwithstanding that they are, in fact, one allotment, different parts (or polygons, as they are described in the legislation) may be identified by separate identifying characteristics.

Where a plan of division requires a private easement to be created, there are presently delays in the issuing of new titles where it is a private easement and the different allotments remain in the name of the same registered proprietor. Both under the Real Property Act and the common law, you cannot grant an easement to yourself. This has been a cause of concern in the general area of division of land because of the need to transfer one of those allotments to some other person before the private easement could be created.

That necessarily meant the sale of an allotment—not the consummation of the sale by settlement and transfer, but entering into the contract and subsequent settlement and transfer. What the Bill seeks to do is allow the private easement to be identified in the plan of division attaching to particular allotments, both the dominant and servient tenements, and for those to be identified on new certificates of title which can be issued as quickly as possible.

I do not think, just by way of digression, that that will necessarily speed up the procedures of the Lands Titles Office, but it will certainly speed up procedures in so far as availability of titles is concerned prior to sale.

The Bill also amends the open space requirements of the principal Act to allow some greater flexibility in the contribution which is to be made towards the relevant fund established for the purpose of providing open space. It allows a mixture of cash and land to be available to meet the appropriate amount of the contribution. Up to 12.5 per cent of the land may have to be provided as local open space. That is to be vested in the council, or the funds are to be paid in lieu of that amount of land being made available.

There is a technical amendment to the fifth schedule in that the long form of the definition of a right of way has been there for many years but not long forms of other forms of easements, which are most frequently used.

They are to be set out in detail in the fifth schedule. I think that that is appropriate. It reduces the amount of printing that is to be required in respect of each easement that might be prepared, executed and lodged for registration—a short form which, by virtue of the provisions of the Act as amended by this Bill, will pick up the detail of the longer form in the fifth schedule.

This Bill deals with division and, because of that, I want to raise some other matters which are pertinent to it and which the Minister may care to take some advice on because, while the Bill is in this Chamber, it is appropriate to deal with certain technical matters that have been drawn to my attention by a prominent Adelaide legal practitioner who has made representations to the Law Society. I am not sure whether or not the Law Society has made submissions to the Registrar-General of Deeds or to other officers in the Government. If that has not been done I would certainly welcome some consideration of the problems that are raised by that practitioner.

Under section 223*l*b of the Real Property Act, a lease or licence, which includes a tenancy agreement, an agreement for lease or sublease over part of an allotment of land as defined in that Act, is void. The Government is empowered to make regulations which exempt certain classes of transaction from the operation of this section. Certain transactions have, in fact, been exempted by regulation 48 of the Real Property Act (Land Division) Regulations.

The submission asserts that, apart from a transaction which falls within regulation 48, a lease or licence of part of an allotment is simply void. That is not the purpose of the legislation, that is, to frustrate a lease or licence of a part of an allotment merely because it is of a part and not of a whole. Such a lease or licence becomes objectionable only when its term is of such length that it is being used as a device to circumvent the laws relating to land division. Under the old Planning and Development Act (I think section 44) there was a provision which enabled some discretion to be exercised by the Planning Commission that would allow those leases and licences not allowed under the Planning and Development Act to be approved. Therefore, the approval would overcome the statutory objection to those leases and licences. There is no such similar provision in the Real Property Act, the Planning Act or in regulation 48.

While regulation 48 is not before us, it is relevant because it relates directly to section 223*l*b of the principal Act. It may be that, if the Government is prepared to accept the basis on which I raise this question, we can make an amendment to that section that will allow the regulation to provide for exemption of certain leases and licences. I am raising it now because I would like to see it attended to while the Bill is before us. The exemptions in regulation 48 of the Real Property Act (Land Division) Regulations relate to leases only. There has been no provision for licences. A bare licence may confer no estate or interest in the land and may be outside the scope of section 223*l*b altogether. But there are many examples of licences that are coupled with an interest in the land itself, for example, licences to enter and take stone, to cut timber, to shoot rabbits, and to plant and harvest crops. The common share farming agreement may well afford a good example.

Arrangements of this kind—conferring a licence coupled with an interest in the land, namely, a profit á prendre—if they cover a part only of an allotment as well may, in many cases, be void under section 223*l*b. It is also conceivable that arrangements of this kind may well, on occasion, extend beyond five years. Such arrangements in many instances are perfectly proper and beneficial. I do not think that they should be proscribed by legislation of this kind. While it is reasonable that a number of routine transactions should be exempted altogether from section 223*l*b, as has been done in regulation 48, nevertheless the regulation still places the matter in too much of a straitjacket. It is impossible to cover every eventuality.

Surely these provisions are not intended to frustrate legitimate commerce where what the parties intend is in no way in conflict with the objectives of the legislation. The examples of licences that I have given are an important topic not covered by the legislation. No doubt there are others, but it really is impossible to foresee every eventuality. The solution to the problem would be that section 223*l*b be amended to provide for a transaction to be valid if made with the consent of the relevant planning authority. The section could make further provision to the effect that any agreement, lease or licence is not void if it contains a provision that it is subject to the consent of the relevant planning authority. As I indicated earlier, a similar provision appeared in the former Planning and Development Act, 1966.

I could refer to other matters under regulation 48 but, because they relate to the regulation itself, I do not think it is necessary to deal with them in detail. When dealing with this matter, if the Minister would like to have some more detail at an appropriate time as to some of the difficulties with regulation 48 that have been drawn to my attention, I am certainly prepared to make the information available.

There is also likely to be some inter-relationship with the Planning Act, particularly section 4 (1), in the definition of 'division' of an allotment. It has been put to me that it is difficult to understand why a licence only is excluded from the definition. It is not understood why the exclusion does not equally apply to a lease or sublease as it does to a licence. The other proposition that was made (that the period that is referred to in the definition should be six years and not five years to accommodate a three year lease or licence with a three year renewal period) I agree with, because I have not been able to comprehend why the period is five years when the usual lease or licence is for three years with a right of renewal for the same period.

That is an important question, which must be addressed in the context of this legislation. I will take the opportunity to raise several other minor matters in Committee. Apart from the matters to which I have referred, the Bill deals with a number of practical and technical matters that warrant

attention, and I am pleased to be able to support the Bill to the extent that it overcomes a number of those practical problems that confront not only the Lands Titles Office but also practitioners and members of the public. For those reasons, I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I thank the honourable member for his contribution: he has raised a number of matters that I believe I should take on notice, one major matter in particular on which I will certainly have to take advice. It may be appropriate to proceed to Committee and report progress at an early stage so that I can bring back a considered response.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J.R. CORNWALL: The Hon. Mr Griffin raised a matter of substantial moment and one or two other matters on which I will seek advice, so I believe that we should report progress.

Progress reported; Committee to sit again.

SUPPLY BILL (No. 1) (1985)

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

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

That this Bill be now read a second time.

As honourable members are aware, it has been customary in this period of the year for Parliament to consider two Bills for the appropriation of moneys—one in respect of supplementary expenditure for the current financial year and one to grant Supply for the early months of next year. This Bill is for the second of these purposes.

In view of the co-operation that is being extended across the Chamber by the Leader of the Opposition, I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

At this stage, appropriation authority already granted by Parliament in respect of 1984-85 is adequate to meet the financial requirements of the Government and, barring a major unforeseen event (for example, a natural disaster) that seems likely to remain the case through to the end of the financial year. Although the Government will, of course, be monitoring the situation very closely it does not at this point expect to find it necessary to introduce Supplementary Estimates.

Honourable members will recall that when the Government introduced the Appropriation Bill at a similar stage of the last financial year it was explained that amendments to the Public Finance Act in 1981 had given the Government more flexibility in terms of its financial arrangements. This meant that in future years it was less likely that the Treasurer would need to come to Parliament for additional appropriation by way of Supplementary Estimates.

Last year there was every indication that the Government would have been able to manage its financial affairs without any need for Supplementary Estimates. However, the Treasurer decided then to follow the practice of introducing an Appropriation Bill to allow an opportunity for the traditional financial debate. A similar situation has occurred this year, but on this occasion, rather than introduce an Appropriation Bill which would virtually be contrived, the Government believes it would be more appropriate for honourable members to use the debate on this Bill as an opportunity to enter into a general debate on financial issues if they so wish.

With over one quarter of the financial year still to run, it would not be appropriate for the Government to seek to make precise forecasts of the final Budget results for 1984-85. We can, however, advise the Council that they are likely to show an improvement.

This year the Government budgeted for a recurrent deficit of $25 million. This represented an improvement of $4.7 million on the result which the Government achieved in 1983-84. Present indications are that there will be a further significant improvement in the recurrent Budget this year. The improvement is occurring on both the expenditure and receipt sides. The State's finances are now feeling the benefit of the improved economic performance of our regional economy while also experiencing reduced pressure on the payment side as a result of strict budget monitoring and control of departmental expenditure.

By far the most important factor influencing the improvement in receipts is stamp duty collections. I stress that there are still three months of the financial year to run. However, to date there has been a significant increase in duty from real property transactions above budgeted levels. The increase has resulted from the fact that the average value of properties on which the duty is levied has risen sharply, and the number of transactions taking place has shown a similar increase. As the Treasurer has pointed out on a number of occasions, this is a direct indicator of increased activity in our economy and if the trend is broadly maintained through to the end of the financial period it will bring additional revenue to the State's finances in the order of approximately $15 million.

Stamp duty on motor vehicle registrations is also expected to improve beyond what was anticipated when the Budget was brought down. A major factor contributing to this improvement has been the shift in vehicle sales to new vehicles and away from the second-hand market. Again, the increased average value of cars sold is matched by an increase in overall sales activity. These pleasing improvements in economic activity, and consequently the State's financial strength, are expected to be offset to some extent by a shortfall in royalties resulting from Cooper Basin and Stony Point production difficulties. This is expected to result in a shortfall of approximately $4 million.

As I have said, the payment side of the Budget reflects the benefits of the close monitoring and firm control which the Government has instituted on recurrent expenditure. There have been some minor variations; however, at this stage Government agencies are working well towards meeting their budgetary targets. The most significant variations from Budget are likely to be items which are offset elsewhere in the State's finances—for example, additional spending financed from Commonwealth specific purpose grants and the effects of wage and salary awards on departmental budgets which will be met from the general round sum allowance provided for these purposes.

The Budget provided for outlays from the capital side of Consolidated Account of $411.8 million, and a surplus of $25 million to offset the expected recurrent deficit of that amount. Again, our close monitoring suggests that capital expenditures overall are proceeding according to plan. Some relatively minor variations below budget are expected to be offset by equally minor variations in the other direction. The major new item not provided for in the Budget is the Jubilee 150 Local Government Road Asset Plan which has been announced by the Minister of Transport and under which the Government will be making loans to local government authorities at the concessional interest rate of 9 per cent. We expect to allocate up to $5 million for this purpose in 1984-85 from the capital Budget. The bulk of

preliminary expenditure on the Grand Prix will be met by a loan from the South Australian Government Financing Authority, thus avoiding a major call on the Consolidated Account.

If, as expected, the recurrent result is better than the Budget forecast, and capital expenditures are broadly as allowed for in the Budget, it would mean that the Government would need to borrow less from the South Australian Government Financing Authority, thus reducing future interest costs below what they would otherwise be. Although this year's Budget is expected to show a significant improvement in our finances, we face an unprecedented uncertainty concerning next year and beyond. The present tax sharing arrangements between the Commonwealth and the States expire in June of this year, and we expect a fundamental review of the basis of distributing these moneys between the States. The potential effects on our Budget are very large, although the fact that we have taken responsible action to improve our financial institution should work in our favour when decisions are made concerning the new arrangements at the Premier's Conference and Loan Council meetings scheduled for May and June.

But the uncertainty we face gives special emphasis to the need to maintain a tight grip on our recurrent expenditure. It also highlights the need to approach the question of State revenue raising in a responsible manner. Honourable members will recall that the Government was required to introduce a number of revenue measures following the extraordinary weakening of the State's financial position which occurred under the previous Government, coupled with the enormous pressures of the natural disasters we experienced early in 1983.

Those difficult and extraordinary circumstances required responsible action by the Government. We believe that Governments fail in their duty to those who have elected them if they pursue short term popularity at the cost of long-term problems for succeeding generations. Honourable members may be aware of the evidence in the Grants Commission reports of a sudden and large deterioration in the State's finances leading to the record deficit which occurred under the former Government. That financial reality has been the foundation of the budgetary problems with which this Government has had to grapple since coming to office.

It has always been our intention that once the Government was able to overcome these problems and restore the State's finances it would move to a consideration of concessions in the area of State revenue. It has recently been indicated by the Treasurer that we hope to be in a position to make these moves in the next financial year. But we stress that such decisions will need to have regard to the final end of year results and the outcome of the review currently being undertaken by the Grants Commission.

Turning now to the legislation before us, this Bill provides for the appropriation of $440 million to enable the Public Service of the State to be carried on during the early part of 1985-86. In the essence of special arrangements in the form of the Supply Acts, there would be no Parliamentary authority for appropriation required between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. It is customary for the Government to present two Supply Bills each year, the first covering estimated expenditure during July and August and the second covering the remainder of the period prior to the Appropriatian Bill becoming law.

Honourable members will notice that this Bill provides for an amount significantly greater than the $360 million provided by the first Supply Act last year. However, approximately $60 million of the increase is explained by the effect of three accounting changes:

- First, as from 1 July 1985, the Government has decided to change the basis upon which departments are charged for superannuation costs. Under present arrangements, departmental accounts show the Government's portion of pensions paid during the year in respect of staff previously employed. The new system will involve departmental accounts showing each year an estimate of the superannuation liability incurred as a consequence of employing staff in that year. Further, it has been decided that departments should be charged for these costs by requiring them to make regular superannuation payments to Treasury. To achieve this, additional appropriation will need to be provided to each department. This approach has only minimal net effect upon the Consolidated Account, for the Government still pays pensions only when they fall due.
- Secondly, certain Commonwealth Government health grants which previously were handled outside Consolidated Account are now channelled through that account to the South Australian Health Commission.
- Thirdly, additional interest payments (offset by equivalent receipts) have resulted from debt rearrangements with Government financial institutions which took place at the end of 1983-84. These rearrangements, which have no net effect on the interest commitments of the public sector, were referred to in the Second Report of the South Australian Government Financing Authority.

The Government believes this Bill should suffice until the latter part of August when it will be necessary to introduce a second Bill. Clauses 1 and 2 are formal. Clause 3 provides for the issue and application of up to $440 million. Clause 4 imposes limitations on the issue and application of this amount. Clause 5 provides the normal borrowing powers for the capital works programme and for temporary purposes, if required.

The Hon. M.B. CAMERON secured the adjournment of the debate.

TRESPASSING ON LAND ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 March. Page 3248.)

The Hon. K.T. GRIFFIN: The Opposition supports the second reading, but we will seek to move a number of amendments in Committee. We support the increase in the penalties by quite substantial proportions to bring them into line with the recent increases in the penalties under the Police Offences Act, particularly sections 17 and 17a, which deal with people being unlawfully on premises and trespassing. However, the increase in penalties is not really sufficient to deal with the problem that has been drawn to the attention of the Opposition, particularly in relation to people trespassing on rural properties in the Adelaide Hills, although it occurs in other areas as well.

The difficulty that has been drawn to our attention is particularly in relation to magic mushroomers, but it applies equally to those who go blackberrying or walking on properties for some other purpose. It seems that numbers of people on weekends trespass on properties, they may be requested to leave, but they do not leave. Some people have been noted to be what is referred to as 'on a high' and the manner and dress of those trespassing has caused rural property owners to be somewhat afraid of making a direct or any other approach to have those persons leave the property.

I understand that the rural community has expressed concern about women being in rural homes by themselves during the day and about older people being on their own

and children where the nature of the trespass is such and the sort of trespasser is such that there is a fear that, if any approach is made to the trespasser, it will be met with abusive language or threatening behaviour which, of course, is an offence. However, that is not much consolation to the woman or the older person who is on his or her own on a rural property away from the neighbours and away from a township in the middle of the day. That is the area of concern that I do not believe has been addressed adequately by the mere increase in penalties.

Some solutions can be offered to come to grips with the problem: the first is to extend the nature of the offence contained within the principal Act. Section 5 of the principal Act provides that a person who unlawfully enters or remains on an enclosed field shall be guilty of an offence. Section 6 provides that a person who unlawfully remains on an enclosed field after being requested in accordance with the Act to leave it shall be guilty of an offence. The difficulty is that the word 'unlawfully' is used. Section 5 provides, '. . . unlawfully enters, or unlawfully remains on an enclosed field'. Section 6 provides, '. . . a person who unlawfully remains on an enclosed field after being requested to leave . . .'. The interpretation of that is clearly that a person who may not have what might be described as an unlawful intention but who nevertheless is there for the purpose of magic mushrooming or making some other use of the rural property is not caught by either of the sections.

My solution, although I have not had a chance to have it drafted, is in two parts: the first is that, where a person is trespassing on rural property and refuses to leave after being requested to do so, he will be guilty of an offence; the second part is that, where a person is on private rural property and has not received express or implied permission, that will also be an offence. However, it will not be unlawful to enter a property for the purposes of seeking permission, for trading and so on. They are two amendments which will go a long way to resolving the problem.

There is another difficulty, because the enclosed field to which the Bill relates is defined as an area of land which is enclosed by fences, hedges or walls and has sheep or cattle grazing on it, or has a cultivated crop on it, or is an orchard or vineyard. It may be deemed to be an enclosed field by fences, hedges or walls, notwithstanding any gap or break in such fences, hedges or walls.

The difficulty is that, even if the field is enclosed and if it is grazing land and there are no sheep or cattle on it, there is no offence. If the land is fallow or if it is not enclosed and it is an orchard or vineyard, it is not covered by the principal Act. If one looks around at orchards and vineyards in the Adelaide Hills, at Clare, the Riverland and in the South-East, it is clear that in these days orchards and vineyards, for convenience sake, are rarely enclosed. Because they are not enclosed in any way, they are not subject to the Trespassing on Land Act. I believe that the legislation ought to apply to any rural land enclosed by fences, hedges or walls, and to any unfenced area such as an orchard or vineyard or other land which is under rural use.

The other matter which I think needs to be examined—and I will be moving an amendment accordingly—is the problem that the principal Act only applies to land within the limited definition of 'enclosed field' in such parts of the State as are specified in proclamations made from time to time. Not all of the State is covered by such proclamations. I think there would be good value in extending the operation of this legislation to all parts of South Australia which would be within the rural areas of this State so that we overcome the technical problem that parts may or may not be defined by proclamation.

They are the areas to which I will give some attention during the Committee stage of the Bill. As I have said, I do not think that the mere extension of penalties really comes to grips with the major problems with the legislation and that the areas that I have referred to, if properly addressed, will solve the major, if not all, problems which are being raised in relation to trespassing on rural property, and have been raised for several years. Therefore, to enable these matters to be considered, I support the second reading of the Bill.

The Hon. C.J. SUMNER (Attorney-General): I note the honourable member's support for the second reading. He has raised a number of issues which, if passed by the Council, would substantially alter the provision of this Bill as originally passed in 1951. I have some doubts about the propositions put forward by the honourable member. I think we must be very careful that we do not extend the criminal law unnecessarily. I believe that the amendments to increase the penalties, together with the amendments passed to the Police Offences Act last year, if they are properly policed, should be adequate.

A number of prosecutions have been taken under this legislation. That is why I have introduced the Bill to amend the Trespassing on Land Act: because a number of prosecutions have been successful, but the penalties have been clearly inadequate to act as any deterrent at all. However, as I have said, there have been successful prosecutions under the Trespassing on Land Act. There is also the question of the amendments to section 17 of the Police Offences Act that were made last year.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: No, they are not limited; they are applicable to this situation, provided there is interference with the enjoyment of a landowner's occupation of his property. That obviously requires more than simple trespass. It was the intention that it should require more than simple trespass. If my information is correct, I would think that much of the activity of magic mushroomers would constitute such an interference with the quiet enjoyment of a landowner's occupation of his property. Therefore, I believe that section 17a will also assist. Section 17a has not been in existence for very long, and it has not been available for a magic mushroom season. I must confess that my preferred course at this stage is to see what happens with section 17a and the increased penalties under the Trespassing on Land Act in the knowledge that any trespassing on land is successfully prosecuted under this legislation.

I will certainly consider the honourable member's propositions but I have some doubts about a dramatic extension of the criminal law into what has traditionally been in our system of law a matter of a civil wrong with protection by civil remedies in the courts.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: I appreciate that, and that is why the Government has taken action with the introduction of section 17a and the increase in these penalties. I also firmly believe that it is partly a matter of policing.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: I appreciate that but, even if the honourable member's amendments are passed, that will not stop the activity unless there is the presence on the ground, when it is actually happening, of sufficient police. If there were sufficient policing of the Trespassing on Land Act, with increased penalties, combined with the new section 17a, which we have not seen operating in that area yet because it was not in place for the last magic mushroom season—

The Hon. Peter Dunn interjecting:

The Hon. C.J. SUMNER: I know. That is why the Government has acted with alacrity in getting this in before the season starts. One can have the criminal law and one can

have the proposals put forward by the Hon. Mr Griffin, but if they are not policed and people know that, and if people know that there is no law enforcement presence, they will still go on to the property.

What the Government has done is probably adequate. My initial position is that I would prefer to see how what we have done works, with proper policing, before taking it any further. Unfortunately, if one introduces amendments such as are proposed by the Hon. Mr Griffin to deal with a particular problem, which people concede to be a problem, it has untold ramifications throughout the State. One may then end up picking up a whole lot of people who innocently trespass. That is my concern. In other words, there is the saying that hard cases make bad law. This may be the direction of the Legislature to deal with one problem, which may turn out to be a bad and unnecessary law for the rest of the State.

Most trespassers are innocent. I used to go mushrooming in the Barossa Valley when I was a lad and walk around people's property. No-one seemed to mind.

An honourable member interjecting:

The Hon. C.J. SUMNER: Quite a pleasant person: that is right. Traditionally, the British common law has not made trespass a criminal offence, and it is still not a criminal offence in the United Kingdom, where walking across common fields or private property is a very accepted practice throughout. One of the things that they promote, almost, as part of tourism in the United Kingdom, is the capacity to walk on private property, and I have done it myself.

An honourable member interjecting:

The Hon. C.J. SUMNER: Yes, it is a most enjoyable pastime in the United Kingdom to, in effect, trespass on private property because there are paths and stiles, and there does not seem to be any objection to it. Trespass has not been a criminal offence traditionally under our system of law. It is not a criminal offence in the United Kingdom. I have some reservations about extending the criminal law beyond what we have already done. I would much prefer the Council to see how that works and whether it addresses properly the problem of this group in the Adelaide Hills. I agree that it is a problem: I concede that.

The Hon. R.C. DeGaris interjecting:

The Hon. C.J. SUMNER: That is probably right. The Hon. Mr DeGaris, being a practical man, knows that a jersey bull in the appropriate paddock—

The Hon. M.B. Cameron: They also trample mushrooms.

The Hon. C.J. SUMNER: I see. That is probably a good thing as well. I therefore will consider what the honourable member has to say and look at the amendments when they are placed on file, but I merely indicate that I have some reservations about the propositions being put forward.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 4.48 p.m. the Council adjourned until Wednesday 20 March at 2.15 p.m.