LEGISLATIVE COUNCIL

Tuesday 25 March 1986

The PRESIDENT (Hon. Anne Levy) 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:

Acts Interpretation Act Amendment,
Australian Formula One Grand Prix Act Amendment,
Beverage Container Act Amendment,
Biological Control,
Builders Licensing,
Business Franchise (Tobacco) Act Amendment,
Cattle Compensation Act Amendment,
Crimes (Confiscation of Profits),
Dog Fence Act Amendment,
Industrial Conciliation and Arbitration Act Amendment,
Industrial Relations Advisory Council Act Amendment,
Local Government Act Amendment,
Motor Vehicles Act Amendment,
Motor Vehicles Act Amendment (No. 2),
Pay-roll Tax Act Amendment,
Potato Marketing Act Amendment,
Poultry Meat Hygiene,.
Public Works Standing Committee Act Amendment,
Road Traffic Act Amendment,
Second-hand Motor Vehicles Act Amendment,
Stamp Duties Act Amendment,
State Government Insurance Commission Act Amendment,
State Lotteries Act Amendment,
Statute Law Revision,
Statutes Amendment (Victims of Crime),
Supply (No. 1),
Technology Park Adelaide Act Amendment,
Travel Agents.

WATTLE PARK RESERVOIR

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

Wattle Park Reservoir (Flexible Membrane Liner and Floating Cover).

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Australian Formula One Grand Prix Board—Report, 1985.
Country Fire Services Board—Report, 1984-85.
Justices Act 1921—Rules—Courts of Summary Jurisdiction Report.
Police Regulation Act 1952—Regulations—Commands.
Supreme Court Act 1935—Discovery and Solicitors' Profit Costs

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

Pursuant to Statute—

Hairdressers Registration Act 1939—Regulations—Registration Fees.
Trade Measurements Act 1971 and Motor Fuel Distribution Act 1973—Regulations—Motor Spirit Revocation.
Trade Standards Act 1979—Regulations—Silos, Tanks, Furniture and Motor Fuel.
Trade Measurements Act 1971—Regulations—Motor Fuel.

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

Pursuant to Statute—

Accounting Standards Review Board Report, 1984-85.
Companies and Securities Law Review Committee Report, 1984-85.

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

Pursuant to Statute—

Architects Act 1939—By-law—No. 38—Professional Conduct.
Lottery and Gaming Act 1936—Regulations—Minor Lottery Licences.
Metropolitan Taxi-Cab Act 1956—Regulation—Drivers' Affiliation and Drivers.
Fisheries Act 1982—Regulations.
Gulf St Vincent Prawn Fishery,
Spencer Gulf Prawn Fishery,
Northern Zone Rock Lobster Fishery—Pots
Southern Zone Rock Lobster Fishery—Pots,
West Coast Experimental Crab Fishery.

By the Minister of Tourism (Hon. Barbara Wiese):

Pursuant to Statute—

Eyre Peninsula Cultural Trust—Report, 1984-85.
Northern Cultural Trust—Report, 1984-85.
Riverland Cultural Trust—Report, 1984-85.
South-East Cultural Trust—Report, 1984-85.
History Trust of South Australia—Report, 1982-83, Report, 1983-84.
South Australian Institute of Technology—Report, 1984.
The State Opera of South Australia—Report, 1984-85.

By the Minister of Local Government (Hon. Barbara Wiese):

Pursuant to Statute—

Building Act, 1970—Regulations—Fees.
Public Parks Act 1943—Report re disposal of parklands adjoining Yankalilla Memorial Park.
District Council By-Laws—Port MacDonnell—No. 25—Traffic.

WORKERS REHABILITATION AND COMPENSATION BILL

The PRESIDENT: I wish to inform the Council that, following the motion passed at the last sitting of the Council on 6 March, I wrote to the Auditor-General conveying to him the text of the motion that had been passed by the Council. I have received the following reply from him dated 10 March:

Thank you for your letter of 7 March 1986 informing me of a motion passed by the Legislative Council on 6 March 1986 with respect to a matter arising out of consideration of the proposed Workers Compensation and Rehabilitation Act 1986.

In previous correspondence I stated that it was not appropriate for the Auditor-General to be involved further in this matter. Accordingly, I cannot accede to the request contained in that motion.

I note that the motion was rejected by the House of Assembly on 6 March 1986.

The Hon. Mr Gilfillan, in a letter dated 7 March 1986, has asked for my response to the motion passed by the Legislative Council. I have forwarded a copy of this letter to him.

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

Yours sincerely,

T.A. Sheridan, Auditor-General

MINISTERIAL STATEMENT: POLICE REGULATION ACT

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement about new directions pursuant to the Police Regulation Act 1952.

Leave granted.

The Hon. C.J. SUMNER: In tabling in this Parliament new directions promulgated by the Governor-in-Council on 24 March 1986 pursuant to the Police Regulation Act 1952, I wish to summarise the events preceding and the reasons that lie behind them. In 1977 the Dunstan Government commissioned the (then) Mr Acting Justice White of the Supreme Court, to, among other things:

> Inquire from and discuss with the Commissioner of Police, and such other officers of the Police Department as may be necessary, in relation to Special Branch records:
> *(a)* the criteria used to determine what information is currently being recorded;
> *(b)* the rank of the officer responsible for the determination of what is recorded;
> *(c)* how that information is recorded;
> *(d)* who has access to such information.

In his letter of 21 December 1977, His Honour observed:

> My report discloses that Special Branch has maintained records on political trade union and other sensitive subject matters for 23 years. Their existence was not mentioned to the Government in spite of several requests for information about them. Special Branch believed that it owed a greater loyalty to itself and its own concept of security than to the Government, because it was cast in an ambiguous role.

He concluded (on page 73 of his report) that:

> In the past, Special Branch (through the Commissioner) has failed to keep the State Government fully informed about the existence of sensitive files on political and trade union matters (and on other matters). This failure was due to ambivalent loyalties within the Special Branch towards ASIO and imagined security interests, on the one hand, and to the State Government on the other. It was also due to lack of high ranking local direction of Special Branch policy and procedures.

In consequence of the White report, the Government on 18 January 1978 promulgated instructions (pursuant to the Police Regulation Act 1952) which sought to overcome the problems that had become apparent. On 20 November 1980 the Tonkin Government replaced the 1978 instructions with a set of guidelines for the Special Branch.

In December 1983 this Government prepared and published a detailed and lengthy submission to the Royal Commission on Australia's intelligence and security agencies comprising Mr Justice Hope. In May 1984 the Solicitor-General of South Australia appeared before the Royal Commission to speak to that submission. The Government's submission advanced the following propositions in comparing the 1978 directions to those promulgated in 1980:

(1) The 1980 directions do not expressly establish accountability to any Minister of the Crown. This is in contrast to the 1978 directions;

(2) The emphasis in the 1980 directions is in contrast to the more clearly circumscribed and tighter wording of the 1978 directions;

(3) The 1980 directions require that they be read in conjunction with instructions issued by the Commissioner of Police which have not been made public. In other words, the 1980 directions are not self-contained;

(4) In many places, the 1980 directions repose unaccountable discretions in members of the Police Force;

(5) The ambit of 'activities' to be covered by Special Branch was wider than that laid down in the 1978 directions (in other words contrast the activities listed in paragraph 2.1 with those laid down in 1978 paragraph 1 subparagraphs 1, 2 and 3);

(6) There is no regulation of the actual physical custody and security of Special Branch information or records;

(7) The procedures of culling and destruction of outdated or inaccurate records are entirely unregulated.

In June 1984 I publicly announced the Government's intention to abolish Special Branch. In consequence, and shortly thereafter, the Commissioner of Police published in the *Police Gazette* a notice which had the effect of discontinuing Special Branch and constituting the Operations Planning and Intelligence Unit of the Police Department. That unit comprises two sections.

First, there is now the Operations Planning Section whose responsibilities include formulating, maintaining and updating major police emergency/contingency plans and the operations command manual; providing assistance and advice to personnel preparing operation orders or undertaking operational planning tasks; forming the nucleus of an operations planning team for large scale police operations; and maintaining a central repository of all operation orders, debriefing reports and other material relevant to the planning and control of police operations. Additionally, it is responsible for operational planning liaison with external emergency services and other organisations.

There is also, now, the Operations Intelligence Section whose responsibilities (within approved guidelines) include collecting, evaluating, storing and disseminating operations information in respect of persons who may pose a threat to individuals, groups, or property (and similarly in respect of those individuals, groups or property considered at risk); and maintaining liaison with relevant police personnel, Commonwealth and State officials and other people who may be of assistance, within and without the State.

It is worth noting that a very similar reorganisation has taken place in both Victoria and Western Australia, following the abolition of their respective Special Branches. The Government firmly believes that these new directions that I have tabled today represent a substantial improvement on both the 1978 and 1980 directions. They are a clearer description of the section's functions; they delimit those functions more acceptably; and they establish and promote more appropriate lines of oversight, responsibility and accountability for the section's day to day activities and operations. These directions were prepared in full consultation with both the Commissioner of Police and the Hon. Mr D.S. Hogarth, QC, who was the inspector appointed by the 1980 guidelines which have now been superseded.

These directions tabled today (among other things):

(i) precisely describe and delineate the section's functions in the gathering of information, the assessment and evaluation of intelligence, the recording of intelligence and the dissemination of intelligence;

(ii) precisely delimit and define the nature and extent of the information and intelligence which can be so gathered, assessed, recorded or disseminated. This will ensure that persons engaged in non-violent activity or who are expressing legitimate and peaceful dissent, cannot and will not be the subject of the section's operations. Such rights should not be the subject of police surveillance. To suggest otherwise would place an intolerable premium on freedom of speech and, for that matter, freedom of conscience and thought;

(iii) establish increased responsibility in respect of the dissemination of intelligence by generally requiring prior written approval, by specifying precisely to whom intelligence may be disseminated and by laying down strict conditions for fair, complete and accurate record-keeping;

(iv) require the complete respect of all relevant functionaries for the privacy of individuals, by com-

pletely prohibiting unauthorised access to the records held by the section;

(v) provide for more comprehensive avenues of accountability:

(a) by periodic police reporting to the Minister of Emergency Services;

(b) by the annual comprehensive inspections of the Auditor;

(c) by the annual report of the Auditor to the Governor; and

(d) by increased oversight by the Auditor of the record-keeping system of the section;

(vi) contemplate a more active and substantive role for the Auditor, who is to be independent of both the Public Service and the Police Force.

The Government has been scrupulous in ensuring that these new directions are consistent with the views, and philosophies, espoused by it in its submission to the Hope Royal Commission. It has sought to strike a better balance between the right and duty of the State to protect and preserve its own integrity and lawful processes, and the time-honoured rights and liberties of the individual. These directions are a clearer articulation of the considerations that allow a better balance to be struck on a day to day basis and will enable the Government to respond quickly, precisely and sensitively to any problems that may arise.

They represent an endeavour to clarify the roles and responsibilities of the major functionaries—the responsible Minister, the police, the Auditor—so that those functionaries are, or will be, protected from unfair or unfounded suspicion or criticism. Their activities (precisely limited and subject to continuous public scrutiny) should be above reproach. For the first time this State has directions that will most nearly ensure that such aspirations will be realised. I commend them to honourable members.

MINISTERIAL STATEMENT: ESCAPE OF PRISONER

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement on the subject of the escape of a prisoner.

Leave granted.

The Hon. C.J. SUMNER: At approximately 3.15 p.m. on Tuesday 18 March, a prisoner named Gordon Ronald Forrest escaped while leaving the Outpatients Department of the Royal Adelaide Hospital. Forrest was a high security prisoner in the escort of two Department of Correctional Services officers and was handcuffed with his hands in front of his body at the time of the escape. This was a particularly serious incident which has raised a number of questions relating to the procedures used during prisoner escorts.

Normal procedure for a prisoner of Forrest's security rating calls for the prisoner to be handcuffed to one of the officers and back-up to be provided by the department's Dog Squad. Those procedures were not followed on this occasion. Immediately after the escape the Minister of Correctional Services ordered a full investigation into all aspects of the incident. That investigation has been conducted over the past few days by three Government investigating officers and I am now in a position to inform the Council of their findings.

The escape of the prisoner Forrest was the result of a breakdown in security caused by apparent management failure at Yatala Labour Prison and the failure of staff to follow set procedures. It is clear from the investigation that a staff routine instruction on prisoner escorts was not followed in this case. In particular, the Escort Report, which lists the prisoner's security rating, outstanding charges and comments on general behaviour, was not filled in by the officer in charge of escorts; nor was it signed by the escorting officers. On this occasion a Leave of Absence from Prison form was used.

However, that form did not carry the details which could have alerted the responsible officers to Forrest's security rating. It appears from the investigation so far that the Escort Reports are not used for every escort. The Acting Executive Director of the Department of Correctional Services has informed the Minister of Correctional Services that he has issued orders that the Escort Report is to be completed for all prisoners at Yatala Labour Prison prior to their leaving the gaol on escort. As well as that, the Acting Director has instituted an immediate review of escort procedures at all other prisons in the State.

It is also clear from the investigation that information about a possible escape attempt by Forrest was passed, via the Manager, to the Gaol Security Squad five days before the escape. There is no evidence that this information was relayed to the officer responsible for arranging an escort for prisoner Forrest. The issue of conveying information between the Security Squad and the officer responsible for arranging escorts is to be immediately reviewed to ensure that a clear system is put into place to ensure critical information is brought to the notice of officers arranging escorts.

The Manager of Yatala Labour Prison has stated that he was fully aware of Forrest's escape potential when he signed the order authorising last Tuesday's escort. However, he says he signed the movement order in the mistaken belief that the escort involved another prisoner also named Forrest, but with a lower security classification. It would appear that, if the set procedures had been followed in preparing for this escort, the Manager and the escorting officers should have been alerted to the risks posed by Forrest and a more appropriate security escort could have been provided.

As a result of the investigation the Acting Executive Director of the Department of Correctional Services has informed the Minister that he has laid charges relating to negligence against the Manager of Yatala Labour Prison and the officer who was in charge of escorts on the day of the escape. The Acting Director has also informed the Minister that he has suspended both men pending the outcome of the charges. There is no doubt that the escape of Forrest was a serious breach of security. However, the incident must be put in perspective.

This incident was the first escape from a prisoner escort since September 1979. Over the past 6½ years there have been literally thousands of escorts of prisoners in South Australia with no escapes. That is a highly commendable record. Coupled with that is the fact that there has not been an escape from Yatala Labour Prison since June 1984. In fact, the year 1984-85 was the first 12 month period in 25 years that there was no escape from Yatala Labour Prison. This record speaks highly of the normally tight security which now surrounds Yatala Labour Prison. As I have already indicated, the Minister of Correctional Services has taken action to ensure that the events which led to the breakdown in security on this occasion do not occur again.

I now turn the attention of the Council to an incident which occurred last week at Adelaide Gaol involving a prisoner named McQuade. On the morning of Thursday of last week prison officers found this prisoner bleeding from injuries which he had inflicted on himself. After being examined by a prison medical officer it was decided that McQuade should be taken to hospital for treatment. The prisoner was fully conscious at the time and the medical officer did not consider the injuries serious enough to warrant an ambulance. This incident occurred early in the morning (approximately 7 a.m.), which is a time of maxi-

mum movement within the prison because cells are being unlocked and the prisoners are receiving their breakfast. Because of this there were no spare staff available to drive the prisoner and his escort to the hospital. As a result, the decision was made to transport the prisoner by taxi.

Much has been made in recent days in the media and by the Leader of the Opposition in another place, Mr Olsen, about this decision. I would inform the Council that taxis have been used to transport prisoners in South Australia since 1977. They are used mainly at times, as in this case, when there is no spare staff available. In such cases the use of a taxi proves to be more cost effective than calling an officer in to work at overtime rates.

I point out that this apparently was recognised by the Leader of the Opposition in another place, Mr Olsen, when he was Chief Secretary in the Tonkin Liberal Government. In 1982, the year the Leader was Minister responsible for prisons, there were more than 750 taxi journeys involving the transport of prisoners from Adelaide Gaol. At least half of those journeys were for hospital or court visits. The main question raised over the past few days has been in relation to the safety of the taxi driver involved in last Thursday's operation. McQuade was escorted in the taxi by two experienced prison officers and was handcuffed to one of them. As well as that, the taxi was followed by a Dog Squad officer and a dog. I would suggest that this was probably the safest fare the taxi driver involved has ever had.

The Minister of Correctional Services is not aware that any complaints from taxi companies regarding the transport of prisoners have ever been received by his office or the Department of Correctional Services. The Minister has since written to the two taxi companies involved to determine if they have any reservations about the continuation of the practice.

MINISTERIAL STATEMENT: DRAFTING OF STATUTES

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement relating to the Government's policy on the drafting of Statutes.

Leave granted.

The Hon. C.J. SUMNER: A number of initiatives have recently been undertaken in the area of the drafting of the Statutes which I wish to place before the Parliament.

I. *Gender Neutral Language.* The Government strongly believes that legislators and drafters must pay attention to contemporary requirements in relation to the use of language. As members are aware, the Government has recently passed an amendment to the Acts Interpretations Act which provides that the use of the feminine gender in legislation is to be construed as including the masculine gender; that is, it is a complementary provision to the present provision whereby the masculine gender is construed to include the feminine gender. The amendment also provides that where a phrase consists of a masculine and feminine pronoun it may, in appropriate cases, be construed as being applicable to a body corporate.

This amendment takes a first step towards a form of legislation where the masculine form is no longer superior to the feminine. However, this is only the first step. The ultimate aim is the adoption of 'gender neutral' language in all legislation. The Parliamentary Counsel, Mr G. Hackett-Jones has for some time made efforts to limit the use of sexist language in legislation.

One of the main problems which he has confronted is in the use of personal pronouns. The English language does not have pronouns that are universally applicable to a masculine, feminine or neuter subject or object. Parliamentary Counsel has noted that the elimination of pronouns can, in some cases, result in repetition of the subject or object to an extent that the drafting can become awkward or convoluted in form and can also cause particular problems in regard to the use of reflexive verbs, as it is impossible to have a reflexive verb without the reflexive pronoun. An example of a difficult provision to amend into gender neutral language would be subsection 13 (2) of the Fisheries Act which provides:

> When an inspector or honorary warden—
>
> *(a)* informs a person that he suspects him of having committed an offence against this Act;
>
> *(b)* identifies himself to that person as provided in subsection (5) of this section; and
>
> *(c)* requests that person to state his full name and usual place of residence.
>
> that person shall forthwith inform the inspector or honorary warden of his full name and his usual place of residence.

This subsection contains a reflexive pronoun and, in addition, the removal of the other pronouns would result in a high degree of repetition. Nevertheless, the approach adopted has been to minimise the use of pronouns where practicable and to use the expression 'he' or 'she' in preference to the masculine form.

In addition there has been an assessment of the use of titles of office holders in legislation. Almost invariably, titles have been referred to in the masculine form, for example the use of the word 'chairman'. Since your elevation to the position of presiding officer in this Chamber, Ms President, members have had to make a number of changes. For instance, we can no longer refer to a Chairman, but use terms such as Chairperson, Chairwoman or simply Chair.

I am pleased to advise that this approach has already been adopted in legislation. For example references to 'Chairman' have been replaced with suitable alternatives such as presiding officer, chairperson or president. Likewise many other titles which until now have been expressed in the masculine form have been replaced with gender neutral words.

In discussions with Parliamentary Counsel, a set of general guidlines has been prepared to be followed with the object of achieving gender neutral drafting. The guidelines provide that legislation should be drafted so far as reasonably practicable in gender neutral terms and to this end the use of the term 'chairman' is to be avoided in favour of a suitable alternative; where reasonably practicable the use of pronouns is to be minimised; and in appropriate circumstances the expressions 'he' or 'she' should be used in preference to the masculine form.

Another aspect which has recently been addressed is the problem of sexist language in existing legislation. It would be a difficult and expensive exercise to alter all legislation immediately so that the Acts are in gender neutral form. However, as revisions and amendments are made to individual pieces of legislation, the opportunity will be taken, where practicable, to use gender neutral language.

II. *Statutes Revision and Consolidation.* The Acts Republication Act 1967 empowers the Attorney-General to reprint and consolidate Statutes. The Act provides for the appointment of a Commissioner of Statute Revision to supervise the revision and reprinting of Acts. This position is held by the Parliamentary Counsel. During revision and reprinting, certain amendments can be made to wording provided that the amendments do not have the effect of altering or modifying the substance, effect or operation of the Act. The Commissioner of Statute Revision, at the direction of the Attorney-General, can also amend Statutes to achieve uniformity of style and to bring the legislation into conformity with modern standards of drafting.

Recently, a number of Acts have been reprinted in a consolidated form: for example, the Criminal Law Consol-

idation Act, the Motor Vehicles Act, the Road Traffic Act, the Summary Offences Act and Stamp Duties Act have all been reprinted in the past 12 months. The aim of reprinting is so that the Acts are more readable, grammatical and modern in expression. Obsolete and exhausted material is deleted, antiquated terminology is changed to conform to today's standards and out of date references are corrected.

In this session, an Act was passed which made sundry minor amendments to Acts including the Adoption of Children Act, the Children's Protection and Young Offenders Act, and the Community Welfare Act. Consolidated copies of these Acts will now be prepared and printed.

The consolidated reprints of Acts incorporate all amendments, and are published and released individually. This is a more convenient method than consolidating all Statutes and publishing them in bound volumes as was done in 1975. As many members will be aware, the major problem with the 1975 consolidation was that by the time the last bound volume was released the earlier volumes were out of date. There will therefore be no further complete consolidation of all Acts as occurred in 1975 but all Acts will, over time, be produced in a pamphlet form and therefore be able to be more easily updated.

This whole process is seen as very important, as the consolidation of Acts and updating of language makes the legislation easier to read and more accessible to the community. The Parliamentary Counsel, in his role as Commissioner of Statute Revision, and I, as Minister responsible for the Act, are both committed to the constant review and updating of legislation to bring it into line with modern standards of drafting.

III. *Plain Language.* A further area which I wish to discuss is the use of language in legislation. The language used in Statutes is continually under review with the aim of achieving long term improvement in the standards of drafting and to make Acts more comprehensible to their users by the use of plain language. It is the policy of this Government that all legislation will be written in clear, comprehensible English, devoid where possible of legal jargon.

The South Australian Parliamentary Counsel accepts this and places a great emphasis on clarity and ease of understanding in legislation. In fact, the drafting of this State's legislation is of a high standard and has often been used as a model by other jurisdictions.

The Parliamentary Counsel is conscious of the need to avoid repetition and superfluous phrases in legislation. In addition, his approach has been to avoid the use of cross references and Latin expressions wherever possible. For example, the use of the word 'genuine' would normally be used in preference to the words *bona fide.*

A recent example of the Government's commitment to introducing legislation which is clear and easy to understand is the Liquor Licensing Act 1985. This Act replaced the complex and confusing Licensing Act 1967. The new Act is a clearly written, modern Act which I believe is an example of well drafted legislation.

IV. *Enacting Formula.* One further area which has recently been examined is the enacting formula used in South Australian legislation. At present every Act of the South Australian Parliament begins with the words 'BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof as follows'. This formula, or something approximating it, has been in use since the earliest days of the colony. It was more appropriate in those days, when the Governor took a much more active part in the legislative process, but now gives a rather unbalanced, perhaps even misleading, impression of the relationship between the Crown and the Parliament.

As the Constitution Act 1934 constitutes the Legislative Council and House of Assembly as the Parliament of South Australia the enacting formula should be in the following terms: 'The Parliament of South Australia enacts as follows'. This formula implies that the necessary procedures and consents of both Houses have taken place to enact the Statute and it will be adopted in all future legislation presented to Parliament.

In addition, the Government and Parliamentary Counsel will continue to examine what steps should be taken to ensure the continuance of legislation which is easy to understand and which reflects the needs of the community.

It should be emphasised that these new clinics are not different because they offer 24-hour service, bulk billing, plush waiting rooms or short waiting times. These aspects are shared, in varying degrees, by other general medical practices. The significant difference between this style of entrepreneurial medicine and the normal practice of medicine by a general practitioner is ownership of the practice. The characteristic delivery of general medical services to the community in Australia—services which compare favourably in terms of quality of patient care with any in the world—is by a general practitioner who owns the business. In most cases the GP is the sole operator of a small business making money largely from fees generated by direct work with patients. The operation of entrepreneurial clinics represents a significant departure from the traditional model because general practitioners are employees of a business enterprise.

Since the pattern in entrepreneurial practice seems to be for the owners of a general practice clinic to own other medical practices providing a range of more specialised services, the GP's ability to refer patients for additional services is the key to the commercial strategy. A patient visiting an entrepreneurial clinic may be referred by the GP to pathology, radiology, medical specialists, day surgery, private hospitals or various paramedical services. In effect, one part of the business generates work for other parts of the business. In this environment, the employer—or owner—must inevitably exert influence on the doctor employees to ensure a return on the investment is achieved. The regulatory influence of peer pressure is reduced, particularly if the employer is primarily an entrepreneur rather than a medical professional.

The possibility that such entrepreneurs will seek to establish themselves and these practices in South Australia raises concerns, particularly among those members of the medical profession who are sensitive to the need to maintain professional and ethical standards. Apart from the overall cost, there is also the problem of vastly increased potential for unethical practices, fraud and over-servicing.

In view of the need for a detailed examination of the legal and ethical implications of entrepreneurial medicine, Cabinet has endorsed the appointment of a three person working party to conduct such a review and make recommendations for future action. I propose to establish a small working party comprising Mr Ian Bidmeade, legal consultant, who will chair the group, Dr Robert Hecker, a former AMA president and a member of the Medical Practitioners Professional Conduct Tribunal, and a representative of the Department of Consumer Affairs. The group will be asked to report by 30 June 1986. Its terms of reference will be:

1. To consider the legal and ethical implications of entrepreneurial medicine and, in particular, without limiting the generality:
   (a) the extent, if any, to which the referral of patients from one health professional to another within the same business should be regulated;
   (b) the need, if any, for consumer information and protection;

(c) the extent, if any, to which the ownership and investment by persons other than health professionals in entrepreneurial medicine should be regulated;

(d) changes, if any, in codes of ethics which are necessary;

(e) the adequacy or otherwise of professional self-regulation as a response to entrepreneurial medicine;

(f) the need, if any, for health planning controls for private non-institutional health services;

2. To make such recommendations as the committee sees fit.

3. In considering these issues, the committee should consult as it sees fit, but shall consult with the AMA and the Commonwealth Department of Health.

QUESTIONS

AIDS

The Hon. M.B. CAMERON: I seek leave to make a statement prior to directing a question to the Minister of Health on the prostitute with AIDS.

Leave granted.

The Hon. M.B. CAMERON: I raised in the Council on 5 March the situation of a prostitute who was a heroin addict and who had been identified as 'AIDS positive', that is, the woman concerned was found to be AIDS related virus antibody positive. At the time I asked the Minister whether or not he was aware of the case and asked what action will be taken by the Health Commission over the matter.

In a statement the next day the Minister indicated that there were in fact two women known to have worked as prostitutes, one of whom was in gaol. He said:

Both women worked as prostitutes to finance drug habits. The woman apparently referred to by Mr Cameron, MLC, was admitted to the methadone program of the Drug and Alcohol Services Council when found to be ARV antibody positive, to remove her need to work as a prostitute to finance her habit.

In addition, the South Australian Housing Trust has provided priority housing to the woman to ensure she does not have a brothel as her only accommodation, as was previously the case.

The AIDS program and the Drug Assessment Panel have regularly jointly reviewed the progress of the woman: she has attended counselling sessions as instructed and the Drug Assessment Panel has the power to send her back before the courts if she does not comply with these conditions.

Following my raising the matter I received further information that suggested the woman—that is the woman who was not in gaol—was in fact still working despite the Minister's suggestion otherwise. I immediately provided what details I had to the Minister and urged him to follow up the matter (that was three weeks ago). The information I provided included the street where the massage parlour operated. I do not intend to name the street concerned at this stage, because I do not think the people in the area would appreciate cars wandering up and down looking for the establishment, which well might be the case.

I have since been advised that the parlour and its owner are known to the police. On Sunday an article appeared in the *Sunday Mail* newspaper and was headed 'One Street Girl with AIDS risk "is working" '. That article stated, in part:

'One of the two Adelaide prostitutes diagnosed earlier this month as AIDS antibody positive is still working—and a further two prostitutes may have the AIDS virus and not reported it to the authorities.'

This was claimed yesterday by a spokeswoman for the Prostitutes Association of SA (PASA).

The spokeswoman, referred to only as Sylvia at her request, said press reports that two women with positive readings were no longer woking were 'inaccurate'. 'It was stated that one of the women was in prison and another was on a drug abuse program,' Sylvia said. 'We know one of the women is still on the streets in Adelaide.' Sylvia said other prostitutes were attempting to find the woman. She also said, 'and we suspect there may be two more with AIDS antibody positive who are currently working in Adelaide.'

I have now been given information which suggests that the woman to whom the Minister referred was working even as late as last week and that quite possibly she is still on heroin and that it is unlikely that she is requiring 'clients' to wear condoms. Obviously the danger posed by a prostitute with AIDS is very alarming and it appears that even the prostitutes themselves are concerned about having such a person amongst their number.

What steps did the Minister take to check out the information I provided to him? Is he satisfied that the prostitute with AIDS is not still working? Is she living in the Housing Trust home provided for her? What are the conditions which the Minister said she must comply with or else be sent back before the courts? Is one of the conditions that she no longer works as a prostitute? If not, why not?

The Hon. J.R. CORNWALL: I was approached about this again on Sunday, following a report in the *Sunday Mail*. I made three major points, which I will repeat for the benefit of Mr Cameron, for the Council and, more importantly, for the South Australian public. First, the only way that we—that is the health authorities—can guarantee people that they will not catch any one of a number of sexually transmitted diseases is to be involved in a monogamous sexual relationship. I further said that I believed the preferred option was marriage. I happen still to believe that a monogamous relationship, with a licence, is probably the best of all options.

The Hon. I. Gilfillan: What about celibacy, John?

The Hon. J.R. CORNWALL: There is another alternative, as the Hon. Mr Gilfillan points out by way of interjection, and that is, abstinence. I am informed that that is substantially more popular in 1986 than it might have been only a relatively short time ago. However, a stable monogamous sexual relationship is the only way we can guarantee that people will not get a sexually transmitted disease.

Secondly, if people are not living in a stable monogamous relationship, if they are leading a life which involves multiple sexual partners, in varying degree, or in whatever degree, whether that involves homosexual or hetereosexual practices, most certainly on health grounds they should use condoms. My advice is that the condom, provided it remains intact, is almost 100 per cent foolproof as a barrier to the transmission of AIDS and many other sexually transmitted diseases.

The third point that I made previously and now make again is that, if we are serious from a health aspect about controlling sexually transmitted diseases, it is a duty for this Parliament, in my submission as Health Minister, to take whatever steps are necessary to decriminalise prostitution.

The Hon. M.B. Cameron: A bit of a problem, though.

The Hon. J.R. CORNWALL: The Hon. Mr Cameron says it is a bit of a problem. It is not my problem, as Minister of Health. It is a matter for the collective consciences of members of the South Australian Parliament. We cannot have any system of registration, regulation, or licensing which would involve regular testing so long as we pretend that prostitution does not exist.

The Hon. M.B. Cameron: How often would you test them?

The Hon. J.R. CORNWALL: The position at the moment is that we cannot insist on any health tests for anyone who is involved in prostitution. I further make the point that statistically (and let all members take note of this) one is more likely to contract a sexually transmitted disease from a casual one night stand than from a working prostitute who looks after herself. Having made all those points, let me now turn—

The Hon. Peter Dunn: Where did you get those statistics?

The Hon. J.R. CORNWALL: They are from our Communicable Diseases Control Unit and the Sexually Transmitted Disease Clinic. Those figures are absolutely right, as the Hon. Miss Laidlaw, who is far better informed than are most members of the Opposition, acknowledges.

Let me return to the specific steps that may or may not have been taken, as raised by the Hon. Mr Cameron. I repeat that in South Australia we have the best record in this country, and possibly in the world—in Western democracies, at least—for the steps that we have taken for the control of AIDS. We did prospective studies, we looked at sexual behaviour and the patterns which might be transmitting AIDS, even before the virus had been isolated, even before the cause of AIDS was known to the scientific community. We got off to a very good start indeed.

Further, we acted promptly from the outset: since 7 February 1983 clinical AIDS has been a notifiable disease in this State. Since 13 December 1984 AIDS related complex, another symptom of the disease, has been a notifiable disease, and since 7 February 1985 lymphadenopathy syndrome (or LAS), another manifestation of the infection, has also been a notifiable disease. So, all three clinical manifestations became notifiable diseases as soon as it was possible for that to be done. On the advice of Professor Pennington, who is Chairman of the National AIDS Task Force, and of all the other experts in the field, we have quite specifically not made a positive AIDS blood test notifiable. The reason for that is that we do not wish to drive it underground. If we get to a situation where anyone who is tested, for whatever reason, turns up with a positive test and can be declared to have a notifiable disease, the next step presumably would be to form some sort of AIDS colony. Perhaps the Hon. Mr Cameron would like us to transport these people to Kangaroo Island. That is really what he is implying.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: The honourable member seems very anxious to protect the clients of prostitutes, but does not seem to express very much concern for this poor woman, who I might tell the Council is suffering from a clinical form of AIDS and who is also a narcotics addict and an intravenous drug abuser. It is perfectly true that she was arrested. She was assessed by a drug assessment and aid panel, which arranged for an assessment and for her to be put on a methadone program and for her to be taken out of the drug scene. They arranged for this poor creature to be found alternative accommodation, supplied by the Housing Trust, and did everything to support her and to stop her returning to prostitution in order to finance her drug habit. Regrettably, it would now seem that this woman, who does have LAS (lymphadenopathy syndrome), has gone back to prostitution.

The Hon. M.B. Cameron: She has.

The Hon. J.R. CORNWALL: Yes, she has. I have made the point many times. The Hon. Mr Cameron shakes his head as though that is the end of the world.

The Hon. M.B. Cameron: It is for some people.

The Hon. J.R. CORNWALL: It may well be. Let me make a point. I will give the honourable member a little lesson and I think he ought to listen very carefully. What would the Hon. Mr Cameron have us do about hepatitis B? That is transmitted in much the same way as is AIDS, that is, by infected needles and by sexual transmission. It is much more virulent, is more widespread and is a greater problem. The papilloma virus, which has been shown to cause cancer of the cervix, is sexually transmitted. What would the Hon. Mr Cameron in his wisdom have us do about that?

A further point is that to date there have been 125 positive AIDS blood tests in South Australia. That is not to suggest that there are not more people in the community who would be positive. However, of the people who have presented for one reason or another, 125 positives is the latest figure available to me. About 25 per cent of those people are intravenous drug abusers.

Of those 125 people about 25 per cent, or 30 people, tested to date and having AIDS positive blood tests are intravenous drug abusers. It is also true, on the best estimates that I am able to obtain from Dr Michael Ross, the co-ordinator of the AIDS program, and from the Sexually Transmitted Diseases Clinic that about one-quarter of working prostitutes in Adelaide are intravenous drug abusers.

Mr Cameron jumps up and down, round and about, about this terribly unfortunate woman who has a clinical form of AIDS and who has gone off her program and has gone back, it seems, to prostitution. I am told that the Drug Assessment and Aid Panel will refer her back to the courts and it is entirely possible, since the initial attempt at rehabilitation without using the criminal justice system has failed, that she will be reappraised by the courts and sent to gaol.

Let me point out, for anyone who is to be involved with prostitutes, that in this State (and I repeat) about one-quarter or 25 per cent of them, on the estimates given to me, are likely to be intravenous drug abusers. They are therefore in a high risk category by the very fact that they are narcotic dependent and they are in a very high risk occupation—that is to state the obvious.

Mr Cameron leaps about and tries to make points about this one unfortunate individual, but let me warn South Australians who are not in a monogamous relationship that they are at risk of contracting AIDS: they are particularly at risk if they are homosexual or bisexual men, but they are most certainly still at some risk if they are involved with multiple sexual partners, and they are certainly at risk if they are involved in sexual acts with prostitutes.

I conclude where I started, by asking for some tolerance in this matter. To date we have done very well in this State because we have been intelligent and tolerant. It would be most regrettable if that intelligence or tolerance were to evaporate. It would be most regrettable if that were to occur as a result of people trying to score cheap political points—but it would be regrettable in any case. I go back to where I started: I recommend monogamous practices and the use of condoms where there is not a stable monogamous relationship and I would say to this Parliament, not as Minister of Health and Minister of Community Welfare but as one of the 69 members of this Parliament, that in the near future I believe that, as a disease control measure, we may seriously have to consider the decriminalisation of prostitution among other things to enable the health authorities to move into some form of regulation or licensing, or whatever reasonable activities or regulations may be necessary to prevent the spread of infection. In the meantime, as I have said on dozens of occasions previously, there is nothing to be gained and everything to be lost by people trying to drum up hysteria in the community.

HOUSING INTEREST RATES

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, as Leader

of the Government in this Council and representing the Treasurer, a question about housing interest rates.

Leave granted.

The Hon. L.H. DAVIS: The two major institutional groups making money available for housing loans are banks and building societies. The Federal Government has placed a ceiling of 13.5 per cent on savings bank housing loan interest rates. However, with market interest rates well above that level, savings banks simply cannot borrow funds at rates of interest that are low enough to allow them to make housing loans. I have been advised that since last November major banks in Adelaide have reduced the number of housing loans by 70 per cent. This means that many potential home buyers have been unable to take advantage of the generally lower house prices now prevailing in the Adelaide metropolitan area and in some country areas.

Adelaide building societies have advised me that they face a different problem: they are forced to lend at a rate of interest that properly reflects the cost of borrowing, so they are currently forced to set housing loan interest rates at between 16 per cent and 17.5 per cent. Unlike the banks, building societies have no need to ration funds. However, the high costs of borrowing by building societies have meant high interest rates for home buyers which in turn has meant that there has been a severe deterrent to potential home buyers. Indeed, a large number of home buyers simply cannot qualify because repayment levels are beyond their reach.

One building society has advised me that the number of housing loans has slumped dramatically and is currently running at 20 per cent to 30 per cent below budget. Therefore, it can be seen that for many home buyers at present the cost of borrowing from building societies is prohibitive and the availability of funds, from banks has been severely curtailed. Government initiatives to overcome the fundamental problem of high interest rates have been described as a twentieth century re-enactment of King Canute. In view of the widespread alarm among the lending institutions about the crisis in home lending in South Australia, my questions are as follows:

1. Can the Government advise for how long it believes this crisis will continue?

2. What discussions have been held between the Federal and State Governments to address this situation?

3. What impact will this crisis have on the housing rental market in South Australia?

The Hon. C.J. SUMNER: Obviously, the Government is concerned about the situation with respect to the housing industry in South Australia. With the high interest rate regime that exists at present, difficulties are being experienced in obtaining funds for purchase or building of houses. That situation should be placed in the context of the past three years, which have seen a most dramatic increase in housing activity in this State: any drop-off must be seen in the context of what was certainly a rate of housing commencements and construction in the past three years that was much higher than it had been prior to 1982. Indeed, I understand that there was a higher rate of commencements in South Australia than had occurred since the late 1960s.

As the honourable member would know, the major problem is the interest rate situation, but that is not something that the South Australian Government is able to directly impact upon as far as the economic policies of the Federal Government are concerned or in relation to international factors and Australia's relationship to those factors resulting in the high interest rates we are experiencing in Australia. What the State Government can do in this respect is very much limited, as the Premier has indicated on numerous occasions. What action can be taken in South Australia has been taken to provide some relief both for State Bank borrowers and building society borrowers. As the honourable member would know, the Government, as opposed to the Opposition, supported the retention of the 13.5 per cent ceiling. Given the Hon. Mr Davis's question, it is interesting to speculate whether the Hon. Mr Davis and the Opposition have now changed their view, joining Mr Howard in supporting a lifting of the 13.5 per cent ceiling on bank home loan interest.

The honourable member omitted to come out directly and say whether that was the position now adopted by the State Liberal Party. Certainly, the implication in his question was that Liberal Party members would now support an increase in the home loan interest rate of 13.5 per cent offered by savings banks. It is a situation to which the Government still adheres, namely, that that rate should not be increased.

One thing to note is that the banks are certainly making very good profits at the present time. The second thing to note is that there would be little point in putting up the interest rates on those bank loans if that were then to cause dramatic difficulties for individuals in repayments, causing houses to go on the market, and one could then be in a worse position than is currently the case with the downturn in the housing market.

Also, there is no guarantee that further funds would be generated and allocated to housing if the 13.5 per cent rate were lifted. So, in the context of those considerations, neither the South Australian Government nor the Federal Government believes that the 13.5 per cent ceiling should be lifted. Obviously, there have been some discussions with the Federal Government, and the Premier has expressed to the Prime Minister concern about the expected levels of housing construction activity for the remainder of 1986 and into 1987.

There has been a downturn in private sector demand, which has also been combined with increased constraints on the State Government's ability to fund a reasonable public sector housing program. That means that the industry is likely to face levels of activity which are lower than we have been used to in the past three years. Clearly, that would have an impact on the State's economy, and the Premier has raised those concerns with the Prime Minister, and the Minister of Housing and Construction (Hon. Terry Hemmings) has raised those concerns with the Federal Minister for Housing and Construction (Mr West). South Australia has joined other States in seeking a significant increase in funds under the Commonwealth-State Housing Agreement. So, those approaches have been made to the Federal Government.

The honourable member is no doubt aware—as I am—from press reports that the Federal Government is considering the general question of the housing industry and, presumably, will be making some announcement about that in the near future. However, I can say that the South Australian Government believes that the lifting of the ceiling on savings bank loans for homes would create more problems than it would solve.

METROPOLITAN ADELAIDE

The Hon. I. GILFILLAN: Has the Minister of Tourism an answer to a question I asked on 12 February relating to metropolitan Adelaide?

The Hon. BARBARA WIESE: My colleague the Minister for Environment and Planning has advised me that the report on future metropolitan growth options was prepared as a discussion paper by the consultants Kinhill Stearns on behalf of the Department for Environment and Planning. During the study a number of local government personnel

were consulted. In addition, the Department of Local Government representative on the Urban Development Coordinating Committee was consulted, as were local government representatives on the Minister for Environment and Planning's Advisory Committee on Planning and the South Australian Planning Commission.

The discussion paper was formally released for public debate and comment by the Minister for Environment and Planning on 14 February 1986 and reported on the front page of the *Advertiser* on Saturday, 15 February. Affected councils and the Local Government Association have been consulted. Copies of the discussion paper have been widely distributed to all councils in metropolitan Adelaide and surrounding districts.

The report is most definitely not a *fait accompli*. It is presented as a basis for the widest possible discussion and debate. The report represents a preliminary evaluation only, and it is hoped that public evaluation will proceed throughout 1986. In addition, it is proposed to establish working parties, including one jointly with local government, to evaluate the opportunities and implications for urban consolidation.

BUILDING SOCIETIES

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation prior to directing a question to the Attorney-General on the subject of building societies.

Leave granted.

The Hon. K.T. GRIFFIN: Building societies are a very significant provider of housing finance in South Australia. Yesterday the Premier said that he favoured national legislation to regulate building societies rather than the State regulation, presumably to get away from carrying the responsibility of fixing interest rate levels. However, the Premier did not develop his view and address issues involved in that course of action.

At the moment, moneys raised in South Australia by South Australian building societies are invested principally in housing in South Australia. There is some flexibility, but the principal investments are in housing finance in this State. If national legislation controlled building societies, that investment in South Australia could not be compelled, and there is a real prospect of South Australian money being invested principally outside South Australia to the detriment of South Australians wanting to borrow to build homes in this State.

At the moment, larger interstate building societies are not permitted to raise funds in South Australia. National legislation would allow large interstate building societies to raise funds in South Australia and to take that money out of South Australia—again to the detriment of South Australians wanting to build their homes in South Australia, and to the detriment of the overall housing industry in this State.

My question to the Attorney-General is as follows: in light of the Premier's commitment to national legislation to regulate building societies—

The Hon. C.J. Sumner: He did not make a commitment at all. What are you talking about?

The Hon. K.T. GRIFFIN: He did. In light of the Premier's commitment to national legislation to regulate building societies, how will the Government protect the interests of South Australians against an outflow of building societies' capital to the eastern States and how will he insist on investment in South Australia?

The Hon. C.J. SUMNER: I am not sure where the honourable member got his information.

The Hon. K.T. Griffin: I was at the lunch yesterday.

The Hon. C.J. SUMNER: Surprisingly enough, so was I, and I certainly did not hear the Premier say that he was committed to national legislation.

The Hon. K.T. Griffin: Then you have a hearing loss.

The Hon. C.J. SUMNER: Not at all. I suspect that the honourable member was not listening. He must have been too engrossed in his garfish at the time the Premier was speaking.

The Hon. K.T. Griffin: I must say he did not say anything that was worth listening to.

The Hon. C.J. SUMNER: The honourable member apparently did not listen to what the Premier said about national regulation of building societies. Certainly, I am happy to get the Premier's speech and check it for myself, but my recollection is that he did not make a firm commitment to national legislation for building societies. He canvassed the question of whether there ought in fact to be national regulation for building societies and, indeed, for other financial institutions.

The Hon. K.T. Griffin: The same thing as—

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The honourable member says that the Premier was reported. I am not sure whether that was a report of the Premier's speech. Certainly, I was at the same luncheon enjoying my garfish at the time that the Premier was speaking, and I did not get the impression that the Premier said there was a firm commitment to national legislation—that is what the Hon. Mr Griffin has alleged the Premier said.

He certainly canvassed the issue, but he canvassed it more for the purposes of raising the question for debate among building societies and, indeed, for debate in the community generally, for the simple reason that we now have a deregulated financial environment; we now have much more competition in the financial sector in Australia than we have had in the past. We now have foreign banks in Australia operating to a much greater extent and in much greater numbers than in the past.

The question raised by the Premier was whether, in that sort of environment, there ought to be the capacity for more cooperation among building societies so that they are able to compete and fulfil their traditional role of providing housing to the citizens of South Australia or Australia. Obviously, if building societies and credit unions are to find their niche in the incredibly competive market which exists at the moment, then some changes will have to be made. As far as building societies are concerned, this Parliament has dealt with some of those changes by broadening the scope for them to lend outside the traditional housing markets in which they have been involved and, indeed, at the present time a review is being conducted in relation to credit union legislation in South Australia.

In addition, there has been at least one and possibly two ministerial meetings relating to the question of whether or not it is possible to get some regulatory regime with respect to these two financial institutions on a uniform basis throughout Australia, basically because it is becoming increasingly apparent that you cannot confine finance to one State. The honourable member knows as well as I do that that is the case, particularly in this sort of deregulated environment. The question raised by the Premier is whether or not that sort of uniform national legislation to regulate building societies may be necessary in order that those building societies and credit unions can compete in this deregulated financial environment. As I understand it, that is the issue that was raised by the Premier. He did not say that he definitely favoured national—

The Hon K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The honourable member has a different recollection (and I will check the Premier's speech)

but my recollection is that the Premier raised it as an issue that needed to be put in the public domain for debate. I do not think that anyone in the current circumstances could criticise that action. The Hon. Mr Griffin has apparently forgotten: he tends to think that, if you take a peculiarly State's rights approach to this sort of thing, then you just sit in your little patch in South Australia and let the world pass you by. It could well be argued that that has happened in South Australia with respect to some South Australian companies. The fact is that we are in a national market, a national financial market, a national share market and a national economy which is increasingly interacting with the international economy and we cannot just sit in our own little patch in South Australia and build protections around South Australian institutions. That can be seen across a whole range of activities including the National Stock Exchange, which was proposed and which has just been approved by the Ministerial Council on Companies and Securities. That will further bring that area of regulation into a more national focus.

From South Australia's point of view, the important thing in relation to that is that it will enable South Australian firms to get out and compete in the rest of Australia. It could be argued that a similar thing could occur with financial institutions in South Australia if there were national legislation and the capacity for people to get out and compete for business throughout the country. My recollection is that the Premier did not make a commitment to this. There have been some discussions on the matter at, as I recall, two ministerial meetings. As I recall the matter, the Government does not have a firm view on it and certainly no decision has been taken on it, but I will peruse what the Premier has said and, if there is any difference from that which I have outlined to the honourable member, I will let him know.

NORTHERN COMMUNITY HOSPITAL

The Hon. M.J. ELLIOTT: I seek leave to make a brief statement before asking the Minister of Health a question about land transactions carried out by the Northern Community Hospital Incorporated.

Leave granted.

The Hon. M.J. ELLIOTT: After reading the annual reports of the Northern Community Hospital I have come across the following excerpts which I think are relevant. In the annual general meeting of 24 September 1973 the Chairman, Mr Russell, stated:

> During the year 'Vaughan House Land' has been a permanent item on our agenda for board meetings. I am delighted to include in this report the announcement that approximately five acres of Vaughan House property has been transferred to our hospital. I would like to make special mention of the guidance and co-operation we have received from the Minister and his department both present and past. The Vaughan House land was purchased on a 2:1 subsidy basis. I thank you, Mr Minister, and your staff. In our discussions with them, Mr W. Isbell, Mr K. Fleming, Dr Shea and Mr C. Rankin have always made us feel that we are performing an important function in the field of health for the community and I sincerely hope that we shall continue to do so.

Later in the report he suggested that the land would be used for the building of a 200-bed hospital on the Vaughan House land. Although that was in 1973, the relevance will become apparent.

After making inquiries, I discovered that the land was sold by the Government for a price of $84 800. The report of 1982 announced that a major decision had been made to sell the Vaughan House land owned by the hospital. The report stated:

> A contract had been signed subject to the approval of the Enfield Council and a nursing home complex would be built there. The decision was reached after consulting the Minister of Health and receiving advice that there was an over-supply of hospital beds in the Adelaide metropolitan region.
>
> Further confirmation was made at the annual general meeting on 27 September 1983 when it was announced that the land owned by the hospital adjoining Vaughan House, Enfield, has been sold and three properties adjoining the parking area on the south side of the hospital have been purchased.

That land was sold in two lots, one lot being sold for $150 000 to Amamoor Pty Ltd and a second lot being sold for $200 000 to Casbins Pty Ltd. The land has risen in value from $84 000 where a two for one subsidy had been received to $350 000.

Another sale of land was made by the Northern Community Hospital Incorporated and that was reported in the annual general meeting of 1977. It is relevant, because it seems to be a rather similar transaction and the report stated:

> Although the State Government was unable to provide subsidy for this expenditure, through the good offices of the Hon. Don Banfield it did release from escrow an amount of $120 000 plus interest which was held to the joint order of the Government and the hospital, being proceeds of sale of a property on the Main North Road, Enfield, which the hospital had acquired with a two for one subsidy, to be the future site of a rebuilt hospital. For this we are very grateful.

It has twice been given two for one subsidies to buy land to build new hospitals which do not appear to have been built and it has subsequently sold that land. I do not wish to cast any aspersions, but I ask the Minister the following questions:

1. Is the Minister aware of the land transactions that were mentioned in the annual reports?
2. Will the Minister confirm my statements?
3. If the Government gave two for one subsidies for land purchased, were there any conditions placed on them?
4. Were the two for one subsidies within or over and above the cost of transactions for 1973 and 1981?
5. Have any such conditions that were imposed by the Government been adhered to?
6. As the land was subsequently resold, were the subsidies returned and, if not, is it the case that the Ministers were satisfied with the transactions?

The Hon. J.R. CORNWALL: I have been around for a long time, but I was not Minister of Health in 1973, although it may be that I should have been. Also, I was not Minister of Health in 1981. I say at once that the old $2 for $1 subsidy disappeared long before I became Minister of Health—we do not give $2 for $1 any more because there are only these types of hospitals left: those recognised hospitals which as such are 100 per cent funded in terms of recurrent costs by the Government of the day; also, the community hospitals, which are non-profit private hospitals. Of course, there are also the private 'for profit' hospitals—they do not get any direct State Government assistance at all, but they do, of course, receive a day bed subsidy from the Commonwealth Government.

I am unaware of the details, fine or otherwise, of those transactions. Whether or not they were undertakings given that were subsequently fully met, or whether they were in fact undertakings that were foreshadowed and that were never met because they never went on (thank the good Lord!) to build a 200 bed hospital, nursing home, or indeed anything else, I will be pleased to have one of our archivists go back into the reaches of history and in the fullness of time, and during the long leisurely months of the winter recess—

Members interjecting:

The Hon. J.R. CORNWALL: That is not for me; I mean for other people—for the archivists. In the long winter nights I am sure that the archivists will be pleased to diligently research the matters raised by the Hon. Mr Elliott.

I will write to him about this matter as soon as I reasonably can.

MODBURY TRANSPORT CORRIDOR

The Hon. J.C. BURDETT: I seek leave to make a brief explanation prior to asking the Minister of Health, representing the Minister of Transport, a question about the Modbury transport corridor.

Leave granted.

The Hon. J.C. BURDETT: The recommended scheme for the Quarry Road Modbury corridor, stage 2, released late last year indicates that it is proposed to sell off as surplus a small parcel of land adjacent to the corridor north of Montague Road and adjoining Veronica Reserve. The surplus land would be used for housing development. Three hundred residents have petitioned the Minister not to proceed with the proposed sale.

The residents have suggested that the proposal appears to be quite contrary to the accepted concepts of a linear park. It has been the recent trend to preserve more open land adjoining major transport corridors, not to flog off what the department already has.

The story is carried on the front page of the *Messenger Leader* of 19 March. The residents claim that to sell the land would hem in and render useless Veronica Reserve, the only reserve in the area. The present development was commenced in about 1976, so there are a large number of children in the area. The roads are death traps, if used as play areas by the children. The land proposed to be sold needs to be retained as an open area for the children and residents to have available to them. The residents have formed a group and are prepared to develop both Veronica Reserve and the adjacent area with some help from the council. The article in the *Leader* refers to the following matters:

The breaking down of the linear park concept would destroy its aesthetic benefits and its softening of the major intersection of Montague Road and the new road.

It would jeopardise motorist and pedestrian safety because a further access road leading onto 'the already perilous' Montague Road would need to be constructed.

The noise level on Montague Road would rapidly increase.

The development would be flanked by two major arterial roads incorporating a major intersection so 'it would not be a nice place to live'.

I have personally inspected the area with representatives of the residents and one can clearly see what they are talking about. My question is will the Minister reconsider the scheme and undertake to retain the land in question as open land for the use of the residents?

The Hon. J.R. CORNWALL: I will refer the honourable member's question to my colleague in another place and ensure that a reply is forthcoming at some time during the long winter of the Opposition's discontent.

REPLIES TO QUESTIONS

The Hon. C.J. SUMNER: I seek leave to incorporate in *Hansard* without my reading them a number of answers to questions asked earlier this session.

Leave granted.

PAROLE SYSTEM

In reply to **Hon. K.T. GRIFFIN** (25 February).

The Hon. C.J. SUMNER: I advise that the threatening letters written to his former wife and the remainder of the family were dated prior to April 1982. Mr Armstrong was not eligible to earn remission until the proclamation of section 42ra of the Prisons Act 1936, which came into effect on 1 June 1984. Therefore, Mr Armstrong has not forfeited any remission as a result of the correspondence. However, the letters were brought to the attention of the police.

ASER DEVELOPMENT

In reply to **Hon. C.M. HILL** (27 February).

The Hon. C.J. SUMNER: The project manager has advised that the exhausting of diesel fumes from the railway station will not affect the air-conditioning within the Adelaide Convention Centre. The exhaust system has been designed and installed in accordance with the South Australian Building Act and regulations and Australian Standard requirements. The design was approved by the Building Regulations Advisory Committee and the Department of Environment and Planning.

In addition, model studies of the discharge flow patterns and testing of diesel railcars were carried out. These tests enable prediction of threshold limit values for atmospheric contaminants resulting from the diesel railcar exhaust, and indicate that the atmospheric contaminant level at the exhaust discharge is approximately 20 per cent of the level allowed for human occupancy over an eight-hour period. (Details of the precise recordings are available if required). The contaminant level at the nearest air-conditioning system air intake on the site would be approximately 7 per cent of the maximum level allowed by the Australian Department of Health. It should be noted that the above levels are based on the worst situation, that is, the station accommodating 31 class 3000 railcars and light winds from a westerly direction.

COOPER BASIN ROYALTIES

In reply to **Hon. L.H. DAVIS** (20 February).

The Hon. C.J. SUMNER: During the course of his question the honourable member suggested that falling oil prices would begin to impact on revenue receipts from Cooper Basin royalties in the last quarter of the 1985-86 financial year. In fact, royalties for 1985-86 are based on sales achieved in the 1985 calendar year so that price movements which occur in 1986 will have no effect on 1985-86 receipts. Royalty receipts from the Cooper Basin in 1985-86 will exceed estimate by almost $5 million.

The honourable member also suggested that falling oil prices would impact on the revenue collected by way of franchise fees imposed on petrol and diesel wholesalers and retailers. I point out that the gazetted prices for the purposes of the Act are 33.4 cents per litre for petrol and 35.65 cents per litre for diesel, both of which are well below market prices. There is no obvious reason why these should be altered to reflect recent market developments.

In making his calculations the honourable member has assumed that crude oil is by far the main source of Cooper Basin royalties. While it is fair to say that crude oil is the biggest single contributor to royalties, it should be pointed out that this contribution was only a little over one-third in 1985-86. Other products of the Cooper Basin from which large royalties are derived are gas and condensate, while propane, butane and ethane production are also important. Therefore, it is not possible to make accurate predictions about royalties merely by reference to changes in crude oil prices.

Nevertheless, the prices of these products (with the exception of gas) are related to oil prices and it is possible to derive a broad order of magnitude in this way.

If oil prices remain low it can be expected that revenues from Cooper Basin royalties will drop significantly in 1986-87. The Government will clearly need to take this factor into account in framing its budget for next year.

ASH WEDNESDAY COMPENSATION

In reply to **Hon. J.C. IRWIN** (20 February).

The Hon. C.J. SUMNER: The honourable member has asked me questions in relation to the Ash Wednesday bushfire compensation. In response I can say that there is and will be full cooperation from ETSA in finalising compensation claims. I am advised that the matter is being dealt with as expeditiously as possible by the trust's insurers and the claimants' solicitor.

DAYLIGHT SAVING

In reply to **Hon. PETER DUNN** (4 March).

The Hon. C.J. SUMNER: The matter of daylight saving next year will be a matter for the Goverment to determine in consultation with the Eastern States.

ORGAN TRANSPLANTS

In reply to **Hon. M.B. CAMERON** (12 February).

The Hon. C.J. SUMNER: A program to distribute 300 000 donor authority stickers to holders of drivers' licences was announced by the then Minister of Transport, Mr Abbott, and the present Minister of Health, Dr Cornwall, in a joint press release published in the *Advertiser* on 16 November 1984.

The program was initiated by the Australian Kidney Foundation, and the Lions Eye Bank of South Australia, who jointly sponsored supplies of donor authority stickers to be distributed when licences are renewed or duplicate licences are issued.

These notices are printed on pregummed paper, with a tear-off section that may be affixed to the front part of licences, to enable any licence holder to authorise the donation of a kidney, an eye, or any needed organ.

Driver's licence applications have now been redesigned. The new format includes provisions for licence holders to authorise donation of needed organs. It is expected that these new licence forms will be introduced within the next three months.

OMBUDSMAN

In reply to **Hon. K.T. GRIFFIN** (19 February).

The Hon. C.J. SUMNER: The only material that was removed from Mr Edwards's office in the course of the investigations under the Public Service Act were nine note books and one desk diary which were relevant to the subject matter of the investigation relating as it did to the question of Mr Edwards's alleged conduct of private business during office hours. The material was sought by way of written direction of Premier and Cabinet which was the relevant departmental head and charging authority for the purposes of the Public Service Act in respect of Mr Edwards.

No dockets or files were taken from the Ombudsman's office at any point relevant to information obtained by the Ombudsman or his officers in relation to investigations. Certain administrative dockets were released by the Ombudsman's office to the Crown Solicitor's office relating to the appointment of Mr Edwards: these dockets were released with the permission of the Ombudsman through the administration officer in his office.

LIQUOR FEES

In reply to **Hon. L.H. DAVIS** (12 February).

The Hon. C.J. SUMNER: It is not clear precisely what action the honourable member is proposing the Government should take. As he points out in his question, the burden of Commonwealth excise on beer is many times the burden of the State licence fee so that even the progressive abolition of the State fee would only slow down for a time the rate of increase in the total tax on beer. The Government's capacity to make such concessions is strictly limited, and it may be that concessions in other areas (such as payroll tax) have a higher priority.

YES PROGRAM

In reply to **Hon. R.I. LUCAS** (13 February).

The Hon. BARBARA WIESE: When the State Government prepared estimated numbers for participation under the YES program, it was assumed that a capacity for 1 600 traineeships was an achievable target. Since that time, difficulties have arisen with the implementation of traineeships which have resulted largely from delays at the Commonwealth level.

It is now anticipated that 1 000 traineeships will be offered in this State during 1986, some 600 fewer than initially anticipated. However, the success of other components of the YES program has exceeded expectations, particularly in the areas of prevocational training, group apprenticeship schemes, apprenticeship recruitment, new opportunities for women (TAFE), special trade training and the Jubilee Youth Employment Program.

A full schedule of numbers was incorporated in *Hansard* at the request of the Minister of Employment and Further Education.

With respect to the specific questions posed by the honourable member, I submit the following:

1. The YES program has not failed; in fact, 1 000 traineeships will be offered this year in South Australia. Delays at the Commonwealth level have resulted in a reduction in the anticipated numbers of traineeships in calendar year 1986. It is the intention of the Government that progress on all aspects of the YES program be closely monitored, and indications at present suggest that the overall targets for the three year commitment in YES will be met.
2. Prior to the introduction of traineeships, discussions were held with the UTLC and the South Australian Chamber of Commerce regarding the possible introduction of traineeships. In addition, discussions were held at a national level with the ACTU and the Confederation of Australian Industry. At both the State and national levels broad agreement to the introduction of traineeships was reached. Further, in each industry area where traineeships are being proposesd, tripartite industry working groups are being established to closely examine proposals and negotiate agreement on trainee contracts, salaries and conditions. As a consequence, traineeships are being established on a sound and

equitable base with the accord of all concerned parties.

SIGNPOSTING

In reply to **Hon. L.H. DAVIS** (4 March).

The Hon. BARBARA WIESE: As I indicated to the honourable member, I approached my colleague the Minister for Environment and Planning in another place regarding the signposting of Cleland Conservation Park. The placement of direction signs to Cleland and their wording came from consultation with the Highways Department and Department of Environment and Planning officers.

The international sign standard for tourist facilities requires that these signs be identifiable by having white lettering on a brown background. A report from the National Parks and Wildlife Service is being prepared which proposes that signs such as the one on the South Eastern Freeway have emblems depicting a kangaroo, emu or koalas to give a clearer definition to its meaning.

It has been observed that the public and overseas visitors immediately identify with these animals and associate them in the context of a sign with a reserve. Officers of the Department of Environment and Planning are investigating this concept and will be discussing the matter with my officers and the Highways Department for possible implementation.

In addition, the signs were erected with the aim of promoting the three separate features of the conservation park. They are the wildlife zone, Mount Lofty summit and Waterfall Gully separately, while maintaining the corporate identity of the Cleland Conservation Park. The Department of Tourism or the Highways Department have received no complaints from the public concerning inadequate signing of the conservation park, which attracts some 200 000 visitors per year.

YOUTH EMPLOYMENT

In reply to **Hon. G.L. BRUCE** (11 February).

The Hon. BARBARA WIESE: There are two questions asked by the honourable member, namely:

1. Is the safety of minors guaranteed; and
2. are such minors being exploited in the work required of them?

Without further details of the company involved and their method of operation, it is impossible to guarantee that the information is completely accurate. With that qualification the following information is supplied. An interstate organisation has recently set up a network for the sale of confectionery door to door. This company has appointed distributors within a number of regions.

Each distributor engages a number of juveniles to sell this confectionery door to door. These persons gather at an appointed place and time and receive stocks for sale. They are transported to the area being canvassed and go from door to door selling. The distributor patrols the area to ensure, as far as possible, the safety and well being of the juveniles. At the end of the evening they gather at an appointed place and are either taken home or to the distributor's depot. Remuneration is by commission only.

Each distributor is an independent agent and each person engaged by him is also an independent commission sales agent. Consequently, the distributor has little control over the juveniles actually making the sales. They can work when they like. There is no requirement that they work on any specified date. If they arrive at the appointed time and place, they receive goods for sale; if not, there is no sanction or penalty.

There is only one award which could cover this type of operation, and the scope of that award specifically excludes 'independent commission sales agents' there is therefore no minimum rate of pay. I would add that the Industrial Conciliation and Arbitration Act has no age restrictions on employment.

QUESTIONS RESUMED

DIVING SAFETY

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, a question about diving safety.

Leave granted.

The Hon. R.J. RITSON: Two years ago I raised the question of the diving profile of Fisheries Department officers in relationship to the Industrial Safety, Health and Welfare Act, which incorporates standard 2299. Since then, the Minister of Health has ensured very adequate standards of treatment of dysbaric illness at the Royal Adelaide Hospital and I commend him for that, but the question still arises as to regulations which govern the safety of Government divers.

At the time I raised this matter the Hon. Mr Blevins, who was then both Minister of Fisheries and Minister of Labour, stated that the Act only applied to industry and not to scientific divers who had a separate code. Whilst they observe standard 2299 to the extent possible when manpower requirements allowed, in effect they had their own set of rules.

It is common knowledge that last week one of those officers almost lost his life and probably would have but for the matters that have been put in place by the Minister of Health in the past two years. So, my first question is: does the Government still consider that those divers should not conform to standard 2299 as described in the Industrial Safety, Health and Welfare Act? If the Government considers that for practical reasons those standards should be watered down in relation to those divers who are doing hazardous dives in remote areas, does the Government propose to put any new safety measures in place?

If so, will the Government inform me by letter of any new standards which are anticipated and have same incorporated in *Hansard*? My question relating to abalone divers is this: given that the Government has in the past exercised controls over abalone divers by way of minimum catch quotas and medical examinations as conditions of licences, does the Government consider that it has a duty of care in terms of diving standards laid down in respect to abalone divers?

The Hon. C.J. SUMNER: I will refer the question to the Minister of Labour and bring back a reply.

LOCAL GOVERNMENT FUNDING

The Hon. C.M. HILL: I direct two questions to the Minister of Local Government. Is she concerned for local government about the prospect of the Federal Government's personal income tax grants to councils drying up? If so, what representations is she making to her federal counterpart to gain assurances that the Commonwealth will continue adequate funding to all councils throughout South Australia?

The Hon. BARBARA WIESE: I am very concerned about the Federal Government's decisions that are due to be made very shortly about the general revenue sharing arrangements for local government. The State Government made representations in writing to the Federal Government late last year setting out our recommendations for the appropriate way for local government to be funded during this coming financial year and recommending a long-term agreement.

We were hoping that the terms of proposed legislation to set that agreement for the next few years might have been in place by now, but unfortunately they are not. However, we have been recommending that local government should be given a CPI increase, plus 2 per cent, which was the arrangement for last year. I understand that the Local Government Association also agrees with that suggestion and is pursuing that itself.

I am told that the Federal Cabinet will be discussing these matters tomorrow, so we should know fairly soon what the outcome of those discussions will be. But, it is very clear that the next Federal Government budget will be a very tight one—not just for local government but for everyone, including the States—and we are all concerned not only about local government funding but about State Government funding as well. So, in addition to the representations that have been made by the State Government in the last few months, we are also making efforts to ensure that the Federal Government is again aware of our position before it meets to decide those questions tomorrow. I was hoping to have had a meeting today with Tom Uren who was due to be in Adelaide formally to present some training manuals to me. Unfortunately, because these discussions are taking place in Canberra he was not able to be here. However, I expressed my concerns again to his advisers who will be taking those messages back.

In addition, the Local Government Association representatives came to talk with the Premier last week prior to his trip to Canberra to apprise us of the Local Government Association's views on those things. So, the Premier went to Canberra armed with the latest information from the Local Government Association. In short, we are doing all we can to ensure that the local government funding will be adequate.

QUESTIONS ON NOTICE

ENVIRONMENTAL IMPACT STATEMENTS

The Hon. M.J. ELLIOTT (on notice) asked the Minister of Health:

1. For how long have environmental impact statements been required to be prepared in South Australia?

2. Since that time—

(a) how many environmental impact statements have been prepared?

(b) how many environmental impact statements have been rejected?

(c) how many environmental impact statements have required a supplement?

3. Which companies have prepared environmental impact statements, and how many?

4. Under what legislation or regulations are environmental impact statements required?

The Hon. J.R. CORNWALL: I seek leave and the indulgence of the Council to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

1. The Planning Act, which is the legislation empowering the Minister for Environment and Planning to call for an environmental impact statement on a development project of major social, economic or environmental importance, came into effect in November 1982. This Act does not operate within the City of Adelaide. However, an amendment to the City of Adelaide Development Control Act was made in July 1985, which enables the Governor to call for an environmental impact statement on a development project within the City of Adelaide.

2 *(a)* 18.

(b) The environmental impact statement process under the Planning Act is not a decision-making process in itself. Rather, it is a negotiating process. The end point occurs when the Minister for Environment and Planning is satisfied that the environmental impact statement documentation is able to be given official recognition. This occurs after the draft statement and the supplement have been assessed and any amendments are made. This officially recognised statement is then referred to the relevant decision-making authority. It becomes a reference document to guide the final decision on whether the project should or should not proceed and the conditions of any approval that might be granted.

In this context, of the 18 projects since 1982:

—Two have been approved and are proceeding

—one has been refused by the relevant authority

—two have not proceeded

—13 have not proceeded to the stage of a decision

(c) The proponent is required on every project to respond to the issues that have been raised on the draft environmental impact statement by the public or by Government authorities. The response is presented as a supplement to the draft environmental impact statement.

3. Draft environmental impact statements and supplements are prepared by the proponent company. In most cases a consultant is engaged by the proponent to prepare those documents. The companies known to be involved as principal consultant in the preparation of environmental impact statements since 1982 are:

Kinhill Stearns	five projects
Social and Ecological Assessment	three projects
Wallman Planning Consultant	two projects

On three other projects the environmental impact statement has been prepared by the proponent with sub-consultant support. Consultancy arrangements on other projects are not known at this stage.

4. Environmental impact statements may be called under the Planning Act 1982 and the City of Adelaide Development Control Act 1976. In addition, environmental impact statements have been required under Commonwealth legislation, the Environment Protection (Impact of Proposals) Act 1974, since 1974.

SIR RICHARD PENINSULA

The Hon. M.J. ELLIOTT (on notice) asked the Minister of Health: In the light of evidence of damage to the Sir Richard Peninsula, does the Minister have any short-term proposals to implement to protect in from further damage over the Easter period?

The Hon. J.R. CORNWALL: I seek leave and the indulgence of the Council to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

The short term measures being adopted to protect Sir Richard Peninsula from further damage over the Easter period are as follows:

(1) Thirteen additional warning signs, stating that vehicular access to the sandhills is prohibited, have been installed.

(2) Engineering and Water Supply Department personnel will be carrying out regular patrols of the area over the Easter period.

(3) Police assistance will be used to handle difficult situations.

WORKERS COMPENSATION INSURANCE

The Hon. J.C. BURDETT (on notice) asked the Minister of Health:

1. —

(a) What was the total of workers' compensation insurance premiums raised from non-teaching recognised hospitals during 1984-85?

(b) What are the anticipated workers' compensation premiums to be raised from non-teaching recognised hospitals during the period 1985-86?

(c) How many workers' compensation claims were made in respect of non-teaching recognised hospitals during 1984-85 and what is the total amount of money claimed?

(d) Are the premiums raised by SGIC in respect of workers' compensation insurance relating to non-teaching recognised hospitals used solely to cover claims made by these hospitals?

2. In relation to current 'burning cost' arrangements between SGIC and the South Australian Health Commission concerning workers' compensation premiums—

(a) What is the formula used to arrive at the amount to be paid each year of the four year period?

(b) Does the arrangement make allowance for claims handling or administrative costs?

(c) When fixing the initial premium, is there any provision for adjustment once the actual wages paid are known for each unit?

(d) What were the total amounts paid as at 30 June 1985, for claims occurring for the years ended 30 June 1984, and 30 June 1985, and what were the corresponding amounts for the outstanding claims for these periods?

(e) When the fourth and final payment on any given year's claims is due, what adjustment will be made to the outstanding estimates to cover the impact of future inflation?

(f) Is there any ceiling on premiums paid under the scheme?

The Hon. J.R. CORNWALL: I seek leave and the indulgence of the Council to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

			$
1.	*(a)*	Deposit premium	604 592
		Interim premium	1 164 218
			1 768 810
	(b)	Deposit premium	638 646
		First interim premium	830 912
		Second interim premium	513 751
		Final premium	1 070 946
			3 054 255
	(c)	No. of claims reported	719
		Amount paid	$421 665
		Amount estimated yet to be paid	$1 533 271

(d) Yes (a small management fee is added to the claims paid to calculate the premium).

Teaching hospitals excluded are Royal Adelaide, Modbury, the Queen Elizabeth, Queen Victoria, Flinders Medical Centre, Adelaide Children's.

Thirty-four small country hospitals are excluded because they do not participate in the SGIC scheme.

2. *(a)* The method used in calculating the premium is:

(i) a deposit payment at the beginning of the policy year, based on wages;

(ii) a first interim payment at the end of the policy year based on claims during the year;

(iii) a second interim payment at the end of year two, based on claims in year two relating to the policy year;

(iv) a final premium paid three years after the policy year.

(b) Yes.

(c) No adjustments are made to the deposit payment when the actual wages paid in the policy year are known.

(d) —

Year Ending	Total Amount Paid	Estimated Outstanding Claims*	No. of Units
30.6.84	$4.35 m	$5.3 m	63
30.6.85	$1.36 m	$6.18 m	74

* These figures do not include some claims for which no estimates are yet available.

(e) The final premium is determined by SGIC on the basis of advice from a consulting actuary and includes provision for future inflation.

(f) Yes. Once the final premium is paid there is no further premium charged for that policy year.

YOUTH ESCAPEES

The Hon. J.C. BURDETT (on notice) asked the Minister of Health:

1. During the year ended 31 December 1985, how many escapes were there from the South Australian Youth Training Centre?

2. How many of the escapees during that period were subsequently apprehended?

3. During the year ended 31 December 1985, how many persons, if any, escaped from the South Australian Youth Training Centre on more than one occassion?

4. During the year ended 31 December 1985, how many escapes were there from the South Australian Youth Remand and Assessment Centre?

5. How many of the escapees from the South Australian Youth Remand and Assessment Centre during that period were subsequently apprehended?

6. During the year ended 31 December 1985, how many persons, if any, escaped from the South Australian Youth Remand and Assessment Centre on more than one occasion?

7. During the year ended 31 December 1985, what was the average number of persons detained in the South Australian Youth Training Centre?

8. During the year ended 31 December 1985, what was the average number of persons detained in the South Australian Youth Remand and Assessment Centre?

9. During the year ended 31 December 1985, what was the average cost of detaining a person in the South Australian Youth Training Centre?

10. During the year ended 31 December 1985, what was the average cost of detaining a person in the South Australian Youth Remand and Assessment Centre?

The Hon. J.R. CORNWALL: I seek leave and the indulgence of the Council to have the answers incorporated in *Hansard* without my reading them.

Leave granted.

FIGURES FOR THE YEAR ENDING 31 DECEMBER 1985

Question	SAYTC	SAYRAC	Comment
No. of Escapes (Absconders). Questions 1 and 4	9	1	1. To place the SAYTC figures in proper perspective, the 1985 figure was unusually high and compares with a 1984 result of no absconding from within the secure perimeter. The figure for 1985 was compounded by the loss of 4 residents in one incident of absconding from a newly constructed courtyard which was found to be insecure. Another 3 of the abscondings were from hand-cuffs whilst being escorted from Unit 4 to General Section Workshops. 2. Abscondings from the Centre are defined as Abscondings from within the secure perimeter including from hand-cuffs on the grounds. (See additional figures on other 'abscondings' attached below.)
No. of escapes (Absconders) subsequently apprehended. Questions 2 and 5.	All	All	
Persons who escaped (Absconded on more than one occasion.). Questions 3 and 6.	None (See comment)	None	Of the nine abscondings listed at SAYTC under Q.1 above none involved repeat abscondings. However, four of the nine children also absconded from the Children's Court Security Unit/ Vehicle on another occasion during the year.

FIGURES FOR THE FINANCIAL YEAR ENDING 30 JUNE 1985.

Average Number of Residents detained per day in the Financial Year 1984-85. Questions 7 and 8.	42	17	Impractical to obtain figures for the calendar year as requested.
Average cost per child per day of detention in a Training Centre in financial year 1984-85. Question 9.	$277.37		1. Impractical to obtain figures for the calendar year as requested. 2. Government is currently considering plans to replace the inefficient large centres which should reduce the real costs per child in the long term.

AGRICULTURAL SCIENCE TEACHERS

The Hon. PETER DUNN (on notice) asked the Minister of Health:

1. How many agricultural science teachers have resigned from the Department of Education in the years 1983, 1984 and 1985?

2. How many agricultural science teachers have been replaced during the same period?

3. Is there a shortage of agricultural science teachers in the South Australian education system and, if so, how many?

4. What is the projected time span before the number of agricultural science teachers is considered acceptable?

The Hon. J.R. CORNWALL: I seek leave and the indulgence of the Council to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

1. The number of agricultural science teachers who resigned is as follows:

1983—3
1984—11
1985—9

2. Replacement of agricultural science teachers who resigned, were promoted, or changed teaching area preferences, occurred in the year following the loss of the teacher. The recruiting exercise for each of the years 1984, 1985 and 1986 also included the employment of additional teachers to staff schools requiring additional teachers for expanding courses or new programs.

3. Yes. A minimum number of seven qualified agricultural science teachers is required, and a further three to four full-time equivalent relieving teachers to cover short-term vacancies.

4. It is anticipated that the number of agricultural science teachers could be acceptable by 1987 or 1988 given the present knowledge of teacher trainees and resignation intentions of teachers. However, this could be affected depending on offers which might be made by local or interstate employers to trainees or existing teachers.

YES PROGRAM

The Hon. R.I. LUCAS (on notice) asked the Minister of Tourism:

1. Which State Government Department was responsible for the estimate of 1 600 new traineeships in South Australia by June 1986 under the YES Program?

2. Did the Government receive any advice, in particular from State or Commonwealth public servants, that 1 600 was too high an estimated target?

3. What proportion of the revised target of 1 000 traineeships by December 1986 will be with private sector employers?

4. Will the Minister make available a copy of the agreement between the Commonwealth and South Australia on traineeships?

The Hon. BARBARA WIESE: I seek leave and the indulgence of the Council to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

1. The figure of 1 600 traineeships was established as a target only. It was seen as a reasonable share of the national target and was included as part of the YES Program on the recommendation of the Task Force on Employment and Unemployment. This task force comprised senior officers of the Departments of Labour, Treasury and Technical and Further Education.

2. No.

3. It is anticipated that approximately 50 per cent of traineeships developed in 1986 will be in the private sector.

4. This agreement is currently being signed. It will be made available.

AUSTRALIAN TRAINEESHIP SCHEME

The Hon. R.I. LUCAS (on notice) asked the Attorney-General:

1. What specific budgetary allocation has been made in 1985-86 for the cost of payroll tax exemptions for participating employers in the Australian Traineeship Scheme?

2. What is the estimated cost to Government for payroll tax exemption in the six months July-December 1986?

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

1. Nil. That was not considered when budget estimates were developed in early 1985.

2. $60 000.

The Hon. R.I. LUCAS (on notice) asked the Minister of Tourism:

1. Was a survey conducted late in 1985 by the State Government or on its behalf into the willingness of businesses to become involved in the Australian Traineeship Scheme which is a component of the State Government's YES Program?

2. If yes—

(a) Who conducted the survey?

(b) What was the cost of the survey?

(c) Will the Minister make a copy of the survey publicly available?

The Hon. BARBARA WIESE: I seek leave and the indulgence of the Council to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

1. No. However, as part of the YES campaign, officers of the Department of Labour visited potential employers of apprentices, pre-vocational graduates, women in non-traditional areas and trainees. This was not a survey but an attempt to increase the number of South Australians, particularly the young, employed in a variety of industry sectors. The results have been most encouraging in terms of apprentice recruitment by employers who have not previously employed apprentices and the placement of pre-vocational graduates in employment.

TEACHER STAFFING FORMULA

The Hon. R.I. LUCAS (on notice) asked the Minister of Health:

1. What is the composition of the joint working party into teacher staffing formula and related matters which was established last week?

2. What are the terms of reference of this working party?

3. Is it correct that the working party is to report by 15 April 1986?

4. Is the Minister confident that the broad nature of the terms of reference can be covered by 15 April 1986?

The Hon. J.R. CORNWALL: I seek leave and the indulgence of the Council to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

1. Education Department (4): Director, Personnel Policies; Assistant Director, Personnel; Deputy Director, Resources; Equal Opportunities Officer.

SAIT (4): Vice President; Vice President; Executive Member; Teacher.

Executive Officer (1): Executive Officer.

2. To review procedures relating to the deployment of teaching staff in South Australian Government schools, with particular reference to:

(1) displacement procedures

(2) effect on school curriculum offerings of major declines in student numbers

(3) effect on class sizes of such declines

(4) the question of the equitable distribution of resources between all schools including those that are growing or maintaining their level of enrolments

(5) the allocation of negotiable staffing

and to make recommendations of alterations that should be made to existing processes as well as report on what new criteria should apply in relation to those processes.

3. Yes.

4. Yes.

WORKERS REHABILITATION AND COMPENSATION BILL

Third reading.

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

That this Bill be now read a third time.

The Hon. K.T. GRIFFIN: Although the Bill has passed the Committee stage and now comes to us for its third reading, that is not the end of the matter. At some later time when we hope the Bill will again come before us, the Opposition would want to move further amendments by way of recommittal of the Bill for further consideration at the Committee stage—amendments designed to reflect the views which we have already presented to the Council in respect of the reduction of benefits being offered to injured workers in South Australia.

For the moment I am content to make some comments in respect of whether or not this Bill should pass the third reading. Members of the Liberal Party have consistently said that the current law relating to workers compensation needs significant change in order to reduce premiums paid by employers and thus the costs to consumers, who ultimately bear the costs of production and the provision of goods and services. Also, high premiums are a disincentive to employers to employ individuals in their work force. As the Opposition disagrees with significant parts of the Bill which now comes to us from the Committee stage, we have opposed it. The Opposition proposed a number of amendments to the Bill to achieve reductions in benefits, and thus reductions in premiums, but a number of the amendments that we proposed in Committee were not supported by the Government and the Australian Democrats.

However, we remain committed to a number of changes to workers compensation law. The first relates to a single insurer. We do not support a Government monopoly insurer and administrator of any workers compensation scheme. We insist on there being real competition in the marketplace and not a stifling bureaucratic statutory authority to provide workers compensation cover, which would not be subject to any of the market forces to which approved workers compensation insurers would be subject.

The Opposition has indicated that we believe that the private sector insurance industry, in conjunction with the State Government Insurance Commission, is the best way in which competition can be assured, provided that the insurers are approved by the Treasurer and meet certain minimum financial standards and standards of behaviour in the supply of workers compensation insurance and the administration of claims made against those insurers. There

needs to be real competition: a single Government monopoly insurer will not provide it.

In respect of benefits, we take the strong view that among the benefits which ought to be reduced are the following. The lump sum to be awarded for non-economic loss must be reduced from $60 000 to $30 000 maximum. The overtime must be removed from the calculation of weekly earnings. We say that the provision of 95 per cent of notional weekly earnings to be paid by way of weekly payments for compensation ought to be the standard rather than the 100 per cent, provided in the Bill, and that the three year period during which those weekly payments may be paid at 100 per cent ought to be reduced to a period of two years at 95 per cent of notional weekly earnings.

We also say that injuries that are sustained in the course of a journey to or from work, journeys which occur other than in the course of a worker's employment, ought to be eliminated from what are classed as work related injuries, and that neither the employer nor the insurers providing workers compensation indemnity to employers should have to carry the responsibility for injuries sustained by workers on their way to work or from work or during periods of absence from work unless the injury occurs in the course of their employment.

A great deal has been said about the elimination of common law claims and the extent to which a right to proceed at common law is to be retained, in conjunction with very generous pension benefits. Two years ago the Liberal Party adopted the view that common law ought to be restricted to claims for future loss of earnings, which might be awarded by a court, or settled out of court by way of lump sum, paid to trustees and then paid out to the injured worker over a period of time by way of an annuity, with the capital not being taxable—the income being taxable at the federal level—but with no person having within their hands a very substantial lump sum which in many instances passes to the family involved on the death of the employee and injured worker. In those circumstances we now take the view, in the light of the Bill before us and the benefits provided in the Bill, that we should move to allow common law claims only in the circumstances where the employer is demonstrated to have been grossly negligent or reckless.

In other areas of reduction of benefits, we have pressed for the pension to be adjustable in relation to increases in wage payments rather than being adjusted on the basis of consumer price index increases. We have put the view quite strongly that payment of increases in pension related to the CPI rather than to national wage increases will gradually put the injured worker ahead of the person who retains work so that there is even less of an incentive to return to work.

The Opposition has also put the view that the funds that are contributed by employers should be invested at the highest possible rates and not be subject to the investment policy of the board provided for in the legislation, which would allow investment by direction in investments which are less lucrative to the fund than investment at the highest rates. There must be an investment policy which provides the highest possible benefit to the fund, thus containing the increases in premium levels over the years.

The Opposition believes that there should be a number of substantial reductions in benefits directed towards a reduction in premiums, and thus a reduction in the costs which must ultimately be borne by the consumer and which are not a disincentive to employment and the creation of jobs in the community. Therefore, the Liberal Party does not support the third reading of this Bill.

At the appropriate time we will seek to propose an adjournment of the third reading to enable the matter to be further considered. We have indicated publicly that we support a full and open independent inquiry into the costs of the Government scheme as contained in the legislation that came to the Legislative Council during this session. We saw a report from the Auditor-General that put the Government's costings of a 44 per cent saving under a cloud, where the Auditor-General concluded that information upon which calculations were made could not at that time be regarded as completely reliable and that, even assessing the assumptions that had been made and other variable factors, there could be a saving of no more than 22 per cent rather than 44 per cent, as originally claimed by the Government, and even an additional cost of up to 5 per cent.

It was clear to the Liberal Party that there were no accurate costings on the Government's proposal, and for that reason we believed that there should be a full independent inquiry open to the public, enabling those who made submissions to have access to other submissions and to make comment on the submissions of others. Such a full, independent and open inquiry should put the debate on costings to rest once and for all. But, in fact, the Government has now declined even to accept the limited inquiry proposed by the Australian Democrats, and I would assess that that is because it is afraid of an independent costing of its scheme and therefore it will not allow its scheme to be put under the microscope. Two weeks ago the Government was prepared to support an inquiry by actuaries at the instigation of the Australian Democrats, and the Liberal Party was prepared to support that inquiry but would have preferred that it went further.

Now the Government says that it will not support such an inquiry and I suspect, as I indicated, that that is because the Government is afraid of an independent costing and is reacting to pressure being put on it by various trade unions that have a vested interest in achieving the passing of this legislation to give South Australian workers the most generous benefits of any workers compensation scheme in the country.

That, of course, will prejudice South Australia quite dramatically if it is allowed to pass, so I hope that the Australian Democrats will insist that the Bill not proceed further until there has been an adequate independent costing which has been assessed in the context of the legislation now before us. The Opposition does not support the third reading of this Bill but is prepared to propose and support an adjournment of the debate at an appropriate time during the course of these proceedings.

The Hon. I. GILFILLAN: The Democrats support the Bill and our voting in the second reading stage was substantial evidence of that. We were instrumental in having several significant amendments carried in Committee. This is very important legislation: we believe it is probably the most important legislation that has been introduced for some years and deserves attention commensurate with that importance. The inquiry into the costings, which has received publicity lately, is certainly not being used as a delaying tactic, nor is it in any way intended to be critical of the Government or the sincerity of those who drafted the Bill or those who are concerned about the Bill and its rapid passage, including the employers, the employees, the UTLC, and employer organisations.

However, the majority of people with whom I have discussed this legislation feel that it was quite irresponsible to produce the final product without an assurance that the best possible costings have been undertaken. Members of this Chamber know that the Auditor-General was involved, perhaps somewhat reluctantly, in carrying out preliminary costings: he made comments that could give no-one confidence that the costings available to this date provide reliable reflections or projections of the present or future cost of workers

compensation. For example, referring to the two studies, the Auditor-General (page 2) said:

On that basis, the quality of the data base used in both costing studies leaves room for doubt.

He further stated:

The data base used in the report related to one insurer only, being the only private insurer willing and able to provide the data in the detail required; and to one year only.

I believe that no responsible organisation would consider making a final definitive judgment on that scanty amount of data. Therefore, it is doubly responsible on us as a Parliament to ensure that as far as is humanly possible reliable data be collated and interpreted by actuaries so that we have a reliable costing base for the legislation.

The proposal that was to be considered by the Government, again somewhat reluctantly, was presented to the Government through the Minister of Labour in a proposal for an inquiry involving two actuaries and dealing with terms of reference taking into account the costings of three scenarios: that is, the present workers compensation system, the system that would result from the enactment of the Workers Rehabilitation and Compensation Bill as printed on 11 February 1986 and, thirdly, the system resulting from the enactment of that Bill as currently amended. The other terms of reference for the inquiry were as follows:

2. The committee's report should as far as possible include all the data leading to its conclusions. Details of particular claimants, and of the transactions of particular insurers, should remain confidential.

3. The committee's report should describe the assumptions and calculations leading to its conclusions.

4. The report should as far as possible provide separate estimates for each type of cost and benefit.

5. The report should examine costs to employers consisting of premiums, levies, benefits paid directly to workers by employers and any treatment expenses paid by employers, but should ignore other costs to employers arising from industrial injuries.

6. The report should consider both insured employers and exempt employers.

7. The report should provide estimates of the costs to employers on average, but not for any particular industries.

8. The report should contain 10-year projections of the financial consequences of the alternative systems.

9. As far as possible, the report should present the unaminous views of the committee.

10. On any issue where the committee has been unable to reach unanimity, the report should disclose the views of individual members.

11. Even if not complete in all respects, the report should be presented to the Minister of Labour not later than 31 May 1986.

I still hold that those terms of reference are adequate and desirable for any reasonable and valuable estimate of costings. Because of the response we received from the Government in the first instance, that is, its refusal to fund such an inquiry, I made a further inquiry of the Government, and in a letter from the Minister of Labour I received the following undertaking:

I refer to your letter of 25 March 1986, which seeks guidance on the level of funding the Government would consider to be reasonable for the further actuarial studies proposed by you. Before answering that question it needs to be accepted by you that what the Government is prepared and has always been prepared to fund are the reasonable costs for the provision of personal actuarial assistance to you and not the underwriting of a complete new costing exercise. If you accept that as the basis of offer then it is envisaged that one week's work by our actuary should be sufficient and the Government would be prepared to pick up the costs for that week's work.

Although that may indeed be a token gesture of support for an inquiry, it is not substantial enough to allow the inquiry that we propose to proceed, and I am appealing on behalf of the Democrats to all parties who are interested in this inquiry to provide the funds so that it should be able to go ahead completely detached from any vested interest pressure, and that the funds for that inquiry should be in hand before the inquiry begins. It must appear to be squeaky clean from all points of view: from that of the unions, the employers, the Government and from all Parties involved in Parliament, and I believe that that is possible.

The consultation that I have had up to date with the people who have been considering this matter is such as to give me confidence that we have the opportunity for the best way that I have heard of to get a costing of the benefits that has been proposed. I do not believe that—as the Opposition proposes—it needs to be a wider ranging inquiry than the one for which I have read out the terms of reference.

So, I am appealing publicly for the funds for this inquiry to be completed. I am delighted to be able to tell the Council that I now have the guarantee of the funds for that inquiry to be completed. I have in my hand a letter from the General Manager of the Chamber of Commerce and Industry.

An honourable member interjecting:

The Hon. I. GILFILLAN: If you think that it is a joking matter, Mr Lucas, you are the only South Australian who does.

An honourable member interjecting:

The Hon. I. GILFILLAN: We will pass the hat around and see what you throw in for collection. This letter is addressed to me and states:

In response to your appeal for financial assistance so that the proposed inquiry into the costings of workers rehabilitation and compensation as put to the Government should proceed, the Chamber agrees to ensure that the necessary funds are provided. It is hoped that all interested parties, including Government, the United Trades and Labor Council and employers and their organisations will contribute.

The inquiry must be completely independent of the Chamber, or any other interested group, as you intend, and should therefore be accepted as a trustworthy contribution to the workers rehabilitation and compensation debate. In the event that the Government and the UTLC refuse to contribute, the Chamber can assure you that the full cost of the inquiry will be underwritten by the employer fraternity.

I have also received a letter from Matthew O'Callaghan, Director of the South Australian Employers Federation, which reads:

We note the letter of today's date from the Chamber of Commerce and Industry South Australia Incorporated regarding this matter, and the undertakings contained therein.

The matter is the proposed costing study into workers compensation proposals. The letter continues:

This federation would reaffirm its support for the proposed inquiry, and we express our concern that the Government has refused to fund what is clearly in the public interest, and something which should have occurred before the Bill was even presented to Parliament.

In light of the above, it is hoped that all interested parties—including Government, the UTLC, employers and their respective organisations—will contribute to funding the inquiry. In terms of our positions, we undertake to canvass our members and associated groups for the purpose of contributing funds to the inquiry, and we would indicate that current indications are that a substantial contribution should be possible. Yours faithfully, Peter Hampton (on behalf of Matthew O'Callaghan, Director).

It is our intention, now that we have the guarantee for the funds, that the funds would be sought to be up front before the inquiry starts; that they will be placed in a manner which can be shown to be completely above any bargaining or pressure on the inquiry. I am convinced—having spoken to the actuaries and others that may be involved, and have helped in consultation about this—that it is reasonable to expect the report to be finished by the end of May and, allowing for a couple of weeks for that to be digested and considered, it is not unreasonable to consider that, if the Government wished to proceed as quickly as possible with this legislation, it could be considered again at the end of June.

Therefore, I am pleased to say that as far as the Democrats are concerned we see the green light for this legislation.

It may be a delay of a couple of months and may mean a few thousand dollars being spent, but very few people other than those who are playing politics or grandstanding would deny that this legislation has significance for 50 or more years in this State, and the delay of a couple of months and the expenditure of $60 000 odd is a very small investment in the hope that we can have the best legislation that can be provided.

I think that one of the claims is that by this delay we are imposing an undue burden on industry in South Australia by increased premiums. Those who took note will have heard that I gave notice that tomorrow I will move to introduce a Bill which will give the opportunity for immediate relief to industries in South Australia by moving the first week's obligation from insurance premium to the employer, and also for the lifting of the 8 per cent stamp duty and 1 per cent levy. If the Government is concerned and would like to take action which would immediately give relief to premiums, the Government can follow that through, but I am not optimistic that that will be done.

However, I want to assure the Council that the Democrats are determined to contribute as substantially as we can to this Bill. It is not appropriate to support the third reading stage today. It is obvious with what I have previously indicated that the inquiry must be in hand and be considered before we can finalise the Bill. I beseech all parties involved—the Minister, the Government, the Opposition, the employers, the unions and others who may only have a passing interest in it—to have the magnanimity of spirit to realise that this is a South Australian-motivated, genuinely concerned exercise, and that it was a tragedy that it ever degenerated from the wonderful consensus that applied last year into what has now become or is on the brink of being purely a slanging match and posturing.

I do not believe that it is irredeemable. I think that all those who have been involved have retained enough of the maturity and integrity of their position to make a fresh start in reappraising this, so that it can have the unanimous support of this Parliament. I believe that in those circumstances South Australia can become an even more competitive base for industry than it is at the moment. It was told to me by a leading trade union figure that it is essential that we get the costings right.

Industry and prospective business people will not be conned into coming to South Australia on what may be artificially low premiums. If they have a suspicion that it is not thoroughly costed and fully funded, they will be aware that in five or 10 years down the track—which may well happen in Victoria or some other State where it has not been done as thoroughly—premiums will go up. Therefore, for the peace of mind and the confidence with which industry can view South Australia, we owe it to South Australia to have this costing done.

We owe it to South Australia to have legislation that people can trust so that the premiums they know will be soundly based and will be able to be continued into the foreseeable future. I indicate that the Democrats will be looking for an adjournment of this debate and looking forward to further work on it in due course. We are optimistic that the right Bill will come out and we hope we will have the support of the public and the Parliament for the inquiry.

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That this debate be now adjourned.

The Council divided on the motion:

Ayes (12)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (9)—The Hons G.L. Bruce, B.A. Chatterton, J.R. Cornwall, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner (teller), G. Weatherill, and Barbara Wiese.

Majority of 3 for the Ayes.

Motion thus carried; debate adjourned.

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

That the debate be adjourned on motion.

The Hon. M.B. CAMERON: I move:

That the words 'on motion' be struck out and the words 'to Tuesday 17 June' be inserted.

The Hon. C.J. SUMNER: I ask the Council to adjourn the matter on motion. The Council should proceed with consideration of the Bill at this time. The arguments have been fully canvassed; amendments have been made to the Bill in this Chamber; and it ought now to be considered by the House of Assembly with a conference of managers held, if need be, to resolve differences of opinion. The Hon. Mr Gilfillan has made much of his so-called calls for—

The PRESIDENT: Order! Debate on the question must be limited to the amendment moved by the Hon. Mr Cameron.

The Hon. C.J. SUMNER: I am saying that the situation with the costings is as resolved as it is likely to be at this point in time and, therefore, it is reasonable for the Council to proceed immediately with consideration of the debate on the third reading rather than have it adjourned until the June date mentioned by the Leader of the Opposition. I can only reaffirm that the Government believes that the matter can proceed. There is no need for it to be adjourned until June and I would therefore ask the Council to support my motion, namely, that the debate be adjourned on motion and brought back for consideration later today or tomorrow.

The PRESIDENT: The question is:

That the words 'on motion' proposed to be struck out stand part of the motion.

The Council divided on the question:

Ayes (9)—The Hons G.L. Bruce, B.A. Chatterton, J.R. Cornwall, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner (teller), G. Weatherill, and Barbara Wiese.

Noes (12)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 3 for the Noes.

Question thus negatived.

The PRESIDENT: The question now is:

That the words 'to Tuesday 17 June' proposed to be inserted be so inserted.

The Council divided on the question:

Ayes (12)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (9)—The Hons G.L. Bruce, B.A. Chatterton, J.R. Cornwall, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, C.J. Sumner (teller), G. Weatherill, and Barbara Wiese.

Majority of 3 for the Ayes.

Question thus carried: motion as amended carried.

STATUTES AMENDMENT (CHILDREN'S BAIL) BILL

Returned from the House of Assembly with the following amendment:

Clause 2, page 1, after line 14—Insert new subclause as follows:

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of

specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

Consideration in Committee.

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

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

This amendment inserts into the Bill a provision enabling there to be sequential proclamation of the Bill, that is, to provide that some of the provisions of the Bill can be proclaimed on a particular day and others deferred until a subsequent time. The reason for this is that a Bill that has passed this Council to amend the Summary Offences Act to deal with the question of the rights of children when detained for questioning is still in need of some further work and consultation before proceeding, and the sections of the Statutes Amendment (Children's Bail) Bill that relate to the Summary Offences Act amendments will have to be suspended in their operation until that Bill is revived in the next session following further consideration that needs to be given to it.

The Hon. K.T. GRIFFIN: I support the amendment. I see the wisdom of it. It is essentially of a technical nature and, for that reason and on the basis of what the Attorney-General has just outlined, I have no difficulty in agreeing with it.

Motion carried.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

JUSTICES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 3)

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 5.9 p.m. the Council adjourned until Tuesday 15 April at 2.15 p.m.