LEGISLATIVE COUNCIL

Tuesday 16 September 1986

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

ASSENT TO BILLS

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

Agent-General Act Amendment,
Clean Air Act Amendment,
Government Financing Authority Act Amendment,
Legal Practitioners Act Amendment,
Mobil Lubricating Oil Refinery (Indenture) Act Amendment,
North Haven (Miscellaneous Provisions),
Oil Refinery (Hundred of Noarlunga) Indenture Act Amendment,
Planning Act Amendment,
Planning Act Amendment (No. 2),
Racing Act Amendment (No. 2),
River Torrens (Linear Park) Act Amendment,
Roads (Opening and Closing) Act Amendment,
Road Traffic Act Amendment (No. 2),
Roseworthy Agricultural College Act Amendment,
South Australian College of Advanced Education Act Amendment,
South Australian Institute of Technology Act Amendment,
Statutes Amendment (Analysts)
Statutes Amendment (Rural and Other Finance)
Supply (No. 2).

DEATH OF HON. D.W. SIMMONS

The PRESIDENT: It is with great regret that I have to draw the attention of honourable members to the recent death of the Hon. Don Simmons, AM, DFC, who was formerly a member of the House of Assembly and a Cabinet Minister. Donald Simmons entered the House of Assembly in 1970 as the member for Peake and was a member until he retired in 1979. He was Chair of the Industries Development Committee from 1970 to 1973 and Chair of the Public Accounts Committee and the first Chair ever of that Committee from 1973 to 1975. He was Minister of the Environment from 1975 to 1977. He was Chief Secretary from 1977 to 1979, and he was also Minister assisting the Premier from 1976 to 1979. He had the title 'honourable' conferred on him in 1979.

The Hon. BARBARA WIESE (Minister of Tourism): I support the remarks that you have made, Ms President, about the death of the late Honourable Don Simmons. I do so because not only was he a Party colleague and a former employer of mine but he was also a very dear friend. I first met Don Simmons in 1972 when I came to work in this building as a steno secretary: he was amongst the group of four members for whom I worked at that time. Six months later in 1973, when Parliament decided to set up electorate offices for House of Assembly members, I became his first electorate secretary, and I held that position with him until 1978, when I was endorsed to stand for the Legislative Council.

As a rather new and naive member of the Party at that time I very much benefited from the contact that I had with Don Simmons and also the very long debates and discussions that we had about various ideological issues. In retrospect, I realise now that he was also an extraordinarily patient person in tolerating my sometimes very unsophisticated and idealistic arguments. However, I think that is the way that Don Simmons was: he was a very tolerant and patient man and also a very encouraging person, particularly to young people. He was very supportive to young people starting out in politics. He was also very supportive and encouraging to women in politics and, I might say, long before it became fashionable for people to be supportive of women in that area.

At least two women in this Chamber benefited from Don's support and encouragement. Apart from myself, I refer particularly to the Hon. Carolyn Pickles who in fact followed me as Don's electorate secretary in 1978. I know that without Don's support, encouragement and flexibility during the time that both the Hon. Ms Pickles and I worked with him, it would have been very difficult for us to participate in the various Party committees and activities which have helped tremendously in shaping our respective political careers.

Don Simmons was highly respected by all people who knew him, and many South Australians did know him. During his life he was very active in a vast number of community organisations. There are many things that I would like to say on an occasion such as this, but time is too short. In summary, I believe that Don Simmons was an intelligent man of integrity, humility, generosity and humour. My only regret is that I did not express my personal gratitude to him in this place during my maiden speech at the time of my election rather than now on the occasion of his death.

I will certainly miss him more than I ever anticipated, and I am sure that I speak for all members who knew him when I express my very sincere sympathies to his widow Betty and his family.

The PRESIDENT: I wish to endorse the remarks made by the Minister of Tourism. I also was one of those who benefited greatly from the friendship and support of the Hon. Don Simmons. As President of this Council I would like formally to express the deepest sympathy of this Council to his widow and family, and I ask honourable members to stand in silence as a tribute to his memory and friendship of many of those honourable members present.

Honourable members stood in silence.

MILLION MINUTES OF PEACE

The PRESIDENT: As honourable members will know, today the campaign for a Million Minutes of Peace is being launched throughout Australia. Ceremonies are occurring around the country, and there was an official launch in Adelaide just a couple of hours ago. This campaign runs for a month—from 16 September to 16 October—and individuals are being asked to spend a minute or more in peaceful activities or in quiet peaceful thought every day this month with the aim of accumulating a million such minutes throughout the country.

Similar campaigns are occurring in over 50 countries across the five continents of the world as contributions to the United Nations International Year of Peace. There are several members of this Parliament who are official sponsors of the Million Minutes of Peace, being members from

both Houses and all political Parties. I am sure members would wish the South Australian Parliament to participate in the Million Minutes of Peace campaign. There seems to be general agreement that for the next month we should have one minute of peace straight after prayers on each sitting day. Unfortunately, we will be sitting for only two weeks during the designated month, but the total number of minutes so accumulated I shall be happy to collate in cooperation with the Speaker and we can forward the information to the organisers of the Million Minutes of Peace campaign. Therefore, I would ask the Attorney-General to move the suspension of Standing Orders to enable this minute of peace to be observed straight after prayers on each sitting day this week and next week.

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

That Standing Orders be so far suspended as to enable a minute of peace to be observed straight after prayers on 16, 17, 18, 23, 24, and 25 September.

Motion carried.

The PRESIDENT: I invite honourable members to donate their minute of peace today.

Honourable members sat in silence.

AUDITOR-GENERAL'S REPORT

The PRESIDENT laid on the table the Auditor-General's Report for 1985-86, together with the report on the operations of the Auditor-General's Department for 1985-86.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Regulations under the following Acts:

Criminal Injuries Compensation Act 1977—Contributions to fund.

Daylight Saving Act 1971—Extension of Daylight Saving.

Real Property Act 1886—Conveyancing Etc.

Shop Trading Hours Act 1977—Service Station Trading Hours.

Acts Republication Act 1967—Schedule of Alterations to Parliamentary Superannuation Act 1974.

General Elections, 1985—Statistical Returns.

Long Service Leave (Building Industry) Board—Report, 1986.

Parole Board of South Australia—Report, 1983-84.

State Bank of South Australia Accounts, 1985-86.

South Australian Government Financing Authority—Report, 1985-86.

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

Pursuant to Statute—

Trustee Act 1936—Regulations—Authorised Trustee.

United Friendley Societies' Council and the Friendly Societies Medical Association Inc.—Amendments to General Laws.

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

Pursuant to Statute—

Regulations under the following Acts:

City of Adelaide Development Control Act 1976—Planning Appeals Tribunal—Costs and Appeals.

Drugs Act 1908—Dispensing of Prescriptions.

Fisheries Act 1982:

Western Zones Abolone Fishery—Quotas.

Marine Scale Fishery—Licence Renewal.

Restricted Marine Scale Fishery—Licence Renewal.

Lakes and Coorong Fishery—Licence Renewal.

Central Zone Abalone Fishery—Licences.

Southern Zone Abalone Fishery—Licences.

River Fishery—Licence Renewal.

Northern Zone Rock Lobster Fishery—Licences.

Spencer Gulf Prawn Fishery—Licences.

Miscellaneous Fishery—Licence Renewal.

Southern Zone Rock Lobster Fishery—Licences.

Gulf St Vincent Prawn Fishery—Licences.

Motor vehicles Act 1959—Registration Establishment Fee.

Pharmacy Act 1935—Controlled Substances Act Substitution.

Road Traffic Act 1961—Vehicle Defect Notice.

South Australian Health Commission Act 1976—Inpatient Fee.

Stock Diseases Act 1934—Destruction of Stock.

Geographical Names Board—Annual Report, 1986.

Parliamentary standing Committee on Public Works—59th General Report.

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

Pursuant to Statute—

Regulations under the following Acts:

Carrick Hill Trust Act 1985—Motor Vehicle and Public Control.

Electrical Articles and Materials Act 1940—Fees.

Director-General of Education—Report, 1985.

Pipelines Authority of South Australia—Report and Statement, June 1986.

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

Pursuant to Statute—

Local Government Finance Authority Act 1983—Regulations—Prescribed Body (Amendment).

MINISTERIAL STATEMENT: METROPOLITAN HOSPITALS

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

Leave granted.

The Hon. J.R. CORNWALL: On 21 March this year I announced a review of administrative arrangements and responsibilities for metropolitan hospitals funded by the South Australian Health Commission. To paraphrase, the terms of reference for the review were to examine the need for change in the organisation of metropolitan public hospital services, and the role of the South Australian Health Commission and hospital boards of management in achieving a coordinated and integrated hospital system for Adelaide.

Nine hospitals were included in the review. They were the Royal Adelaide, Queen Elizabeth, Adelaide Children's, Queen Victoria, Glenside, Hillcrest, and Modbury hospitals, the Flinders Medical Centre and the Lyell McEwin Health Service.

A three-person review team was appointed, headed by Mr John Uhrig, the former Chief Executive of Simpson Holdings and one of South Australia's most respected industrialists. Mr Uhrig has also recently been appointed as the non-executive Chairman of Australia's second largest company, CRA Ltd. His experience in the management and administration of large corporations was an invaluable perspective for the team, and the review recommendations reflect the best elements of the private corporate sector being utilised in public enterprise.

Other members of the team were the Deputy Chairman of the SAHC, Dr W.T. McCoy, and the Executive Director of Administation and Finance at the SAHC, Mr R.G. Sayers. The team has completed its review and a report has been presented to me and to the Health Commissioners. Initial discussions on the report's recommendations have

also been held with the administrators and board chairmen of each of the hospitals subject to the review.

The report is the result of extensive discussion and consultation at all levels of the metropolitan public hospital system. No specific submissions were sought by the review team but 11 written submissions were received from organisations and individuals.

The report is available from the South Australian Health Commission upon request. Mr Uhrig has made it very clear that the major recommendations should be considered in a non-partisan way, and has undertaken to brief both the Opposition and the Democrats.

The review team has concluded that administrative arrangements and responsibilities of metropolitan public hospitals should be modified. The report makes a total of 17 recommendations and presents a new framework for the South Australian Health Commission within which decisions can be made and responsibility delegated. In presenting the case for change, the report notes that some of the major challenges currently facing the Health Commission relate to its ability to develop a system of coordinated metropolitan hospital services. It says that current arrangements have not resulted in a cohesive, coordinated hospital service but a fragmented system where individual hospitals are either unable or unwilling to subordinate individual institutional interests to the objectives of the system as a whole. The report states:

> The current problems are primarily due to the existence of barriers, both legal and administrative, between the health units themselves and between health units and the commission. These barriers derive from the separate corporate status of each hospital with its own Board of Management.

It notes that although hospital boards have made important contributions to the development of strong internal hospital cultures, this internal strength has worked to the disadvantage of the whole system.

In making its recommendations, the report says that the objectives of improved coordination and integration are unlikely to be achieved without both legislative and organisational change. The main recommendations propose the establishment of a metropolitan hospital board clearly separated from the South Australian Health Commission and responsible for overseeing the functions of all metropolitan public hospitals.

The board, which would replace the existing individual boards for each hospital, would comprise a maximum of seven part-time members who are independent of sectional interests in the health field and who have, as the report states:

> . . . demonstrated experience in directing and supervising the management of large organisations.

The report recommends that the South Australian Health Commission become an organisation dealing with the future directions in health and hospital care. Day-to-day running of the hospital system would be the responsibility of the metropolitan hospital board. The review also recommends the amendment of the South Australian Health Commission Act to ensure that the respective roles, functions and responsibilities of the commission and hospitals are clearly and unambiguously defined. A time frame of two years is suggested for implementing the recommendations.

The Uhrig review has been occurring concurrently with a review of the head office of the Health Commission led by Mr Ken Taeuber, a former South Australian Commissioner of Lands and Commissioner of the Public Service Board. The two review teams have been in frequent contact to ensure that their respective recommendations will be consistent and complementary. A copy of the Uhrig report has been submitted to the Taeuber committee for consideration. The final Taeuber report, following an interim report in June this year, is due for completion by the end of October.

QUESTIONS

REGISTRATION OF NURSES

The Hon. M.B. CAMERON: I seek leave to make a brief explanation prior to asking the Minister of Health a question about the registration of nurses.

Leave granted.

The Hon. M.B. CAMERON: My question concerns the new rules associated with the registration of nurses. These rules are evidently causing problems in some areas which could compound the already desperate shortage of nurses, particularly in country hospitals. Under the requirements introduced in December 1984 nurses must undertake six months active nursing every five years in order to remain registered.

Nobody is complaining about that: it is a very sensible requirement and one that certainly has my support. The problem is that nurses must comply with this rule before the next registration period: or that is the way the Act appears to be drafted at the moment. My information is that there is insufficient work in some country areas for nurses who undertake work on a casual rather than permanent basis in order to fulfil the required six-month work stint before the next registration period.

I repeat that nobody disagrees with the six-month work requirement, but it appears that there may need to be a phasing-in period. In areas such as Eyre Peninsula some towns have no doctor, as the Minister is aware; there is also a shortage of nursing staff in some of these areas. It is absolutely essential to keep registered as many nurses as possible and it would be a pity to lose some of them when that is obviously not intended. Will the Minister indicate whether there is flexibility to allow for a phasing-in period leading to the next five-year period and, if not, could he look at drafting an amendment to allow such a phasing-in period?

The Hon. J.R. CORNWALL: It is unfortunate that every time the Hon. Mr Cameron gets to his feet he cannot help talking in superlatives, which is misleading. He talked about both a desparate shortage of nurses and things being absolutely disgraceful or outrageous. He told us that there is a desperate shortage of nurses on the one hand but on the other that there is insufficient work in country areas for the nurses to obtain the six months work in the five year period that is necessary for reregistration. He cannot have it both ways. If there is such a desperate shortage there would be no difficulty in obtaining the necessary work.

However, it is important that we should know that there is not a desperate shortage of nurses in South Australia. I have said on many occasions in this Chamber that because of the positive and enlightened policies pursued by the Government and the Health Commission, and despite real difficulties in the transition to a 38 hour working week and tertiary education for nurses, to name but two, by and large, we have been able to recruit and then sustain the staffing levels of nurses close to the established position.

If there are any difficulties in specific country areas, particularly Eyre Peninsula, I would be pleased to take whatever reasonable steps are necessary to overcome them. I am aware that on Eyre Peninsula in particular there have been difficulties with medical services for a number of reasons, which are being addressed. If there are problems

about maintaining nurse numbers I would like these matters to be brought to my attention. This is the first I have heard of them. I would be pleased to have specific matters raised by the Hon. Mr Cameron investigated, and I shall bring back a report. In the meantime, let us not talk hyperbolically, which might unnecessarily raise concern in the community.

Overall, we have been more successful than any other State in being able to re-recruit nurses and to keep them in the work force. We shall continue those policies to ensure that the levels of patient services in this State remain at the levels of quality that they should.

APPOINTMENT OF JUDGES

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking a question of the Attorney-General about the appointment of judges.

Leave granted.

The Hon. K.T. GRIFFIN: The appointment last Thursday of Mr Michael Noblet as a judge of the Local and District Criminal Court and as Chairman of the Commercial Tribunal raises questions of principle which should be aired. I make it clear that I do not reflect upon Mr Noblet personally and I do wish him well in his new position. The question of principle is whether a person who has been responsible for the day to day administration of a wide range of legislation should be appointed as a judge to adjudicate in disputes on that legislation. As Director-General of the Department of Public and Consumer Affairs, Mr Noblet has been responsible for the administration of legislation such as the Consumer Credit Act, Consumer Transactions Act, Secondhand Motor Vehicles Act, Travel Agents Act, Builders Licensing Act, Land and Business Agents Act, Residential Tenancies Act, and Commercial and Private Agents Act.

Now, as Chairman of the Commercial Tribunal, he will have the responsibility for dealing with disputes under all these legislative provisions and licensing and disciplinary procedures, most likely involving people he has had a close relationship with in his former department or dealings with in his administration of the department. Even if his departmental officers were dealing with particular people or a particular issue while Mr Noblet was Director-General, it must surely be seen as a conflict if he now adjudicates that matter or rules on the meaning of legislation as a judge and Chairman of the Commercial Tribunal.

The Hon. J.R. Cornwall interjecting:

The Hon. K.T. GRIFFIN: We are talking about a public servant.

The Hon. J.R. Cornwall interjecting:

The Hon. K.T. GRIFFIN: Of course I did; the Government did. I am not worried about that. There is no comparison. In this case, the potential for conflict is real and the prospect of criticism is likely to be raised frequently in the next two or three years. That is undesirable. Justice must be seen to be done as well as be done.

While Judge Noblet will do the job to the best of his ability, there can be no doubt that in the light of his previous Public Service position he will be subject to criticism and there must surely be many occasions when he will have to disqualify himself from sitting. That is unfortunate for him and certainly is not good for ensuring that at all times the judiciary is seen to be independent. Perhaps the solution should have been to appoint Mr Noblet as a judge of the District Court but not put him into the Commercial Tribunal. My questions are:

1. What assessment did the Attorney-General make of the potential for Judge Noblet to be disqualified from hearing many matters in the Commercial Tribunal?

2. What arrangements are proposed for dealing with those cases where Judge Noblet is disqualified from sitting?

The Hon. C.J. SUMNER: The honourable member seems not to be happy with the appointment of Judge Noblet.

The Hon. K.T. Griffin: I'm not saying—

The Hon. C.J. SUMNER: That is what the honourable member is saying. Allow me to say that there is no-one in South Australia in the legal profession better suited to be appointed as Chairman of the Commercial Tribunal. The honourable member should know that, and I am sure that the Hon. Mr Burdett, who was the Minister responsible in this area and who originally piloted the commercial tribunal legislation through this Council and Parliament, would agree with me despite the fact that the then Attorney-General, the Hon. K.T. Griffin, objected to the Commercial Tribunal legislation and the establishment of the Commercial Tribunal.

I wish to say that there is no-one better suited for this position than the former Commissioner for Consumer Affairs, Mr Noblet. He is pre-eminent in this State in his knowledge of consumer related law, and he is pre-eminent in Australia in his knowledge of consumer law and in the question of the administration of consumer laws; he is recognised as such by consumer administrators throughout the nation. The honourable member has raised the point as to how Mr Noblet will adjudicate on legislation that he has been involved in preparing. One might ask the honourable member about Mr Justice Millhouse, whom he recommended to his Cabinet for appointment when he—the Hon. Mr Griffin—was Attorney-General. Mr Millhouse was elevated not from the bureaucracy but from this Parliament.

The Hon. K.T. Griffin: What about Chief Justice King?

The Hon. C.J. SUMNER: Exactly. I don't raise the point; you're the one who objects to it: I don't. The honourable member recommended Mr Millhouse, who had sat in this Parliament for 25 years passing legislation, commenting on legislation, criticising legislation and promoting legislation as the Attorney-General. Having promoted Mr Justice Millhouse to the bench to get him out of the way so that the Liberals could then sneak in and win the seat of Mitcham—a little ploy that came very sadly unstuck as we all know and recall, with some pleasure at least on this side of the Council—the honourable member now criticises the appointment by this Government of Mr Noblet on the basis that Mr Noblet has been involved in preparing some of that legislation.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Chief Justice King, a former Attorney-General, was responsible for the preparation and promotion through this Parliament of a lot of legislation, including a lot of consumer legislation.

The Hon. K.T. Griffin: Who promoted him?

The Hon. C.J. SUMNER: Exactly: I am not raising the point, you are. Chief Justice King would be adjudicating on those issues in the Supreme Court. For two years under a Liberal Government, Mr Justice Millhouse promoted legislation as Attorney-General, and then sat in Parliament in various guises for many years and pontificated on and criticised legislation that was introduced by the Government. He even promoted a little legislation of his own. He now sits on the bench of the Supreme Court no less, not the District Court or the Commercial Tribunal, but the Supreme Court of this State, appointed to that position by none other than the Hon. Mr Griffin, who recommended that appointment to the Cabinet of the day. Therefore, if

there is a criticism with respect to Mr Noblet about his having been involved in legislation, that criticism applies equally to the appointment recommended by the Hon. Mr Griffin.

The Hon. K.T. Griffin: It's different.

The Hon. C.J. SUMNER: It's not different. You raised the question of his having been involved in the preparation of legislation.

The Hon. K.T. Griffin: I didn't. I said 'administration'.

The Hon. C.J. SUMNER: You can check the *Hansard*. I have a note of what you said here.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The honourable member also mentioned administration and I will get to that in a minute. The fact is the honourable member did mention legislation. The same principle applies, I submit to the Council, with respect to Judge Noblet as applied to Chief Justice King and, indeed, to the honourable member's appointee to the Supreme Court, Mr Justice Millhouse.

Obviously, if issues of conflict arise with respect to any particular factual situations, those matters will have to be determined by Judge Noblet as they arise. The honourable member knows full well that that sort of conflict can occur with any appointee to the bench. The honourable member knows that Judge Bowering will not be able to sit in the Planning Appeal Tribunal on an issue that he has been involved with in the Crown Law office. The honourable member knows that Judge Hume (whom he knows very well) in the Licensing Court cannot sit on matters with which he was involved in private practice. The principles in that respect are clear.

Is the honourable member saying that a Crown Prosecutor, whether the present one or a previous one, should not be eligible for appointment to the bench because he has been dealing on a daily basis with police officers? The honourable member has no response because, if one takes what he says right down the track, one would not appoint anyone to the bench who had been involved with individuals that may come before them at some future time. Clearly, that is an untenable proposition. If an issue of conflict arises obviously Judge Noblet will have to assess that and deal with it in accordance with the regular principles that apply with respect to the potential for bias and the like, and I am sure that he will make that adjudication fairly. If there is any problem with that, I am sure it can be contested.

I do not see that there is any difficulty with the appointment that has been made. I am pleased to see that the honourable member at least concedes that Judge Noblet is well suited to appointment to the bench, and I really find it a little disturbing that, although asserting that, he is attempting to undermine the appointment with the sorts of comments that he has made. In principle, there is no difficulty with respect to Judge Noblet's appointment because the principles with respect to legislation and, indeed, administration equally apply to Ministers of the Crown, such as Chief Justice King and Mr Justice Millhouse; to people appointed from the Crown Law office, such as Judge Bowering or a Crown Prosecutor; and to people in the private sector, for example, a private practitioner who works in the area of personal injury damages claims and operates very often with people from a particular company. Such practitioners go on the bench and, if they get into a conflict situation, they disqualify themselves. That is the principle. The honourable member knows it and there is no difficulty with the principle in the case of Judge Noblet. With respect to the practical side of it—the question of bias and when that may occur—that is something that will be resolved in accordance with the normal legal principles.

DRUGS

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about drug consumption surveillance.

Leave granted.

The Hon. R.J. RITSON: On 26 August 1986, as recorded on page 565 of *Hansard*, the Hon. Mr Cameron asked the Minister of Health a rather wide ranging question involving a number of issues including sickness certificates, sickness benefits and various drug and alcohol addiction and habituation matters. In particular, the Hon. Mr Cameron asked the Minister some questions about Serepax and its possible abuse by people doing the rounds of multiple doctors and its possible leaking into the street trade. In his reply the Minister was quite misleading, because he says at the top of page 565:

> With regard to controlling the prescription of addictive drugs or drugs confined to prescriptions generally—

and that is a very important phrase—

> we have in place, and have had in place now for about two years, a fully computerised record system which keeps track of every prescription presented and dispensed to every pharmacy in this State for classes of drugs which are considered to be addictive or which might be diverted into the black market.

The Minister then goes on to praise this system. It is a fact that some short time ago (but well before this question was asked) I needed to make inquiries with respect to the medication Serepax to ensure that a patient was getting the best possible treatment and was not in fact 'doing the rounds'. I telephoned the Health Commission pharmacist concerned with the schedule 8 drugs which are tracked and traced and put the matter to him and said, 'Can you tell me whether this particular person has an unusual consumption pattern or whether he is seeing nine doctors?' The pharmacist said, 'No, we cannot do that. We do not have that information. We put traces only on the opiates.'

The Minister said quite clearly, and it is recorded at page 565 of *Hansard*, that with regard to controlling the prescription of addictive drugs or drugs confined to prescriptions generally this marvellous system is in place. However, in reality, the Minister does not have this marvellous system in place. Indeed, I received a letter from a pharmacist indicating not only is it not in place in terms of data retrieval, but it does not collect the data and it does not require the pharmacist to forward statistics concerning schedule 4 psychotropic drugs, of which Serepax is one, to the Health Commission.

I think it is regrettable that the Minister misled Parliament in this way. However, I think that it was done out of a sense of abundant desire to praise himself rather than anything sinister. I am certainly not going to make an issue of it; nor will I be so outrageous as to mention the word 'resign' over this issue. However, this matter raises the question as to whether the Minister should put in place the system that he thinks is in place. Does the Minister see any merit in establishing a system of tracking consumption patterns of schedule 4 psychotropic drugs and, if so, what are the cost benefit studies available to him to indicate whether it would be a sound Government decision to put in place such a system? Does the Minister have any particular plans to put in place this system?

The Hon. J.R. CORNWALL: I will make two points: first, when I mentioned classes of drugs which may be addictive, clearly I was referring to narcotics. If the inference taken from that was that diazepam or any of the family of drugs such as Serepax were—

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —quite specifically included, I apologise to the Hon. Dr Ritson. Until such time as we have ID cards—which have been so violently opposed by a number of members opposite in this place, and specifically by the Hon. Ms Laidlaw—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Certainly. Until such time as we have ID cards, some people will continue to work doctors' surgeries. I was at an interstate drug free therapeutic community only last week and I spoke to a young man. We were all on a first name basis, as tends to be the convention at these places. Incidentally, it was very impressive, and I will tell members about it during debate on the Controlled Substances Act Amendment Bill. This young man, named Tony, had abused most of the common substances known to people in the drug subculture. He had been in gaol and, in fact, he had been everywhere—literally. I said to him, 'Where have you been in the past 18 months?' He said, 'I have been on a tour of doctors' surgeries around Australia.' All the people at this community told me that it was quite possible, using one's own name, to get a reasonable number of Medicare cards. You could be, say, Bob Ritson of Smith Street, Brooklyn Park, and for another card you could be Bob Ritson of some other address. In that way you are not even using a false name. For the other address you could give your business address. Of course, that is not a criticism of Medicare, which is a universal system and, as such, every Australian, quite rightly, has access to it. However, unless there are ID cards there is not the slightest doubt that people will abuse the system and people will continue to do the rounds of doctors' surgeries. So in that respect prescription surveillance of any sort is of limited value.

At this stage, until we get ID cards, I do not believe that there would be very much virtue in extending the present surveillance system. In my view it is important, if we are serious in a number of areas—whether it be social security fraud or prescription abuse—that we should have ID cards. I thank the Hon. Dr Ritson because I think he has just made out a splendid case to support my strongly held view that the sooner we have ID cards in this country the better.

MINISTRY OF YOUTH AFFAIRS

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister of Youth Affairs a question about the introduction of the Ministry of Youth Affairs.

Leave granted.

The Hon. T.G. ROBERTS: Young people today are under many pressures to compete and survive. It is now just over a year since the Ministry of Youth Affairs was created. At the time, the Premier said the ministry would help the Government better react to the needs of young people in our community. Could the Minister indicate what has been done to ensure that young people's needs are being better recognised throughout all areas of government? How can we ensure that the services created for young people are relevant to them and will therefore be well utilised?

The Hon. BARBARA WIESE: During the past few months we have been working quite vigorously within the State Government and particularly with members of the Youth Bureau to address the questions that the honourable member has raised with respect to young people. Some members may have noticed in last Saturday's *Advertiser* an advertisement for the position of Director of the Youth Bureau. This results from an upgrading of the Director's position within the bureau, which was approved by Cabinet recently. This upgrading will ensure that the person who heads the Youth Bureau has suitable experience and seniority within the Public Service to be able to do the sort of job that we are looking for with respect to the coordination of Government activity in the field of youth affairs and also with respect to the negotiations and cooperation that must take place between officers within the State Government and within non-government agencies.

I hope that that position will shortly be filled. In addition, we are in the process of establishing a youth affairs reference group, which will have representation on it from each of the State Government agencies that has some contact with or concern for young people. It is hoped that through regular contact between these people who I hope will be reasonably senior people from within their agencies we shall be able to ensure that the Government has a coordinated policy, first, with respect to youth matters and, also, that the Government has a much more coordinated approach to the development and delivery of services to young people in the field. That youth affairs reference group will be chaired by the new Director of the Youth Bureau and will also be serviced by the Youth Bureau.

During the past few months the bureau has been working hard to develop a reputation within the State Government sector as a group of people who have a specific knowledge and expertise on youth matters. It is a group working closely with various Government agencies on youth projects, partly in an advisory capacity and sometimes in a coordination function. Two good examples of the sort of things the Youth Bureau has been doing recently involved the work it has been embarking on in setting up youth services centres for young people in both Whyalla and Elizabeth. This has required a bureau representative to work closely with the South Australian Health Commission and various community groups and also local councils who are working together to establish suitable youth facilities and multidisciplinary services for young people in those two locations.

These two projects are fine examples of the sort of role that the bureau will play in future. They are also a good example of the sort of services that the State Government is developing for young people. They negate the sort of allegations that we have seen in the press in the past 24 hours suggesting that the State Government, through the Health Commission, has put all its money in one basket by setting up the Second Story in Rundle Mall. The facts are that the State Government now has a good range of services and programs for young people and we are participating in financing two new similar service delivery agencies in Whyalla and Elizabeth. Using the sort of approach that we are now developing through the bureau and the State Government, we will be able to provide a much better service to young people, and I hope that young people will recognise that the approach being adopted by this Government is helpful to them.

LEGAL AID

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about legal aid.

Leave granted.

The Hon. I. GILFILLAN: It has been brought to my attention that the provision of legal aid to pensioners and people on low incomes is difficult to obtain and, even where costs have been granted to a plaintiff by the court, the court has no authority to require the commission to pay them. Can the Attorney say whether it is a fact that the court has

no authority to require the commission to pay legal expenses? Does the Attorney believe that this restriction on the Government authority leads to a situation where legal practitioners are loath to accept legal aid petitioners as clients, thereby precluding pensioners and low income persons from seeking or obtaining justice in the courts? Is it a fact that the allocation of available legal aid funds to criminal cases has precedent over the amount allocated for civil cases? Finally, is the Attorney aware that lawyers are alleged to be giving free time to the commission, that is, services for which no fees are paid or allocated? If that is so, has the Attorney any idea how much free time is received, and is it received with the Attorney's approval?

The Hon. C.J. SUMNER: There are a number of questions that I will need to seek further information about. I was not sure or understood fully the honourable member's question, particularly that part where he said that the courts award costs that are not paid by the party or the court cannot enforce an award of costs against the party. I am not sure whether that was the point he was making or whether he was saying that the court cannot insist that the commission grant aid to assist.

If it is the latter point, that is correct; if it is the former point, it is not. I am not sure exactly what the point is that the honourable member is making in the first part of his question. Legal aid is always a difficult question. The reality is that there are insufficient funds to provide everyone with legal aid. If we did do that the amount of litigation would almost certainly increase in any event. There is a view that the increase in litigation and the length of cases does bear some relationship to the more ready availability of legal aid that has occurred in the past few years.

I do not know of any studies that have been done on that topic, but it is certainly an allegation made by people involved in the Judiciary, the criminal system and the legal system generally. If one provides more legal aid, presumably that also has an effect on the length of cases and on other problems. The reality is that there is just simply not sufficient money available to give legal aid to everyone who applies for it. I believe the major difficulty is for that group of people who fall between those who are sufficiently well-heeled to provide their own legal aid and pay their own legal expenses and who have no difficulty with it at one end of the scale: they pay barristers' fees and, particularly in the eastern States, they pay up to $3 000 a day on some occasions for senior counsel.

At the other end of the scale there are those people who do qualify for legal aid, and in the middle are the great bulk of Australians who, of course, do not qualify for legal aid, who may have legal disputes but who have to find their own means to finance them. That is an issue of major concern. I am not quite sure how it can be resolved except, of course, by developing procedures within the courts to make it easier and cheaper for people to conduct legal proceedings.

The other option, which is to provide for some form of legal insurance, has been investigated and, in fact, is still being investigated. Whether that will come to anything at this stage I am not able to say, although it is certainly something I have advocated as being worthy of consideration, to cover those people who are in that group, who do not qualify for legal aid but cannot afford to engage solicitors when they get into legal disputes.

They are the major problems with legal aid. I know that very strict means tests are applied and, indeed, strict tests are applied also to the likelihood of the success of a case, so that the maximum use is made of available resources. However, I will examine the honourable member's question. There are certain matters there to which I am not able to respond at this point. If I need any clarification of the question I will have the officers of my department contact him.

HEALTH AND COMMUNITY WELFARE

The Hon. J.C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health and of Community Welfare on the subject of coalescence between health and community welfare.

Leave granted.

The Hon. J.C. BURDETT: A person who is obliged to comply with the relevant provisions of the Community Welfare Act to report suspicion on reasonable grounds that maltreatment of a child—what we might in general terms call child abuse—has occurred is obliged to report his or her suspicions to the Department for Community Welfare. The Department for Community Welfare and CAFHS (Child, Adolescent and Family Health Service) have operated under different Ministers, and now the same Minister.

The body having statutory powers and obligations is the DCW. Workers in the field say that because families where child abuse occurs know this, they are frequently not prepared to talk to DCW workers. The DCW is properly saddled with the necessary steps to be taken in cases of suspected child abuse, and provided with the necessary legal back-up. People who operate within CAFHS, on the other hand, are usually trained nurses, have operated under the framework of the Health Commission and have no legal back-up—which they do not want.

They frequently have to deal with families and persons under stress. The person in question feels threatened and would not speak to the DCW workers because they know that such workers have the statutory powers. The work of CAFHS staff in this situation is largely preventive. It is part of a treatment model, and CAFHS staff see that this may be endangered by coalescence.

At the present time the DCW and CAFHS carry out complementary roles in the area of child abuse. The system works well, and abused children and families in the community gain from it. A concern has been expressed to me by CAFHS personnel that if, under coalescence, the DCW and CAFHS will eventually be under the umbrella of the same department the present satisfactory situation may disappear.

At the present time they are separate organisations: the DCW in the statutory area, and CAFHS operating in the treatment and preventive area. The expressed fear is that, if both organisations are under the same department, families with problems will feel threatened by CAFHS as they now do by the DCW, will not be prepared to talk to CAFHS personnel, and the valuable preventive and treatment roles will be lost. When coalescence occurs, what steps will be taken to see that the separate but complementary roles of the DCW and CAFHS are preserved?

The Hon. J.R. CORNWALL: As Premier Bjelke-Petersen might say, 'Don't you worry about that; that will be all right. We'll fix that up. You've got no reason to concern yourself, really.' More seriously, however, coalescence simply means growing together: that is the *Shorter Oxford Dictionary* definition, and we will grow together at a rate that is appropriate. I do not know to whom the Hon. Mr Burdett talks in CAFHS, but I talk to a number of people both in CAFHS and in the DCW.

They have consistently and persistently said to me throughout the period during which I have been Minister

of Health that there are many areas in which they believe they ought to move much closer together; that if there has been perhaps one area above all others where there were grey areas, where there were gaps in service, it was in the lack of a nexus between the Community Welfare and the Child, Adolescent and Family Health Service. As part of the growing together, those gaps will certainly be filled and the service given to the clients—and that is what we are interested in at the end of the day, I hope: the client service and not the politics of the matter—will be significantly enhanced.

The Hon. Mr Burdett should also remember that at this time we have a major child sexual abuse task force which is putting the finishing touches to its recommendations. That is a task force which has now been in place, from memory, for something like 18 months. It will be making recommendations on law reform, on protective and preventive education and on the health and welfare aspects of child sexual abuse. There has been a small extension of time granted to that task force, and I now anticipate having the report early in October.

I hope to process that report to Cabinet through Cabinet subcommittees before the end of the year. At the same time, of course, Mr Ian Bidmeade, our senior legal consultant, is conducting a review into the Children's Protection and Young Offenders Act. Again, I have made it clear that there should be obvious cooperation between the child sexual abuse task force and the Bidmeade review. That is happening currently.

The Attorney-General, of course, has a specific interest in the area: the Children's Protection and Young Offenders Act is committed to the Attorney-General. So, our two Cabinet subcommittees will examine those reports, and with the combined wisdom of the Justice and Consumer Affairs Cabinet Subcommittee and the Human Services Committee, under their two distinguished chairmen, I think that Cabinet will have a very comprehensive, constructive and positive number of recommendations to consider.

Overall, therefore, I note the concerns which have been expressed by the Hon. Mr Burdett. To the extent that there is any substance in them I will ask officers in both the Department of Community Welfare and CAFHS to prepare a report for me. Again, if there is any substance in them, I will be pleased to do the Hon. Mr Burdett the courtesy of letting him have the substance of the report or any recommendations. The growing together will occur at a rate that is appropriate, the services will be enhanced, and all of the aspects of child protection—including the legal aspects—will be not only reviewed but we as a Government will be in a position to act on them by reasonably early in 1987.

QUESTIONS ON NOTICE

LEGAL SERVICES COMMISSION

The Hon. M.J. ELLIOTT (on notice) asked the Attorney-General:

1. Does the Attorney-General believe that the Director of Legal Services, of the Legal Services Commission, in making a decision on 6 June 1985, under the Legal Services Commission Act 1977, to rescind a grant of legal assistance made in November 1984, was acting in his own interest on the basis of confidential information obtained by him when he was a private legal practitioner on assignment from the Commission on the same matter?

2. Is the Attorney-General concerned that the Director of Legal Services had already deputed the making of that grant of legal aid, on the basis of the apparent conflict of interest in the Director making any decision in regard to a case he had formerly handled as a private legal practitioner, and that a grant was made under that delegation?

3. Could the Attorney-General take immediate steps to determine whether the Chairman of the Legal Services Commission in December 1982 acted in the same interest of the present Director of the Legal Services Commission when he was then Chief or Senior Counsel of the Legal Services Commission to deprive an applicant for legal aid (already granted legal assistance) the legal benefit of the grant?

The Hon. C.J. SUMNER: This question undoubtedly refers to the case of Mr Patrick Thomas Byrt. Mr Byrt's allegations have been investigated at some length. However, since Mr Byrt has issued proceedings against the Director of the Legal Services Commission, the commission and several others with respect to the case, it is inappropriate to comment any further on the merits of Mr Byrt's complaint. Clearly the case is *sub judice*. Two observations should suffice for the present time. First, the Director of the commission emphatically denies any impropriety or conflict of interest and, secondly, Mr Byrt has a right of appeal to the commission—which he has not exercised in this instance—against any decision to rescind a grant of legal assistance.

REGULATION OF COMPANIES

The Hon. R.I. Lucas, for the Hon. J.C. BURDETT (on notice) asked the Attorney-General: For the year ended 30 June 1986, why did the cost of salaries and wages in connection with the regulation of companies increase by $260 000 while for the same period the staff involved did not increase?

The Hon. C.J. SUMNER: Salaries and related payments made by the Department of the Corporate Affairs Commission increased from $2.335 million in 1984-85 to $2.772 million in 1985-86. The departmental increase of $437 000 results mainly from additional terminal leave, the effect of April 1985 and November 1985 national wage increases, an increase in the average employment level from 97.4 to 100.9 and the inclusion of superannuation contributions by the Government in 1985-86 in program costs. With regard to superannuation, examination of the Auditor-General's 1986 statement for the department will reveal that in 1985 superannuation contributions were included under 'Other Payments on behalf of the Department'. Of the total increase in salary costs, $214 000 is attributable to superannuation.

The program 'Regulation of Companies' contains approximately 60 per cent of salary costs paid by the department. The program therefore bears a proportionate amount of salary increases incurred as a result of wage increases and superannuation costs. The program also bears the full cost of an additional 2.2 full time equivalent staff allocated in 1985-86. The additional staff were funded by Treasury for 1985-86 only to enable follow up of outstanding fees and documents. The variance betwen the 1985 and 1986 costs of salaries for 'Regulation of Companies' is detailed as follows:

	$
Share of superannuation	129 000
Wage increases	77 000
2.2 additional FTE's	60 000
Overtime and other minor variations	5 000
	$271 000

HUMAN SERVICES TASK FORCE

The Hon. J.C. IRWIN (on notice) asked the Minister of Tourism:

1. What are the names of the members of the Human Services Task Force?

2. What positions do they hold?

The Hon. BARBARA WIESE: As the reply to this question consists of a list of names and positions within the Public Service, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

NAMES	POSITION
Anne Dunn (Chairperson)	Director, Department of Local Government
Patrick Bayly	Chief Project Officer, Youth Bureau
Reye Wright	Chief Project Officer, Department for the Arts
Mike Keily	Senior Finance Officer, Treasury
Charles Connelly	A/Assistant Director, Office of Employment and Training
Jill Whitchorn	Senior Project Officer, Women's Advisor's Office
Andrew Hall	Director, Southern Country Region Department for Community Welfare
Liz Furler	Women's Adviser, S.A. Health Commission
Ann Gorey	Education Officer, Education Department
Richard Llewellyn	Disability Adviser to the Premier
Tony Lawson	Senior Cabinet Officer, Department of the Premier and Cabinet
Ros Sumner	Senior Project Officer, Office of the Commissioner for the Ageing
Lou Denley	A/Assistant Director (Planning and Development), Children's Services Office
Alessandro Gardini	Principal Project Officer, S.A. Ethnic Affairs Commission
Jim Daly	Policy Co-ordinator, Department of Recreation and Sport
Des Ross	President, Local Government of S.A.

ORGANOCHLORINE INSECTICIDES

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

1. Has any S.A. rural land been quarantined because of unacceptable residues of organochlorine insectides?

2. If so, how many hectares?

3. Are there any particular regions more affected than others in S.A.?

4. Are milk and meat products monitored for organochloride residues in S.A.?

The Hon. BARBARA WIESE: The replies are as follows:

1. No South Australian agricultural land has been quarantined because of unacceptable residues of organochlorine insecticides. However, a number of premises used to house poultry for egg production have been quarantined for this reason.

2. The actual land area is not relevant to poultry production and records are not kept. However, since 1980, 22 poultry premises have been quarantined.

3. No, the distribution appears to reflect the concentration of small to medium sized egg production units.

4. Yes, milk and meat products are monitored for organochlorine residues through the Department of Primary Industry National Residue Survey, the National Health and Medical Research Council Market Basket Survey and surveys carried out from time to time by the Department of Agriculture.

REPETITION STRAIN INJURY

The Hon. DIANA LAIDLAW (on notice) asked the Attorney-General: In relation to repetition strain injury in the South Australian Public Service, what are the most recent figures available on:

1. the number of worker's compensation claims;
2. the proportion of claims made by women;
3. the number of staff days lost;
4. the cost of lost output?

The Hon. C.J. SUMNER: The term 'repetitive strain injury' or 'repetition strain injury' is not a medically recognised term. It is a generic description of a range of medically specific ailments including carpel tunnel syndrome, epicondylitis, and even strain conversion reaction, among others. RSI can affect a person's hands, arms, shoulders, neck or wrists. A totally accurate statistical break-down of RSI occurrence across the public sector is difficult to provide as some medical practitioners actually use the term whilst others specifically avoid all reference to it. Therefore, as result of a case by case check of all relevant files in the past 12 months, figures available in the categories as requested by the honourable member are as follows:

1. During the financial year 1985-86 206 claims for repetition strain injury were lodged.

2. 78.64 per cent of claims for RSI were from women (162).

3. 4 890 staff days were lost.

4. Time lost due to the RSI claims amounted to $331 484.95 in weekly payments of compensation.

TRUSTEE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 735.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill but has one reservation. The Bill is designed to overcome a technical difficulty, raised by the Public Trustee, as to whether the Public Trustee, acting as a trustee, has the power to invest in its own common fund funds for which it has a trustee responsibility. The amendment is designed to put it beyond doubt that the Public Trustee, when acting as a trustee, can invest funds of deceased estates and protected estates in its common fund and that will be an authorised trustee investment. The second reading explanation showed that it is not proposed to open the Public Trustee common funds to investment from the public, and I understand that on that basis private trustee companies raise no objections to the amendment.

While the Opposition has no difficulty with the Bill in the sense that it puts the Public Trustee's power beyond doubt, we believe that the Bill should express the Government's intentions, as set out in the Attorney-General's second reading explanation, in respect of the common fund not being opened to investments from the public. In Committee, we shall propose an amendment that will clarify that position, and make the Bill consistent with that intention. That amendment will provide that the common fund of the Public Trustee is not open to investment from members of the public.

We recognise that the Public Trustee has a number of estates for which it is either a trusteee or administrator and

that it is appropriate for those funds to be invested in the common fund and for beneficiaries to continue investments in those estates with the Public Trustee. However, we are not prepared to support an open slather proposal which would at some time, on a change of Government policy, enable the Public Trustee to compete in the private sector for funds to be invested in its common fund.

That raises questions already raised about SAFA and some of the agencies such as the State Government Insurance Commission as to whether there should be an open go for calls to the public to subscribe investments. We do not believe that the Public Trustee should be able to do that. One could presume that, if it were, the Public Trustee would be able to avoid the obligations placed on the trustee companies and other companies seeking subscriptions from the public by the Companies (South Australia) Code.

In Committee I will move an amendment to limit the accessibility to the common fund in line with the Minister's second reading explanation.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 736.)

The Hon. K.T. GRIFFIN: The Opposition supports the Bill, which enables the Public Trustee to establish more than one common fund. Private trustee companies are able to do that with their investments, and I see no reason why the Public Trustee, acting as trustee, should not have the same capacity. The Public Trustee seeks to act in the interest of estates for which it is trustee, or on behalf of persons who have appointed it as their attorney.

The amendments to the principal Act, in addition to enabling the Public Trustee to establish more than one common fund, will make amendments to that provision of the Mental Health Act that deals with the powers of an administrator in the administration of a patient's estate, and will widen the power of the Public Trustee acting as such an administrator to invest in any investments authorised by the Public Trustee Act. Again, that is in the interests of the patient's estate rather than in any other person's interest.

The amendments will also allow the Public Trustee to borrow with the approval of a Minister instead of that of a judge, and to borrow from any bank and not just from the State Bank. That must enhance the opportunity for the Public Trustee to administrate properly estates for which it is acting as trustee or administrator.

With the common funds, there is a need for flexibility for moneys that are better placed in short-term securities to be included in one fund. For investments held on medium term, and for longer-term investments it is appropriate to have separate common funds. Notwithstanding that those common funds are to be invested in trustee investments, this is a reasonable provision, giving flexibility and enhancing the return to the estates for which the Public Trustee has responsibility.

The Opposition supports the Bill as a reasonable expansion of Public Trustee powers. It is designed not to be for the benefit of the Public Trustee as a body corporate but for the benefit of those persons and bodies for which the Public Trustee acts. We believe that this is to be supported.

The Hon. L.H. DAVIS: I support this Bill. It is in line with the existing practice in the private sector, where common funds have been in fashion with trustee companies for well over a decade. It represents a further expansion of investment powers for the Public Trustee. I believe it is appropriate that the Public Trustee have power to invest funds in securities that may well give a greater range of investment opportunities than currently exists. One can imagine that in some circumstances funds should only be invested for a short period of time. That could be catered for by a common fund which aggregates all the short-term investments of the Public Trustee.

There may be, on other occasions, restrictions in wills which limit investments to Commonwealth Government or semi-government securities. Likewise, that can be catered for by a common fund established for this purpose. Other common funds may be established to provide for investment in equity stocks which are nevertheless of trustee security status pursuant to the provisions of the Trustee Act; alternatively, it may give power to invest in mortgage investments. I support the extension of powers to the Public Trustee that are set down in the Bill.

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

CONSTITUTION ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 28 August. Page 737.)

The Hon. K.T. GRIFFIN: The Opposition will support the second reading of the Bill but will not support the third reading if an amendment that we propose is not carried during the Committee stage. This Bill deals with the appointment of acting Ministers. Under present section 67, an acting Minister is appointed on each occasion that a Minister is unable to act, and that appointment is made by a commission under the public seal of the State. It is not a continuing commission and it expires when the Minister for whom the acting Minister has been appointed resumes duties, and that is ordinarily at the end of a period fixed in the commission.

The Bill proposes that when an acting appointment is made it is to be made by the Governor in Executive Council, and notice of the appointment is to be published in the *Gazette*. The Bill also provides for an acting appointment to be made without any limitation on the period of appointment so that the acting Minister can act whenever the Minister is unavailable to carry out official duties. I do not see any difficulty with a Minister being appointed as an acting Minister for another Minister by the Governor in Council with notice of the appointment published in the *Government Gazette*. That really is a modification of the present position. It means that the public seal of the State will not have to be affixed on each occasion to the document appointing the acting Minister. So far so good.

However, it is the prospect of an acting appointment being made for an indefinite period (that is, an appointment at large) that causes concern. Confusion may well arise where the appointment is for an unspecified period so that, in effect, the appointment of an acting Minister is a continuing appointment. No mechanism is proposed in the Bill where public notice will be given of the periods during which the acting Minister has been acting; nor is there any limitation on more than one Minister being appointed as an acting Minister for the one Minister. In effect, the continuing appointment will be dormant on some occasions and active on others.

It is my view that it is undesirable for there not to be some certainty publicly as to who really is acting as a Minister and when, and under the Bill that information will not be available publicly. There is even the prospect that more than one Minister may have a continuing acting appointment. It would then be interesting to determine who is the acting Minister on a particular occasion and for particular purposes.

The question may also be whether the acting Minister will be able to act on the same day for the Minister in respect of some matters and another acting Minister be able to act for the same Minister on the same day in respect of other matters. The potential for confusion in a part of this proposition in the Bill is quite significant. The Bill provides that, in any legal proceedings where it appears that a Minister has acted in the office of another Minister, the Minister shall be deemed in the absence of proof to the contrary to have acted in pursuance of an appointment under this section. That is broad and again may result in confusion.

Although the second reading explanation indicates that Ministers frequently have to travel to destinations outside the State for comparatively short periods, often at very short notice, I do not see the mechanism of a continuing appointment of possibly more than one Minister as an acting Minister being an appropriate solution. Although the notice may be short it is very rare that an arrangement cannot be made for an acting appointment to be made within a very short period of time, even a matter of hours.

It is not usual for Ministers to make a decision on a particular day that they will be out of the State on that day. Usually, there is some day or so notice of a pending interstate absence. I suggest that over the past decade or so there have not really been difficulties in appointing an acting Minister, even at short notice.

I would prefer to remain with the present provision in the Constitution Act amended, if that is the wish of the majority in the Council, to eliminate the need for the affixing of the common seal to a commission of appointment as an acting Minister rather than introducing a totally new concept of a continuing appointment, perhaps of more than one acting Minister, that will, in my view, create a great deal of confusion; certainly, it has the potential for that. Further, this new concept does nothing to ensure the proper accountability of Ministers in the public arena, because the public will not be able to ascertain, if they want to, who is the acting Minister or the Minister on a particular occasion for a particular purpose.

That is my difficulty with this Bill. During the Committee stage I will move to delete that part of the Bill which seeks to introduce the concept of a continuing acting appointment; but I will support that part of the Bill which seeks to maintain the present procedures, varied to eliminate the need for the public seal of the State to be affixed. If, when we get through the Committee debate on the Bill, our amendment has not been successful we propose to oppose the third reading; that is better than endorsing a proposition which in our view does not enhance public accountability or certainty but rather contributes and is likely to contribute to uncertainty and confusion. For the purpose of considering our amendment, at this stage the Opposition supports the second reading.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 27 August, Page 684.)

The Hon. M.B. CAMERON (Leader of the Opposition): In the spirit of great cooperation that the Opposition shows towards the Attorney-General at all times, we support the Bill. After the briefest possible speech, the Attorney-General will be able to concentrate his mind on other matters. The Opposition supports this Bill to increase the speed limit for trucks on the open road to 90 km/h. The recommendation came from a federal committee of inquiry, which in fact recommended a speed limit of 100 km/h. I gather that it has been decided to increase the speed limit in stages, and 90 km/h is the first stage.

From personal observation, it is rare to see a truck travelling at under 100 km/h; in fact, under 110 km/h. I think most trucks travel at the same speed limit as ordinary vehicles. In fact, slow travelling semitrailers can cause some difficulty for other traffic in certain situations, particularly on less well made country roads. However, the intention of the Bill, at least at this stage, is to add another 10 km/h to the present speed limit of 80 km/h. That means that drivers who at present travel well over the limit will be travelling at 10 km/h less over the speed limit.

The other part of the Bill relates to child restraints in vehicles. Frankly, I think that is a sensible idea. I know that in past years when this was not the law my five children were not required to wear restraints in vehicles and it often occurred to me that that could be dangerous.

The Hon. Barbara Wiese interjecting:

The Hon. M.B. CAMERON: I am old enough to remember travelling in vehicles that did not have any restraints. The Minister of Tourism probably would not know of such vehicles, which were probably on the road before she was born. There is no doubt that this is a sensible move because some pretty horrific injuries can occur to children involved in accidents as a result of lack of restraints provided in vehicles. I believe it is a very sensible change and one that is long overdue. I know that some people may think that it is a pain in the neck to have to go through the process of strapping in children, and I imagine that it can be very difficult for some parents. However, parents must be encouraged to do this because sometimes it is not the parent who causes an accident—it can be the driver of another vehicle. No matter how careful one is, one can get into a difficult situation. The Opposition supports the Bill and will ensure its speedy passage.

The Hon. J.C. IRWIN: I rise to address myself to one aspect of the Bill, although I certainly support the Bill in total. I refer to the move to increase the speed limit for heavy vehicles from 80 km/h to 90 km/h. I understand that this is the first stage, as the Hon. Mr Cameron said, in a move towards a speed limit of 100 km/h, which was agreed to by Transport Ministers from all States. I understand that this move and others to follow are based on a reduction in the speed limit differential between heavy vehicles and cars. I will support the whole Bill, but I express concern about the braking equipment efficiency of heavy vehicles, including those with loaded trailers and the inspection periods required in relation to the braking equipment on heavy vehicles.

I seek an assurance from the Minister that steps will be taken to ensure that braking equipment is beyond question at the new limit of 90 km/h set by this Bill and, more importantly, at the eventual limit of 100 km/h. I want a further assurance that there will be policing on road, that there will be inspections both on road and off road, that there will be regular check-ups, and that this is backed up in the legislation. I understand that from 1 January 1987 heavy interstate road transports will all be registered under

one plate. In other words, vehicles that at present have different registration plates will be brought together under one plate. This will be part of a regular inspection procedure. However, this will not be the case for heavy vehicles working intrastate.

I understand that in South Australia there will be a monitoring of accidents over the next 12 months before a decision is made on what action should be taken in relation to heavy vehicles and the inspection of various systems within the heavy vehicle industry. This decision will be made following the evaluation of the statistical evidence gathered over that one-year period. The policing aspect is one of the keys to this legislation. As a result of my frequent trips to the South-East, using the South-East freeway (which is also known as the Dukes Highway), I would venture to say that it is the most used road in South Australia, yet I see very little evidence of any policing on that highway. I suspect that on other roads trucks bank up and drive in convoys at any speed.

The newly designed and constructed Dukes Highway features long even curves, which makes for bad conditions for passing by ordinary vehicle traffic, especially when it is wet. My last point also relates to policing and the fact that whatever the speed limit is, it will be exceeded. With the limit set at 80 km/h one often found trucks travelling in convoy or individually at 90-100 km/h. When the limit is increased to 90 km/h, I hope it does not mean that drivers will travel at above the limit at 100-110 km/h. Such a situation would throw even more reliance on braking systems.

The Dukes Highway and all major highways in South Australia are crying out for breathalyser and speed checks at regular intervals. Also, from my experience with accidents in the Tatiara district, which is 200-300 kilometres from Adelaide, there is a chronic need for regular police patrols, not as a revenue raising measure, because the physical presence of patrols on the roads would help all drivers to concentrate, whether they be in heavy vehicles or light cars. That is a vital requirement to achieve proper highway use.

I thank the Council for the opportunity to make a couple of these points that have been of concern. Certainly, I have not canvassed the whole area of road transport—I probably would not be allowed to do so. I have attempted to keep to the narrow confines of the question of changing the speed limit for heavy transports from 80 km/h to 90 km/h. I support the Bill.

The Hon. PETER DUNN: I support the Bill. However, I do have some reservations about what is happening not in regard to seat belt restraints for younger people but concerning motor vehicles with a gross weight exceeding 4 tonnes and the increase in the speed limit to 90 km/h proposed and also in regard to motor vehicles carrying more than eight persons. I believe that the decision to go only halfway in this matter is not what the federal body dealing with transport recommended—that bigger trucks and omnibuses should be subject to an increased maximum speed limit of 100 km/h. I support that change and believe that the Government has been rather weak in allowing the maximum speed limit to be raised to only 90 km/h.

This reduced maximum limit continues to disadvantage people living further away from the State capital. The more rapid the transport of goods and services to those people, the cheaper the cost will obviously be and, if a vehicle can turn around quickly, it might achieve two loads more quickly than under the present 80 km/h speed limit. It is a fact that large trucks and passenger vehicles often exceed 80 km/h. Many large trucks do not even use all their gears in reaching the 80 km/h limit, and it seems ridiculous for that to apply. My colleague referred to his concerns about braking and sought an assurance from the Minister. However, I assure my colleague that those trucks fully laden on bitumen or sealed roads can pull up more quickly or just as quickly as a passenger car. With the number of wheels and the amount of tyre contact with the road, they have extremely good braking ability.

The problem arises in the case of a convoy of long trucks and articulated vehicles. When two or three such vehicles travel together they are difficult to pass. If they travel near or close to the average speed of motor cars, there would not be the need for cars to pass trucks so frequently. In very wet conditions the amount of water lifted by 16 to 20 tyres on a bitumen road runs to hundreds of gallons a minute. This becomes a fine spray and, if the wind blows from left to right in the direction to which one is travelling, it is virtually impossible to see past the trucks in front. In fact many large trucks will pull over on open roads to the right-hand side of the road to allow following vehicles to pass on the left where there is no spray. In itself, that involves breaking the law, but they do this in the interests of road safety.

Some of the big interstate transports travelling from Adelaide to Western Australia or from the eastern States to Western Australia certainly travel at speeds much higher than the maximum allowed. On the Nullarbor Plain and on roads west of Ceduna there is not much checking by police or road traffic inspectors, and trucks travel at higher speeds and are breaking the law on most occasions. Rather than forcing them to break the law, we should raise the speed limit to 100 km/h. Those same arguments can be used in respect of vehicles carrying more than eight people. It is ludicrous that organisations such as Stateliner with its big and sophisticated buses operate at 80 km/h on highways when they can safely, quietly and easily travel at 100 km/h or more if they needed to. I believe the maximum speed should be set at 100 km/h for these vehicles. That is still 10 km/h below the maximum speed limit in the State, and it would be a more suitable speed for such vehicles. The Government should increase the limit.

It is all very well for Victoria, which did not accept the 100 km/h limit. It is such a small State that one is hardly in fifth gear before one is out of that State. However, in South Australia, Western Australia and the Northern Territory longer distances apply, so there is a penalty set against people living a long way from State capitals. If the 100 km/h limit had been adopted, goods, services and freight would be cheaper for people living in remote areas.

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

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 August. Page 575.)

The Hon. K.T. GRIFFIN: The Opposition supports the Bill. While one may be tempted to make a number of observations about the administration of the Act, this Bill is not the appropriate place to do that because it deals with one small aspect, but nevertheless an important aspect, about the extent to which the Crown is to be bound in relation to periodical tenancies—weekly or monthly or some other periodical tenancy in which the Crown is the landlord.

As I understand the position, an amendment which came into effect on 1 March this year, dealing with periodical tenancies, applied to the private sector, that is, where a person other than the Crown was a landlord and was involved in a periodical tenancy but not to the Crown. This Bill merely seeks to extend what was believed to be the position at that time, and that is that the Crown was also to be bound. I am prepared to support that, because the Crown ought to be subject to at least the same constraints as the private sector.

In dealing with this Bill, I ask the Attorney-General to give an indication as to what progress has been made on his reported review of the Residential Tenancies Act, whether there is any information that can be made available publicly as to the issues being considered and the likely time frame within which an amending Bill might be introduced dealing with the wider issues affecting residential tenancies in South Australia.

I have had a number of criticisms from a variety of people about the administration of the Residential Tenancies Act, about the tribunal and about the administration generally, and I would certainly want the opportunity in the not-too-distant future to raise those issues and have them explored, but I would do that on the occasion that a Bill came before the Council dealing with the implementation of any conclusions reached in the Attorney-General's review of the legislation. We support this Bill in so far as it goes, and reserve our position on wider aspects of the residential tenancies legislation to some other stage.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support of the Bill. Rather than reserve his comments to a Bill which might be introduced on residential tenancies, could I suggest that it might be useful, if the honourable member has many complaints about the administration of residential tenancies, if he make them known to the responsible Minister—that is, to myself—prior to the matter being introduced into this Parliament. That might give us a better chance to assess these matters before any legislation is introduced.

There are a number of matters being considered, but at this stage I do not have a timetable for their introduction. I can only suggest that the honourable member let us know of his concerns so that they can be taken into account in any legislation which might be introduced.

The Hon. K.T. Griffin: Have you any discussion papers or anything like that?

The Hon. C.J. SUMNER: I do not think so.

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

GOODS SECURITIES BILL

Adjourned debate on second reading.

(Continued from 19 August. Page 422.)

The Hon. K.T. GRIFFIN: This Bill seeks to establish a system for registering security interests in motor vehicles and such other goods as may be prescribed by regulation, and enabling inquiries to be made of a register to ascertain whether a motor vehicle is subject to a security interest. If there is no security interest registered, a purchaser in good faith avoids any difficulties if subsequently it is determined there is an unregistered security interest. If there is a security interest registered, then certain priorities are conferred upon the person in whose favour the security interest is given. 'Security interest' under the Bill means a mortgage of the motor vehicle or a bill of sale, a lien or charge, a goods lease or a hire purchase agreement.

What the Bill does not address is the question of legal title to motor vehicles, much as the Torrens system addresses the issue of title to land. There is no similar provision with respect to motor vehicle titles. One of the major areas of concern raised of members of Parliament is in relation to title to motor vehicles.

I have had a number of constituents call me over the past year or so drawing my attention to the fact that they have paid money for a vehicle, the police have seized the vehicle claiming that it has been stolen, and that is the last the constituent has seen either of his or her money or his or her motor vehicle, because at common law a person who is selling an interest in a motor vehicle can really give no better title than he or she has, so that if the vehicle is stolen the vendor is unable to give a good title to a purchaser for value, even if the purchaser purchased that motor vehicle in good faith—so it is a major area of concern.

I would hope that the Attorney-General may give some indication as to how that issue is to be addressed by the Government. Notwithstanding that, the proposal to establish a goods securities register, so far as it goes, is a good thing but, as I indicated, it deals only with a register of security interests, to identify whether or not there is a registered security interest over a vehicle and, if there is, to establish an order of priority of those interests.

Other laws under which the existence of a security interest can already be identified are the Bills of Sale Act—which has been in effect since the last century, although with modifications from time to time—and the Companies (South Australia) Code. The Bills of Sale Act relates to bills of sale over personal chattels—that is, not real estate but items such as motor vehicles, washing machines, refrigerators, and all home furniture and can extend to crops. Livestock is not covered because it is dealt with under the Stock Mortgages Act.

Bills of sale are registered at the Lands Titles Office, technically the general registry office, and are available for public search and scrutiny to any member of the public. The Companies Code provides for the registration of charges over the assets of a company, either specific assets or a floating charge over all of the assets of the company acquired from time to time. The charges registered under the Companies Code are also fully accessible to public search, and copies of both bills of sale and company charges can be obtained from the relevant public office.

Although I support the general principle of the Bill, as do the Australian Finance Conference, the Motor Traders Association and a variety of other bodies, there are a number of problems with the Bill. I understand that the Attorney-General is still receiving submissions on those sorts of problems and does not intend to proceed with great haste to pass the Bill until a lot of those issues have been resolved. What I will do is identify some of the areas of inadequacy which I have detected and which have also been drawn to my attention. I will deal with them first in summary form and then in more detail.

First, it is not clear whether a security that includes property other than a motor vehicle constitutes a security interest. Secondly, it is not clear what happens when an application for registration of a security interest is rejected by the registry and returned to the holder of the security interest for collection but subsequently relodged. What priority is established in those circumstances?

Thirdly, the Bill provides for a variation of particulars of registration, but it is not clear what types of variation may be made without prejudicing the priority. Fourthly, it is not clear whether the security interest itself will need to be

lodged when applying for registration. Fifthly, the Bill does not contain any provision to deal with the assignment of a registered security interest. Sixthly, the address to which the Registrar sends a notice to cancel a registration is not clearly provided for.

Seventhly, only a certificate of the security interest can be obtained and not a copy of the registered security interest, and that is inconsistent with the Bills of Sale Act and the Companies (South Australia) Code and may create difficulties for financiers and for members of the public. Eighthly, the Bill provides for a security interest to be discharged where a third party innocently purchases the goods without notice of the security interest. Actually, only the goods acquired by the third party should be discharged from the security interest and not the security document as a whole.

Ninthly, there are questions of priorities which have not adequately been addressed and which should be resolved, and of what is conferred by the legislation with respect to priority. Tenthly, the disposition of the proceeds of sale between registered security interests has not been addressed in the Bill and ought to be. Eleventhly, an offence of selling a motor vehicle contrary to the provisions of a registered security interest are not fully addressed and in my view ought to be extended to concealment, destruction and other dealings than mere sale. That summarises some of the major areas of difficulty that I see in the Bill.

I will deal with them now in more detail. I suppose that the first matter is clause 2, relating to the day on which this Bill comes into operation. Transitional provisions are referred to in the second schedule but they deal with the registration of a security interest during the transitional period and provide for priority according to the date and time of registration. It appears that it is registration under the goods securities legislation, the Bills of Sale Act or the Companies (South Australia) Code, but it is not clear whether that registration during the transitional period is in fact registration under this Bill or relates to those other Acts of Parliament which have been operating for a long time. Nor is it clear what happens to those security interests which have been registered under the Bills of Sale Act or the Companies Code before the transitional period commences. Under the Consumer Credit Act, consumer mortgages are not required to be registered at the general registry office, but nevertheless can be bills of sale which accord appropriate priority. What happens to those?

One can envisage a mad rush to have a whole variety of security interests registered under this piece of legislation because of the uncertainties about the extent to which this Bill will give priority to those registered under other legislation or prior to the transitional period. So, quite obviously the date on which the Bill comes into operation and the specific provisions whch come into operation, maybe on a selective basis, need to be addressed in relation to the transition from a pre goods securities period to a post goods securities periods, and the priorities to be accorded to all of the security interests to which I have referred need to be rationalised.

Under the Consumer Credit Act, leases and hire-purchase agreements are not required to be registered and priority with respect to them does not appear to have been addressed by this Bill. Under clause 3 of the Bill, which deals with definitions, the definition of prescribed goods identifies a motor vehicle registered under the Motor Vehicles Act, or a motor vehicle that has been so registered but is not currently registered under that Act or under the law of another State or Territory of the Commonwealth. What about motor vehicles which are currently registered under the law of another State or territory? The definition deals with those currently registered under the State legislation, or those which have been registered but are not now currently registered under the Motor Vehicles Act of South Australia, or not currently registered under the law of another State or a territory of the Commonwealth. It seems to me that a hiatus in that case needs to be addressed.

The clause 3 definition of security interest refers to a goods lease, but I am not aware of any definition of a goods lease. Although a bill of sale is clear, a lien or charge is clear and a mortgage is clear, some attention needs to be given to the definition of a goods lease as referred to in the definition of the security interest.

In that context, one has to raise the question of whether a goods lease extends to the sort of financing arrangement that applies with motor vehicles. Dealers have arrangements for floor plan and bailment between the finance company and the motor dealer that often involve the hiring or bailment of stock covered by the floor plan. It needs to be identified whether such a wholesale financing arrangement is covered by the Act. If it is not, it should be made clear that that is the position.

I have already said that it is not clear whether a security interest extends to goods other than prescribed goods. At the moment under the Bill, it is a motor vehicle or some other goods prescribed by regulation. If a security document refers to both a motor vehicle and goods which are not prescribed goods, under the Bill, is that a security interest that is capable of registration or does the security interest relate only to the motor vehicle, and do the other goods have to be dealt with under the Bills of Sale Act or the Companies (South Australia) Code and the security interest in respect of those other goods registered under that other legislation?

Under the Companies Code charges can be granted by a company over all of the assets of a company, some of which might be motor vehicles or other goods within the definition of prescribed goods. That charge is registered at the Corporate Affairs Commission but if protection under the Goods Securities Act were sought would it mean that the charge has to be split between prescribed and non-prescribed goods so that, in effect, two separate documents are required?

Clause 4 deals with the register, one aspect of which causes me some concern. Subclause (2), says that the register is to contain:

(a) such information as is required to be entered in the register by this Act; and

(b) such other information as the Registrar thinks appropriate.

That is a bit too flexible. We are leaving too much discretion to the Registrar, who is to be a public servant, and we are not making clear, either by statute or regulation, exactly what information is required. I would have thought it preferable that this information should be covered by regulation rather than leaving it to the discretion of the Registrar or some practice direction of the Registrar.

The application for the registration is made under clause 5. It is not clear whether the security interest will need to be lodged when making the application for registration, and that should be clarified. Is it notice of the entry into a security interest that has to be lodged? Under the Companies Code, the charge is registered by way of a notice accompanied by the security interest or a bill of sale. The whole bill of sale is registered and available for public scrutiny.

Earlier, I said that in clause 5 it is not clear what happens when an application for registration is lodged but rejected, perhaps for technical reasons, and then relodged after correction. What is the point at which priority is given? Is it at the point of the lodging of the original application or the point of relodging the corrected security interest? Under the

Real Property Act, for example, when a mortgage is lodged it may be set out for correction but it retains its priority according to the date of lodging of the original mortgage and not the date when it is corrected and relodged at the Lands Titles Office.

Clause 6 deals with variations. It is not clear what variations may be permitted or what effect those variations might have on priority. It is important to clarify what is to be the law. For example, if the security document is to be varied by the addition of further personal covenants, does that affect the priority of the security interest on a motor vehicle covered by that document, or is such a variation permitted without prejudicing priority? What sort of variations are to be permitted under this clause and what affect will they have on priority?

Clause 7 deals with cancellation. Where an application for cancellation is made, the Registrar may cancel it, but we must clarify what will happen if the security interest is not cancelled within 14 days after discharge. No similar requirement in the Companies Code or the Bills of Sale Act requires registration of the cancellation of the security interest within a particular time, nor is there the $2 000 penalty imposed by that clause. In a large corporation, either the extent of the bureaucracy required to process a discharge or inadvertence means that it may not be possible to achieve the lodging of an application to cancel within the 14 day period. That point needs to be addressed, particularly where it deals with penalty.

I made the point in my summary that there is no provision in the Bill dealing with a transfer or assignment of a registered security interest, and that certainly needs to be addressed specifically. In clause 8 provision is made for correction of any particulars that have been incorporated incorrectly when entered in the register. It is not clear, first, whether that merely relates to administrative matters or whether it relates to particulars of more substance and, secondly, the extent to which the incorrect entry of matters of substance might prejudice the priority, particularly if some person has already relied on the information provided in a certificate from the Registrar to deal with the motor vehicle or other goods subject to the security interest.

I can foresee particular problems if those particulars relate, for example, to the description of the motor vehicle which might be the subject of the security interest, or to the amount, or to the interest rate. If someone in good faith has acted on the basis of what is on the register, then who is to accept responsibility for the error and any loss or damage that the other person may have suffered by relying on the information on the register? That certainly needs to be addressed. The other difficulty with clause 8 is that the Registrar may cancel a registration of the security interest in certain circumstances if, under the clause, the Registrar has determined that it is appropriate to cancel it for the reasons specified in the clause, and has given notice of intention to cancel. While there is a right of review by the Commercial Tribunal of the Registrar's decision, the fact is that notice of the Registrar's intention to cancel may not have been received by the party in whose favour the security interest is given.

Therefore, there should be some clear legislative direction as to the address to which the notice of intention to cancel is sent and only in those circumstances of the formal requirements of the Bill having been complied with should the Registrar then be empowered to proceed with cancellation; otherwise, considerable injustice might be experienced if a person has not been given reasonable notice of the Registrar's intention to cancel.

I raise now issues in respect of clause 9, which provides that a person may make application for a certificate of registered security interests, and the Registrar provides the certificate. There is no accessibility (as there is under the Bills of Sale Act or the Companies Code) to the security document itself. All that a member of the public can do is say, 'I would like to know whether there is a security interest registered in respect of a particular motor vehicle,' and then that person has to rely on the certificate that is given by the Registrar. There is no possibility of searching the security interest (the document), of looking at the personal covenants and of looking to see whether other goods are covered—generally, to identify the obligations of the person who has granted the security interest.

I suggest that that is a major flaw in the legislation. If there is to be a register which has implications for persons relying on the register, then it should be accessible to the public at large just as a person can search the Bills of Sale Register, the Companies Code Register, or the Lands Titles Registration Office in relation to any property throughout South Australia. The other difficulty with this is that the Bill provides for a person to rely on that certificate. Let me pose this question. What happens if a certificate is obtained and is not acted on for one week, two weeks, one month or three months? Is the same protection to be given to the person who has acquired the certificate of the security interest immediately on receipt of the certificate and at a time one week, two weeks, one month, or three months down the track?

It would seem to me to be quite unreasonable for a purchaser for value to gain protection where that person does not consummate a transaction and act on the certificate of interest for some time after the certificate of interest is received. That is a major flaw in the argument. If one has a settlement with real estate one can settle at the Lands Titles Office and immediately before one settles one can search the public register and then immediately settle and lodge one's own documents on the basis that one's interest is protected. If one does not do that and if one searches the title at the Lands Titles Office now and settles in a week's time without searching it again and there happens to be a caveat on the title, a mortgage lodged or some other encumbrance on the title in the meantime, then one takes one's title subject to that registered interest and one has no-one else to blame for not searching it immediately before settlement.

No such position applies under the Goods Securities Bill. One cannot go along to the registry, obtain a certificate or search the interest and there and then settle and lodge one's application for registration of a security interest. One can only get the certificate of interest, and there is no provision in the Bill as to over what period of time that certificate is valid and gives one protection. It may be that it should only be valid at the date and time on which the certificate is given. That again creates some problems for purchasers, motor vehicle dealers and financiers. It needs to be addressed.

What I have indicated in relation to the certificate and the time for which it is valid applies to clause 11, because a third party acquires a good title to goods and are security interest over it is discharged where, and before the time of the purported acquisition of title, a certificate of registered security interest was obtained and the certificate did not disclose the security interest. It is a real problem and relates to both clause 9 and clause 11 of the Bill.

One of the other difficulties with this clause is that where reference is made to a discharge of a security interest it appears that, automatically, a security interest is discharged

and not just the particular motor vehicle covered by the Bill or the liability in relation to prescribed goods.

It appears that it discharges the whole of the documentation, including the personal covenants. I do not believe that that is an appropriate consequence to flow from the operation of clause 11. It also allows the person who has granted the rights over the security interest, which has not been registered but which is by virtue of the operation of clause 11 discharged, to get off the hook completely. So the person lending the money, for example, and taking the security interest is not able to sue the person who has gained the benefit of the money and the security interest by virtue of the automatic discharge provided in clause 11.

In clause 11 (3) it is not completely clear the extent to which a dealer must compensate the holder of a discharged or diminished security interest. Is it a full indemnity or is it a partial indemnity and partial compensation? With respect to clause 12, a registered security interest has priority over an unregistered security interest in the same prescribed goods. A registered security interest is an interest which is registered under this Bill. It does not apply, except in respect of certain transitional provisions, to a bill of sale or to a company charge over the same assets. I think that that potential contradiction or inconsistency needs to be addressed and the situation, for example, where there is a bill of sale over particular goods and a registered security interest over those same goods might give rise to conflict because they are registered in different locations under different pieces of legislation with different consequences flowing from such registration.

It is not really clear why deemed registration is limited to documents registered under the Bills of Sale Act and the Companies Code during only the transitional provision. As I indicated earlier, there is no reference to those security interests which do not have to be registered at the present time under the Consumer Credit Act—mortgages, consumer mortgages, chattel mortgages, leases and hire purchase agreements.

Clause 12 deals with priority and appears to ignore some of the well established principles of priority particularly where, for example, a security interest may provide for an additional loan to be made under that same security over the same goods which are the subject of that security interest. If you have a mortgage which is registered and it provides for further advances, as I understand the law, provided the first mortgage contemplates further advances being made and secured and the first mortgagee has no notice of the later encumbrance, the further advances gain priority over subsequent securities taken. So it is not clear whether the priority is applicable to further advances where the particulars of registration are clear that the pecuniary obligations first registered may extend to further advances.

There is another aspect of this clause which I think needs attention. What happens with respect to the disposition of the proceeds of sale of an interest *vis-a-vis* other security interests? What does priority really give to a person who is taking a security interest? Perhaps there ought to be some greater detail given in the legislation as to what priority means and what happens when a security has to be realised—when, for example, there may be default under an interest which has a lower priority to another where there is not default? What are the respective rights of the security interests registered in the order of priority referred to in the Bill?

The other question relates to interests which might be recognised by the Companies Code but not registered. There are certain consequences which flow from taking a charge from a company but where the charge is not registered. There are questions of priorities which evolve from that, and that issue has not been addressed, either.

In respect of clause 14, there is provision for the Commercial Tribunal to order payment of compensation where, in consequence of an administrative error, the Registrar fails to register a security interest and takes certain other courses of action. Is 'administrative error' wide enough to deal with, say, negligence, an oversight or even a deliberate act, not necessarily by the Registrar but by one of the Registrar's staff? 'Administrative error' seems to suggest something which is no more than a mistake made in the course of the registration process. I suggest that that needs to be given broader effect.

I draw attention to clause 17, which provides no time limit upon the presentation of a report to Parliament by the Minister. Usually, where reports are required to be laid before Parliament there is a date by which that is required to be done. With respect to penalties under Part V, I have already made reference to the fact that I believe that there ought to be a wider provision with respect to offences such as the concealing, selling, pawning, killing or destroying of any personal chattels comprised in the security interest. Incidentally, that is section 37 of the Bills of Sale Act.

It contains a very wide penal provision directed towards anyone who acts in relation to goods subject to a bill of sale to the detriment of the security. It is not clear why the penalties should be different between this Bill and the Bills of Sale Act. The only other matter that has been drawn to my attention is the provision in the Consumer Credit Act that deals with the collection of fees from those who are the beneficiaries of security interests—the customer or consumer. It may be that there needs to be an amendment to the Consumer Credit Act to enable the fees payable under this Bill to be passed on to the consumer.

In conclusion, I point out that there are a number of serious flaws in the Bill that go to the very essence of the objective which the Bill seeks to achieve, that is, a clear indication of an order of priority of security interests. I hope that the matters that I have raised are further considered because, unless they are considered, I believe this Bill will be gravely deficient and will provide even more work for lawyers than is likely under a perfect scheme, and I am sure that many of my colleagues in this Council would not want to see that occur.

Apart from that semi-facetious remark, I do not think it is in the interest of the community at large—the finance industry, the banks and the consumers—to have any inconsistencies or uncertainties in such important legislation. It is important to resolve those matters now rather than to put the Bill through in the hope that such problems might not be addressed in reality. I suggest that anyone who periodically reads the Law Reports will recognise that there is in fact an extensive amount of litigation involving questions of priorities in particular, and that this Bill will be no exception to the judicial process if the errors and inconsistencies are not corrected. For the purpose of enabling further consideration of the Bill, we support its second reading.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 August. Page 423.)

The Hon. K.T. GRIFFIN: This Bill reflects a complete rewrite of certain sections of the Criminal Law Consolidation Act which relate to damaging property and unlawful threats to persons or property. It is an area of the Bill that has a number of inconsistencies in it, both in respect of penalty and terminology. In principle, the Opposition supports the review of those sections of the Act and the enactment of more up-to-date provisions dealing with those sorts of offences.

The progressive review of the Act is important for the public at large and for those who are involved in the administration of justice in South Australia. In fact, this area of the law was the next step in a program that I had set some three or four years ago for the progressive review of the Act. Offences against a person were dealt with and offences in relation to property were the next on the list, but time and resources did not allow that to proceed prior to the 1982 State election.

The Bill provides a definition of property, and I will make some observations on that later. Broadly, the Bill does four things. First, it repeals section 19 and enacts a new section 19. Section 19 presently relates to a person who maliciously sends, delivers or utters or directly or indirectly causes to be received knowing its content any letter or writing threatening to kill or murder any person. The new section 19 broadens that to provide that the person who threatens to kill or endanger the life of another is liable for a term of imprisonment of 10 years but, where the person whose life was threatened was under the age of 12 years, the maximum period of imprisonment of 12 years is to apply. The new section also provides for threats to cause harm to the person or property of another with a maximum period of imprisonment of five years. So, the base penalty is the same as the present section 19, but has been extended in relation to a person under 12 who is the victim, and the operation of the section has been widened.

Secondly, the Bill repeals sections 29 to 37 and enacts two sections in their place. Sections 29 to 37 deal with neglect of children, of persons suffering from mental illness or intellectual handicap, apprentices, servants and others, abandonment of children under the age of two, causing injury by explosion, and a variety of other offences relating to injury to persons, railways and buildings. The new section 29 that is to be enacted in place of those sections provides for an offence of doing an act or making an omission knowing that the act or omission is likely to endanger the life of another and intending to endanger the life of another or being recklessly indifferent as to whether the life of another is in danger. The maximum penalty is to be 14 years.

New section 29 also provides for the doing of an act or making of an omission knowing that the act or omission is likely to cause grievous bodily harm to another and intending to cause such harm or being recklessly indifferent whether such harm is caused. In this instance the penalty is eight years imprisonment.

New section 30 provides a maximum penalty of 10 years gaol for a person who, having the custody or control of an object that the person intends to use, causes or permits another to use it to kill or endanger the life of another or to cause grievous bodily harm to another.

The Bill's third objective is to repeal sections 84 to 129 and to replace them with sections 84, 85 and 86. Sections 84 to 129 deal with malicious damage to property—arson, damage to buildings by explosives, damage to property by rioters, damage to manufactures, to machinery, to trees, shrubs, vegetables, mines, sea and river banks; damage to ponds, bridges, railways, works of art, cattle, and ships; and also letters threatening to burn or destroy, and other acts causing damage not specifically provided for. The new section 84 is a preliminary section. The new section 85 is, in effect, the present crime of arson with a range of penalties: where the damage exceeds $2 000 the penalty is life imprisonment, and where the damage does not exceed $2 000 it is five years. For an attempt to commit arson, lower penalties are provided.

Where a person intends to damage someone else's property or is recklessly indifferent as to whether the property of another is damaged, and without lawful authority of another damages or attempts to damage the property of another, where the damage exceeds $2 000 the imprisonment is a maximum of 10 years, and where the damage does not exceed $2 000 the imprisonment is a maximum of three years. Proposed section 86 deals with the custody or control of an object that is intended to be used to damage the property of another without lawful authority, and there the maximum penalty is three years.

The fourth objective of the Bill is, among other things, to make amendments to the Summary Offences Act to provide a penalty of $4 000 or imprisonment for one year for interfering with a railway, signalling equipment or the placing of an obstruction on a railway line. Section 46 of the Summary Offences Act is amended to provide for a penalty of $4 000 or imprisonment for one year for casting away or using any boat without lawful authority.

As I have said, there is no doubt that this part of the Criminal Law Consolidation Act needs considerable revision and I support the general principle of that. However, I ask the Attorney-General to consider some matters prior to the Committee stage, so that the Council can then further consider what amendments, if any, it ought to consider on some aspects of the Bill.

In clause 3, property is defined as meaning any real or personal property, whether tangible or intangible, and includes a wild animal that is in capitivity or ordinarily held in captivity. As I understand the law, growing trees and growing crops could not traditionally be capable of being stolen, and it would seem to me that, if that is still the case, the definition of property ought to be extended to growing trees and growing crops.

Clause 4 deals with new section 19, and I wonder whether the new section ought to deal with threats made directly or indirectly. It seems to me that the situation of a threat made indirectly through a third person is not covered by the new section, and it ought to be. An ingredient of the offence is the making of a threat with the intention of arousing a fear that the threat will be or is likely to be carried out. I would suggest that we ought to consider extending that drafting to include arousing a fear that the threat will be, is likely to be or may be carried out. The proof of whether or not there is a reasonable fear that the threat is likely to be carried out is more onerous than proof that a threat may be carried out. It would seem to me an advantage if the community were to be protected against that broader area of threats which arouse a fear that the threat may be carried out.

In clause 5, which relates to acts endangering life or creating risk of grievous bodily harm, an ingredient of the offences is that the person doing the act or making an ommission knows that the act or omission is likely to endanger the life of another or cause grievous bodily harm to another. As I have just indicated in relation to clause 4, I wonder whether we ought to be extending that to the knowledge that the act or omission may endanger the life of another or cause grievous bodily harm to another, and that that prospect ought to be sufficient.

A person practising in the area of criminal law has told me that that person wonders why the offence is limited to

causing grievous bodily harm and why it ought to be, in fact, limited to that serious consequence, and why it should not be extended to some physical harm being the criterion rather than grievous bodily harm. I have some doubts whether clause 5 extends to depriving a child or some handicapped person of food, clothing and the amenities of life. I would be very concerned if difficulties were likely to be created by adopting the broad drafting of this new section, and it could be argued that it did not retain a penal provision which covered acts or omissions relating to depriving children of food, clothing etc. I would like to have that aspect of the Bill clarified.

In sections 35, 36 and 37 of the Criminal Law Consolidation Act, which relate to railways, the penalities have been considerably downgraded. Under section 35, relating to unlawfully and maliciously throwing or causing to fall or strike a railway vehicle with intent to injure or endanger the safety of any person in the vehicle, the imprisonment is life. Under section 36, acts done with intent to endanger persons travelling on any railway through wood, stone or other thing across the railway, removing or displacing any railway sleeper, manipulating the points or changing any signal or light, the penalty again is life imprisonment.

Under section 37, doing any act causing the safety of any person to be endangered, the penalty is two years. It has been drawn to my attention that on some railway lines there are young larrikins—in fact, quite dangerous larrikins—who suspend from overhead bridges blocks of concrete at the height of the driver's cabin, and that is quite a malicious and dangerous act which not only endangers the life and safety of the driver but also potentially the passengers in a train. I would have some doubt whether that sort of behaviour is in fact adequately covered by the redraft, or that the penalties are adequate to deal with such an outrageous act.

I would like the Attorney-General to consider that matter. Also, in relation to railways or *quasi* railways, obviously the question of the O-Bahn must now be considered, because I doubt that the O-Bahn comes within the definition of 'railway' under the Criminal Law Consolidation Act. It may be that the consequences that flow to those who cause danger on a railway system ought to be extended to those who cause danger on the O-Bahn busway system.

The translation of provisions relating to railways to the Summary Offences Act with a maximum penalty of one year's imprisonment seems to me to be imposing a quite inadequate penalty and I would certainly want consideration to be given to a reiteration of present provisions, if only in a revised drafting form, to be included in the Criminal Law Consolidation Act because of the danger which can be caused to a number of people as a result of malicious acts and which can cause derailment or other damage to railway systems.

Clause 7 of the Bill is not clear as to whether it deals with crops, trees and dams. While the present Act does deal specifically with damage to crops, trees and dams, I want to be assured that the redraft does that; otherwise, we should make sure that it does by including crops, trees and dams specifically.

With respect to the penalties for arson, I am concerned about the cut-off point of $2 000. Whilst I recognise that, for a very minor act causing no risk to any member of the public, life imprisonment is a much too harsh penalty, I wonder whether the $2 000 damage limit, though, is an artificial limit which does not really take into account the gravity of the crime of arson.

Although I understand and appreciate the Attorney-General's objective in setting a $2 000 fence between relatively minor and serious offences, I am not sure that it will operate satisfactorily in practice. I wonder whether we ought to be giving consideration to some other cut-off point, or to removing it altogether to merely reflect the present provisions of the Criminal Law Consolidation Act.

The penalties in the present sections of the Criminal Law Consolidation Act show considerable inconsistency, and in some respects the proposals in the Bill are inadequate. I am inclined to the view that acts that endanger life should have a maximum penalty of life imprisonment instead of 14 years, and that causing grievous bodily harm should draw a penalty of 14 years rather than eight years. I say that particularly in the context of the present parole system, which provides that only two thirds of any maximum sentence can ever be served, although I recognise there will be some flexibility introduced through amendments presently before the other place.

I seriously raise the question whether the penalties provided in the Bill are adequate. I recognise that there needs to be some consistency between other provisions of the Criminal Law Consolidation Act in so far as penalties are concerned, but acts which endanger life (acts such as the swinging of concrete from the overway bridge at the level of the driver's cabin on railways or busways) are serious offences with a potential to cause injury to the driver and passengers as well as risk to the life of the person involved.

I am not satisfied that the limitation of a 14-year maximum penalty for that sort of offence, if in fact the redrafts apply to those sorts of circumstances, is adequate. Notwithstanding that, I support the second reading of the Bill and hope that we can explore those issues in more detail, both when the Attorney-General replies at the second reading stage and during the Committee stages.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

COOBER PEDY (LOCAL GOVERNMENT EXTENSION) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 August. Page 677.)

The Hon. J.C. IRWIN: The Opposition supports the Bill As members know, the Coober Pedy (Local Government Extension) Act 1986 needs certain amendments to carry through the recommendations of the select committee. As a member of the select committee that considered this matter, I made comments when the Council was debating the joint address some time ago.

The select committee was unanimous in its support for the recommendations before us, as it was in relation to the Local Government Act Amendment Bill, which forms part of the package that we need to pass to enable Coober Pedy to proceed to what is nearly full local government. The select committee supported the need for a smooth transition from the town of Coober Pedy being run by the Coober Pedy Progress and Miners Association to the new arrangement—the District Council of Coober Pedy. The new arrangement, if approved, will bring with it added responsibilities.

To facilitate a smooth transition, we support the need to suspend the Coober Pedy Progress and Miners Association constitution, which calls for the election of a new committee in October 1986. This Bill will allow the present committee of the CPPMA to run through until 1 January 1987, when the new council will commence its operation. The present membership will run through with a Mayor or Chairman

and 11 councillors until the general election in May 1987, and that will be in line with all other local government elections. I cannot find from my records whether, in fact, the leader of the Coober Pedy council will be called the Mayor or the Chairman until January 1987, but that does not matter.

At the general election in May a Mayor and eight councillors will be elected to replace the present 11 people. Amendments to the principal Act will allow for the important transition of powers to the council, will protect the rights of employees, and will ensure that the assets and liabilities of the association become those of the new council. The select committee was made aware of the presence of another association called the Coober Pedy Miners Associaiton when it visited the town. Evidence to the select committee and talk around the town indicated that this association had received some funding from CPPMA and that, under new arrangements, the miners association might not be allowed continuation of that funding.

Under the new arrangements contained in this Bill there will be nothing precluding funding by local government of bodies such as the Coober Pedy Miners Association. This can be done, I believe, under section 666c, and other sections of the Local Government Act. As I said at the outset, we support the Bill and wish the new District Council of Coober Pedy well. My wish is that the people of Coober Pedy accept these changes and work hard together so that this progressive, hard working and exciting communtiy can play its part in the future of local government in this State.

The Hon. C.M. HILL secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 27 August. Page 677.)

The Hon. PETER DUNN: This short Bill ties in with the Coober Pedy (Local Government Extension) Act Amendment Bill, which dealt with the Coober Pedy Progress and Miners Association and the transfer of powers from that organisation to local government. I was on the select committee, and I believe that we were very successful. It was one of the more successful committees on which I have served. We have achieved our aim to give Coober Pedy the responsibility of local government, while not imposing upon it those things which it did not wish to have. For instance, the Bill makes provision for the Health Commission to be the health inspector for that area. It will save money for the local government of Coober Pedy as it will not have to supply its own inspector, which could be a heavy cost for such an isolated community.

The other provision in the Bill allows for a reduction in the registration fee for motor vehicles. As we are all aware, Coober Pedy is 800 to 900 kilometres from Adelaide, and the roads in that area, other than the road that runs from north to south, are not very good. As a result, owning and travelling in vehicles is costly. The Government has done the right thing in reducing the registration fees, although it has not done so by as much as was anticipated. The fee has been reduced by half, as it has been for the primary producers. The expense of the registration of vehicles is not great—the third party insurance is more expensive. However, the reduction of the fee is a reasonable way to help these people. Sometimes, they buy vehicles but do not ever see the city of Adelaide, or even a sealed road, again. As they have to put up with the problem of rough roads, it is obvious that their vehicles do not last long.

The Bill precludes rating of areas covered by mining leases and that is also fair and reasonable. A number of itinerant workers come for part of the year and mine, and then move away and do other jobs during the hot season. Some of them move away two or three times in the year. They may have other jobs in other parts of the country. For instance, farmers may, during the slack period, do some mining. If they retain their mining leases, and because it is not necessary for the mines to be serviced to any great extent, it is suitable that they do not have to pay a fee to the local government for the retention of that area.

However, I have a couple of questions that I shall pose to the Minister in Committee. Who will pay for the inspection by the Health Commission? Will it be the Health Commission or will the local government have to pay something towards the inspector? If the Health Commission provides the inspector, does it pay fully for him? Perhaps the Minister can find the answer to that question before the Committee stage is reached.

The select committee has been successful. I have not heard from people in the Coober Pedy Progress and Miners Association that they are unhappy with what has been done. We have achieved the best of both worlds. There was considerable opposition when we first appeared there and history shows that there has been considerable opposition to Coober Pedy adopting local government. The people seem to have accepted their responsibility in today's modern society. The costs involved in the increase of tourism, the provision of water, a good aerodrome, and the new roads in the area show that it is important that Coober Pedy has that third tier of government to help it administer what is becoming a well populated area. An area with 2 000 to 3 000 people, and sometimes more, needs an organised and regimented system of inspection, health facilities and correct planning.

The legislation provides for Coober Pedy to have a supplementary development plan drawn up. I hope that the people in the Planning Commission do not get carried away with the importance of their role. I hope that Coober Pedy people will have adequate time to put forward their plans for the future. It is a unique town. It is different and unlike many other places in the State. That is one of its attractions for tourists. For instance, there are a lot of what might be called dead motor cars around, which the Coober Pedy Progress and Miners Association decided to clean up. It cleaned up 1 000 cars, but there are still a few lying around. They are in a small paddock. Some planning is being done, and I hope that the Planning Commission, when it sees the supplementary development plan, recognises that this town is a long way from other areas and that the requirements and demands of its people are different from those of us who live in the more populous areas of the State.

For example, the town still has a different toilet system, with many of the houses having the old 'long drop' toilet. It is not necessary to introduce a sophisticated system of flushing toilets. It would cause considerable problems in the area if we insisted on that. Another example is that the sheds do not match the colours of the background, but again that is not important. I am not sure that Lysaght could provide the colours in evidence in Coober Pedy. The area has a range of browns, reds and greens, which I am sure the Minister will agree would not match the colours of any sheds available. The Planning Commission needs to be cognisant of that difference, and it is necessary that that difference be retained as that is one of the attractions for people who tour the area.

The Hon. Diana Laidlaw: And those who live there.

The Hon. PETER DUNN: Yes, many people have gone there and have lived there for many years, and like it. I do not see why we should impose on them some of the things which we see as suitable for this area but which they do not see as suitable for them. I implore the Planning Commission not to be too harsh when it receives a supplementary development plan from the area if it is not perhaps up to the standards that we demand.

I support the Bill because it gives more freedom to those people who have to put up with the difficulties. Again, it is a question of the tyranny of distance. Over a period of time the distances and climate of Coober Pedy make it difficult for people to live there. By changing the Local Government Act we will give these people more elasticity and provide them with something they may wish to have, which could encourage them to stay and live in the area. I support the Bill for those reasons.

The Hon. C.M. HILL secured the adjournment of the debate.

ADJOURNMENT

At 5.48 p.m. the Council adjourned until Wednesday 17 September at 2.15 p.m.