LEGISLATIVE COUNCIL

Tuesday 17 February 1987

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

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

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Classification of Publications Act 1974—Regulations—Classifications and Exemption.

Correctional Services Act 1982—Regulations—Offensive Weapons.

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

Pursuant to Statute—

Commercial Tribunal Act 1982—Regulations—Travel Agents.

Travel Agents Act 1986—Regulations—General Regulations, 1987.

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

Pursuant to Statute—

Forestry Act 1950, Proclamation—Myora Forest Reserve—Hundred of Gambier, County of Grey.

State Theatre Company of South Australia—Report, 1985-86.

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

Pursuant to Statute—

Local Government Act 1934—Regulations—Long Service Leave.

Corporation By-Law—Adelaide—No. 38—Central Market.

Central Yorke Peninsula—No. 1—Repeal of Certain By-laws.

No. 4—Controlling the Foreshore.

MINISTERIAL STATEMENT: CRIME REPORT

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

Leave granted.

The Hon. C.J. SUMNER: I refer to a front-page article in the *News* of Friday 13 February entitled 'Shock New Crime Report'. This report asserts that rapes and attempted rapes in South Australia rose by 77 per cent during the past 12 months, and that other crimes increased considerably. The article is based on comparing July-September 1986 crime figures with statistics for the same quarter in 1985. For several reasons that exercise was misleading. For example, the report overlooked the fact that the legal definition of rape changed considerably during the intervening 12 months and that this may well have accounted for the apparent increase.

Prior to December 1985, only intercourse with the penis was defined as rape in this State. Now that term includes all forms of sexual penetration without consent. This means that many incidents which in July-September 1985 would have been included as indecent assaults were, by July-September 1986, classified as rape. A more accurate comparison for these two periods must be based on all sexual offences reported. This in fact shows that there was negligible change. Further, it should be noted that reports of unlawful sexual intercourse decreased from 57 to 24, while indecent assault decreased from 143 to 124. This gives further weight to the contention that the increase was related to the changed definition of rape from January 1986.

Statisticians also would be generally critical of attempts to compare just two quarters. For most offences the number of incidents recorded in any three-month period can vary considerably (as much as 40 per cent), and for this reason it is preferable to take a longer-term perspective. Such an approach would confirm that the rate of offences reported in most categories is increasing. However, the increases generally are in line with other States. As the following table prepared by the Office of Crime Statistics confirms, although reported rapes and breaking and entering are higher, South Australia is still below the national rate for many serious offences. Interstate comparisons of reported rape and sexual offences must be treated with caution because these offences are under-reported (i.e. approximately only 30 per cent are actually reported), because there are different facilities and laws for reporting in each State, and because the definition of rape varies. South Australia has, over the last 10 years, through police, medical and welfare agencies, and changes to reporting procedures, made it easier for sexual offences, including rape, to be reported. I seek leave to have the tables of statistical information inserted in *Hansard* without my reading them.

Leave granted.

RATE OF OFFENCES REPORTED PER 100 000 POPULATION, 1985-86 FINANCIAL YEAR

		S.A.	Aust.
Grievous Bodily Harm	July-Dec '85	3.52	5.61
	Jan-June '86	2.85	6.59
Murder	July-Dec '85	.88	.98
	Jan-June '86	.51	.96
Manslaughter	July-Dec '85	—	.17
	Jan-June '86	.07	.16
Armed Robbery	July-Dec '85	9.46	10.18
	Jan-June '86	7.53	9.78
Other Robbery	July-Dec '85	10.12	18.51
	Jan-June '86	13.53	22.67
Fraud	July-Dec '85	264.58	298.86
	Jan-Dec. '86	286.07	313.80

SEXUAL ASSAULTS AND OFFENCES BECOMING KNOWN TO SOUTH AUSTRALIAN POLICE QUARTERLY PERIODS 1 JULY 1985—30 SEPTEMBER 1986

Offence Type	1 July-30 Sept. 1985	1 Oct.-31 Dec. 1985	1 Jan.-31 March 1986	1 April-30 June 1986	1 July-30 Sept. 1986
Rape/Attempted Rape (Female)	58	90	129	95	89
Rape/Attempted Rape (Male)	7	11	16	7	19
Unlawful Sexual Intercourse (Female)	15	21	13	22	21
Unlawful Sexual Intercourse (Male)	42	3	9	8	3
Incest	14	6	11	9	13

Offence Type	1 July-30 Sept. 1985	1 Oct.-31 Dec. 1985	1 Jan.-31 March 1986	1 April-30 June 1986	1 July-30 Sept. 1986
Indecent Assault (Female)	114	133	130	87	101
Indecent Assault (Male)	29	19	7	31	23
Other Sexual Offences	128	154	149	163	120
TOTAL	407	437	464	422	389

*Note: Quarterly report for July-September 1986 may not include some additional cases becoming known during this period but not processed in time for inclusion in *Government Gazette.*

MINISTERIAL STATEMENT: *IN VITRO* FERTILISATION

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

Leave granted.

The Hon. J.R. CORNWALL: I wish to advise the Council that the Government intends to introduce legislation to place a moratorium on the establishment and running of further IVF clinics and programs in South Australia. Members will be aware that the media have recently reported a number of proposals put forward by persons wishing to operate private-for-profit clinics marketing *in vitro* fertilisation services. As Minister of Health, I view with considerable concern proposals by private commercial entrepreneurs to set up clinics in South Australia. I am concerned not only that we need adequate safeguards to ensure the development of such clinics does not jeopardise the quality of services delivered to South Australian patients but also that no radical changes which could affect quality assurance occur at a time when a select committee of the Legislative Council is examining the whole area of reproductive technology.

A specialised service to help childless couples has been in operation at the Queen Elizabeth Hospital for about 20 years. In recent years the range of services offered has expanded and become increasingly sophisticated, to the extent that the Reproductive Medicine Unit is now amongst the foremost in the world. With the advent of *in vitro* fertilisation initiatives in 1982 the University of Adelaide, through its Department of Obstetrics and Gynaecology at the Queen Elizabeth Hospital, has increasingly provided the clinical services within the Reproductive Medicine Unit to both public and private patients, with considerable support from the Queen Elizabeth Hospital. In May 1986 Cabinet approved the creation of a Chair in Reproductive Medicine to be based at the Queen Elizabeth Hospital, in order to retain the high standing of this unit.

Despite the estabishment of a unit at Flinders Medical Centre, the demand for reproductive medicine services, especially IVF, continues to grow. The number of daily attendances at the Queen Elizabeth Hospital, for example, increased from a total of 9 425 in 1983-84 to 15 856 in 1985-86, and the number of couples admitted to the IVF program increased from 202 to 413 in the same period. At present there are approximately 700 persons on the hospital's waiting lists for IVF. Because of the Queen Elizabeth Hospital's inability to devote additional resources to expand reproductive medicine services, Cabinet yesterday formally endorsed a proposal for the establishment of a satellite facility at the Wakefield Memorial Hospital.

It is envisaged that the satellite will provide specialised services in reproductive medicine operating under the auspices of a private company—Repromed Proprietary Limited—which is 100 per cent owned by the University of Adelaide. The Queen Elizabeth Hospital will continue high quality clinical services in reproductive medicine for both public and private patients and all laboratory services within the hospital will be under the control of the hospital board. Clinical services will be provided by the clinicians currently involved in the program who are all employees of the University of Adelaide. Repromed Proprietary Limited will pay facilities charges to the Queen Elizabeth Hospital for hospital services utilised by its staff.

Since Repromed Proprietary Limited will be drawing on the experience of IVF services provided by the Queen Elizabeth Hospital and University of Adelaide staff over many years, it is believed that the satellite facility will offer the highest possible quality of services. The establishment of such a facility will enable the number of couples entering the program to be increased. In addition, the satellite unit will generate income from private patients which will assist in funding the public component of the service. I stress that the quality assurance standards established for the Queen Elizabeth Hospital service will be applicable to the service at Wakefield Memorial Hospital and will form part of the agreement between the University of Adelaide and the Queen Elizabeth Hospital.

Members will appreciate that there are some extremely important legal, ethical and social issues relating to *in vitro* fertilisation programs which are still unresolved. These issues have become increasingly complex as more and more sophisticated techniques are developed. The advent of commercial considerations will certainly not simplify the process of clarifying and resolving such questions. As Chairman of the Legislative Council Select Committee on Artificial Insemination by Donor, *In Vitro* Fertilisation and Embryo Transfer Procedures and related matters in South Australia, I am aware of the likelihood that the committee will recommend legislation concerning reproductive technology. Without pre-empting the committee, I can say that it will report to this Council concerning the establishment of facilities and the appropriate consideration of ethical matters.

Under these circumstances, Cabinet has approved the drafting of legislation to place a moratorium on the establishment and running of further IVF programs and clinics. That legislation is being drafted, as a matter of urgency, and is intended to operate until such time as the select committee has reported and any resultant legislation has been enacted. Legislation arising from the select committee's report will contain a provision to repeal the moratorium legislation. Persons contemplating the development of such programs and clinics are therefore placed on notice as from today as to the Government's intentions.

QUESTIONS

AIDS

The Hon. M.B. CAMERON: I seek leave to make a short explanation before asking the Minister of Health a question about AIDS.

Leave granted.

The Hon. M.B. CAMERON: I have been approached by a group of surgeons who have expressed a very real concern about the potential effects of treating people infected with the AIDS virus, whether they be carriers or in the final

stages of the disease. I understand that in the public health system all medical personnel must provide treatment to patients presenting for treatment, and the concern is that in many cases information about the patients is not forthcoming in relation to AIDS. Of course, in relation to certain procedures, if the personnel concerned are aware of that, they might well take greater care than in normal circumstances.

Secondly, as yet there are no clear guidelines as to what occurs, if medical personnel contract AIDS, or die as a result, regarding compensation for them or their families. Surgeons, in providing treatment, quite often while suturing (and the Minister, because of his knowledge of this subject in his former profession, would be aware of the difficulties associated with accident-free suturing) prick their fingers, and when nurses give injections similar things can occur. In fact, nurses have contact with patients when they are not immobilised by anaesthetic and therefore there is more potential for an accident to occur. Quite a number of circumstances can occur which can lead to infection.

The virus hepatitis B is more widespread than AIDS and I am informed that up to 12 medical personnel a year contract hepatitis B as a result of contact with patients in the course of their work. This relates to South Australia prior to the current inoculation procedures. Because of this a large number of medical staff are now being immunised against it. But this precaution cannot be taken against AIDS because there is no immunisation available, as the Minister would know.

AIDS and hepatitis B are very similar viruses and are transmitted from person to person by almost exactly the same methods, so there is every potential that as AIDS becomes more prevalent in our society (and anybody who thinks that that will not occur is living in cloud cuckoo land) the number of medical personnel accidentally infected could grow. It is essential that full information be provided and proper policies put in place in relation to medical personnel.

My questions are as follows: Are referring doctors compelled to inform recipient doctors in the public health system whether their patients are AIDS positive carriers so that greater care can be taken by medical personnel? Does the South Australian Health Commission have a policy with regard to AIDS and protection of its employees who work in public hospitals?

Is it true that there exists a list of carriers of the AIDS virus? Is this list available to the employees of the South Australian Health Commission working in public hospitals? Does the Health Commission have compensation available to its employees who might contract the disease or become carriers as a result of their treatment of affected patients in the event of their becoming a carrier and therefore being unable to work either as a Health Commission employee or in private practice (this refers particularly to surgeons)? In the event of their contracting the full-blown disease and, as a result, dying, what compensation would be available to their dependants?

The Hon. J.R. CORNWALL: I do not believe that this is the appropriate place for the Hon. Mr Cameron to raise those questions. I think it would have been far better had he approached me and senior officers of the Health Commission if there were points of clarification that he needed.

I have made clear from the outset, long before the virus that causes AIDS was ever isolated, that it should not be regarded as a political issue. I have always made clear that it is completely counterproductive for it to be regarded as a political issue. It is just as counterproductive to do anything that would cause at-risk groups to be uncooperative with regard to control.

At the outset, we sought the cooperation of the gay community in South Australia and, to a very significant extent, we have received it. It is for that reason, among others, that at this time South Australia has the lowest incidence of AIDS in the country. We also have the lowest incidence of identified AIDS positives—that is, sero-positives or blood positives—and the incidence overall is significantly lower than it is in any other State. It was for that reason (although it caused me some pain) that I had to canvass publicly at the time of the Budget Estimates Committees last year the desirability of making sterile needles and syringes available to intravenous drug abusers. That was not done in any political sense whatsoever. It was not done because of any underlying ideology. It was done purely on the advice that was available to me from the senior officers and senior doctors in the public health service that one of the principal gateways of entry of AIDS into the heterosexual community was through intravenous drug abusers. Because of the cooperation that we have received and the policies that we have pursued, we are better placed, relatively, than the rest of the country.

It is imperative—and I cannot stress this too strongly—that nothing be done that would be prejudicial to the good cooperation that the public health authorities have received from the at-risk groups. In the circumstances, to air the matter in the political atmosphere of the South Australian Parliament is quite inappropriate.

With regard to compensation, of course health personnel working in the public and private sectors are covered by workers compensation. The incidence of AIDS in health workers is almost infinitesimal. In the United States of America, for example, there have been tens of thousands of deaths from AIDS, yet the number of deaths among medical personnel and health workers generally has been very, very low.

Therefore, although there is obviously a defined risk, it is a relatively low risk if the normal sorts of barrier procedures are followed. I would be very surprised indeed if senior medical personnel in our public hospital system, particularly surgeons, were not quite conversant with the kind of barrier procedures that are necessary and desirable. As I said, the Health Commission policy on AIDS protection has been well defined from the outset and it has worked very successfully. As to the bandying about of lists of sero-positives, that is, people who have no clinical symptoms but who have a positive blood reaction and therefore can be classified as carriers, that information must be treated sensitively and sensibly.

We must be careful indeed not to get into some sort of AIDS hysteria that would see us founding AIDS colonies on Kangaroo Island. That is the sort of line that was pursued quite recently in this State by the National Party member, Mr Blacker. He wrote to me and publicly disseminated the letter to all members of the media, suggesting that all AIDS positives should somehow or other be incarcerated. The moment we start that, we will be in desperate trouble. Therefore, I appeal again for people to keep well away from AIDS hysteria which, in many ways, is more infectious than the disease itself. If we go down that track, unfortunately all the good work that has been done in the past two years or more can be brought undone.

If Mr Cameron's group of surgeons, who have apparently marched down in a flying phalanx to Parliament House to tell him about their concerns, would care to bring those concerns to my attention or to the attention of senior officers in the commission—if they have any specific con-

cerns—I would be very pleased to do whatever was necessary to allay their concerns or to take the action that might be necessary to overcome what they perceive to be the problems. Regarding workers compensation, I say again that of course they would be covered whether in relation to AIDS, hepatitis B, any other infectious disease or any injury that might befall them in the course of their duties.

PRISONERS' JOB APPLICATIONS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about Government policy on prisoners' job applications.

Leave granted.

The Hon. K.T. GRIFFIN: In a recent case in the State Industrial Commission relating to an allegation of wrongful dismissal, some rather disturbing evidence was given by a psychologist with the Department of Correctional Services. The case related to a person employed as a storeman—a position of trust. The employee had convictions in the Supreme Court, the Central District Criminal Court and the Federal Court.

In the Supreme Court the convictions included six counts of forging, six counts of uttering and 19 counts of larceny as a servant, and three other offences of stealing trust moneys were taken into account. In the District Criminal Court there were convictions on four counts of false pretences and on another occasion there was a conviction for falsification of accounts. Other convictions included 14 counts of obtaining by fraud as a bankrupt, five counts of obtaining credit as a bankrupt, four counts of forgery, three of uttering and two of false pretences. Prison sentences were imposed and served.

On his application for employment this man was asked whether he had any previous convictions. He answered, 'No'. The employer later found out that that was a lie and dismissed the man. In the case of alleged wrongful dismissal in the Industrial Commission, a Mr P. Burns, a psychologist with the Department of Correctional Services, indicated that the advice to prisoners seeking a job is not to volunteer information about a criminal record. But it goes further.

The following question was asked of the psychologist in the Industrial Commission in relation to the dismissed employee's application for employment:

Mr Burns, I ask you to turn to the back of that document.

That is the application for employment. The question continues.

About halfway down the question is asked 'Have you ever been convicted of a criminal offence?' and the answer is ticked, 'No'. It is a document signed by the applicant in these proceedings. I ask you to look particularly at the line immediately above his signature: 'I declare that the answers in this application are true and correct.' Am I to understand from your evidence in the Commission this morning that you advise these people to lie in their application forms?

The answer is:

If you put it bluntly, yes.

This clearly raises questions about the propriety of a Government, which deals with persons with convictions, itself adopting a double standard and it raises questions as to whether it is in the interests of the prisoner to be encouraged to act dishonestly in a period of what is meant to be rehabilitation. My questions to the Attorney-General, as Leader of the Government, are:

1. Is the policy expressed by Mr Burns for persons to act deceitfully towards other persons in the community a matter of Government policy?

2. If it is, will the Government require an immediate review of that policy?

The Hon. C.J. SUMNER: The answer to the first question is 'No'; that being the case, the second question becomes irrelevant.

The Hon. K.T. GRIFFIN: I have a supplementary question, Madam President. Will the Attorney-General in any event undertake a review of what appears to be the policy in the Department of Correctional Services?

The Hon. C.J. SUMNER: It is not the policy, Madam President. I can assure the honourable member that it is not the policy. It is certainly not the Government policy emanating from me to encourage people to put false information on declarations for jobs or anything else. If for some reason some individual in the Department of Correctional Services is suggesting that ought to be done, then it will not be done any more.

ASER CAR PARKING

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before directing a question to the Minister assisting the Minister for the Arts on the subject of ASER car parking.

Leave granted.

The Hon. L.H. DAVIS: As the ASER project nears completion there is mounting concern among leaders in the arts community, tourist industry, retailers and planners about the lack of car parking at the ASER site. The Adelaide Festival Centre, as the Minister will be aware, can attract nearly 3 000 people in one night—2 000 at the Festival Theatre, 600 to the Playhouse and 350 to the Space Theatre. The Festival Centre car park has only 304 car parks available at night, although not all are available to the public.

When the Convention Centre and Hyatt Hotel are completed, the number of people in the railway station precinct will increase dramatically. Remembering that Friday night is also late night shopping in Adelaide, it has been put to me that the following may be typical of the numbers that we may expect in the railway station precinct: 2 500 at the Festival Centre, 3 500 at the Casino, up to 3 500 at the Convention Centre, 700 to 1 000 people staying at the Hyatt Hotel, plus a ball for 400 people at the Hyatt Hotel, and of course there are restaurants there as well. That is a total of over 10 000 people.

The Hon. J.R. Cornwall: What a great scenario!

The Hon. L.H. DAVIS: Let us finish the scenario before the Minister of Health is so enthusiastic.

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: By the time I finish you may well need a transfusion, Dr Cornwall. The majority of people using the Convention Centre will be residents of South Australia. The Hyatt Hotel will also stage many major functions for local companies and organisations. As a rule of thumb 80 per cent of people will arrive by car at an average of two a car. The ASER project provides for only 1 200 car spaces. There is general agreement that the area will be short by 1 000 to 2 000 car parking spaces.

The Hon. Barbara Wiese: Whose general agreement?

The Hon. L.H. DAVIS: The people who are involved in the site. I have already mentioned the planners, retailers, art administrators and people involved in tourism.

The Hon. Barbara Wiese interjecting:

The Hon. L.H. DAVIS: You should know: you are closer to it than I am. Also, there is general agreement that the luck of many people fortunate enough to obtain a park on site will be quickly forgotten, as they wait for up to an hour to clear the area. In other words, there could be a wait of up to an hour to clear the car parks at the ASER site. This

will occur not once or twice a year but several times a month. Again, there also seems to be general agreement that no more car parking space can be built on the ASER site, as it is already straining at the seams.

This criticism is not new. Two years ago the Deputy Leader of the Opposition in the other place (Hon. Mr Goldsworthy) highlighted the problem. With the convention centre scheduled to open shortly and with the hotel scheduled to open early next year, it is becoming increasingly clear to many people that a major blunder has been made. They believe that the Government has buried its head in the banks of the Torrens River and that it hopes that the problem will go away. It will not go away; the blunder is about to become frighteningly obvious. It will be aggravated if there is a sporting or other event at Memorial Drive. The blunder will affect retailers on Friday nights, as people bound for other destinations use car parking space which traditionally is used by shoppers. The blunder will concern many women.

The Hon. C.J. Sumner: You don't like the ASER project.

The PRESIDENT: Order!

The Hon. C.J. Sumner: You will do anything to knock the ASER project.

The PRESIDENT: Order! I call for order and I point out that the use of the word 'blunder' does seem to me to be part of an opinion, an inference or an imputation, which is out of order under Standing Orders. The Hon. Mr Davis.

The Hon. L.H. DAVIS: The people with whom I have discussed this matter believe that this blunder will be of concern to the many women who attend performances at the Adelaide Festival Centre, as they will have to park long distances from the theatre and return to where their car is parked late at night. These same people believe that the blunder could jeopardise attendances of the Adelaide Festival Centre, the physical centre of the performing arts in South Australia. My questions to the Minister are as follows:

1. Does the Government concede that on completion of the ASER project early next year there will be a shortfall of between 1 000 and 2 000 car parking spaces?

2. Does the Government accept that the failure to provide adequate car parking facilities in the vicinity could mean that a night at the theatre becomes a nightmare, and also be a turnoff for tourism?

3. Why has the Government taken no action to overcome the significant shortfall in car spaces, given the lead time involved in constructing a major car park?

The Hon. BARBARA WIESE: Here is yet another example of the Hon. Mr Davis's negative attitude to any sort of progress in South Australia. He has demonstrated many times in this place his animosity towards the ASER project, as have many of his colleagues, both here and in another place—despite the fact that potentially it is one of the best things that has ever happened to South Australia.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: Certainly, if honourable members had any interest in developing tourism in this State—

Members interjecting:

The Hon. BARBARA WIESE: Is anyone interested in my reply or shall I go home? As I was saying, certainly anyone in this State who has any interest whatever in encouraging tourism and in promoting convention business in South Australia would be delighted about the development of the ASER project. I also understand that those people who were involved with the planning of this project considered that the car parking space that was being made available would be adequate to meet the needs of the various venues in the precinct.

I think the first thing that needs to be taken into account is that it is highly unlikely that all the venues in the precinct will on many occasions be in operation at the one time. For that reason, I think that the sort of scenario being painted by those people who have reached a general agreement—whoever they might be—whom the Hon. Mr Davis quotes, is highly unlikely to occur. Might I say, Ms President, that if it were the case that parking became a problem in that vicinity, it might be that people in the city of Adelaide would have to modify their expectations about the availability of car parking.

The Hon. L.H. Davis: Did you read the article in the *Sunday Mail* last Sunday where people were complaining about the delay?

The PRESIDENT: Order, Mr Davis, you have asked your question and I suggest that you listen to the reply.

The Hon. BARBARA WIESE: Adelaide must be one of the last places left in the civilised modern world where one expects to be able to park a car and walk to one's destination within five minutes. It does not happen anywhere else in Australia. In no other capital city in Australia do people have that sort of expectation. However, the Hon. Mr Davis and some other people in the community do have that expectation, and I would have to suggest that it is an unreasonable one, as our population grows.

I do not think that the Hon. Mr Davis is suggesting that we should fill up the city of Adelaide with car parks, but if that is what he is suggesting then he is probably at odds with most of the thinking people in this State. So, we may have to be a little more realistic about our expectations for parking in very close proximity to the venues that we are visiting.

In relation to the parking situation in the ASER precinct, I understand that the planners of this project believe that the car parking facilities incorporated within the project will be sufficient to meet the needs in the area. I certainly hope that that is true. The Government will keep the matter under consideration and it will certainly monitor what happens once the various venues in the area open up.

STA SECURITY GUARDS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Transport, a question relating to security guards on buses.

Leave granted.

The Hon. I. GILFILLAN: In the *Advertiser* of 12 February there was an article dealing with the move to put police officers and STA special constables on to the bus services—which I think was welcomed by most people who are concerned about encouraging people to use public transport. However, a paragraph towards the end of the article, referring to STA constables, states:

> The squad members will be able to use handguns under certain situations but they will be concealed when carried.

I hoped and prayed that this was an inaccurate report, because it horrifies me, as it must horrify anyone else who is contemplating travelling on public transport, that people may be placed at risk of being sprayed by cross fire between rebellious youths and some authoritarian STA special constable. I realise that this brief explanation is probably my rather emotional reaction to the story, which I had hoped was wrong, but, unfortunately, I have to assure the Council that the call that was made this morning to Mr Les Hilde-

brandt of the STA security section confirmed that STA men will carry concealed handguns. The actual police officers involved—those police on secondment—will carry .38 Browning automatics. They are the old police handguns. I suggest that most South Australians have an abhorrence of firearms, and to me this is quite unacceptable in the close confinement of public transport.

I ask the Minister of Health (who might be able to answer this question himself directly) whether the Government believes that the security, safety and peace of mind of the travelling public in South Australia will be enhanced by the thought that those who are allegedly protecting them have concealed handguns and could, as referred to in the article that I mentioned, use those handguns? If the Government feels, as I do, that this is quite unacceptable, will the Minister undertake to urge his colleagues and the Government generally to ensure that these special constables do not carry handguns?

The Hon. J.R. CORNWALL: I will not try to respond directly, as it is not in my portfolio area. As Minister of Health, Minister of Community Welfare and Chairman of the Cabinet committee on human services, I have enough on my plate at the moment. I recall your keen interest in the matter, Ms President, when a number of us were concerned some years ago when the Police Force in South Australia proposed to introduce handguns. We were concerned at what appeared to be the advent of an overseas ethos which would make that necessary. It was with great regret that some of us ultimately had to concede that it was necessary in the circumstances of our time. There was a lot of heated debate and commotion at the time, so it is not a matter that I intend to comment on, because I have not been directly consulted in the matter and I am not directly involved within my portfolio obligation. I shall be pleased to take the question to my colleague in another place and bring back a reply.

The Hon. I. GILFILLAN: By way of supplementary question, will the Minister, representing the Government, consider that, this procedure is suitable for special constables of the STA, the same arming with concealed weapons could be extended to include National Parks rangers, livestock inspectors and other authoritative figures in our community.

The Hon. J.R. CORNWALL: My personal views on the matter should not be of public concern. I do hope, however, that by that supplementary question the Hon. Mr Gilfillan is not trying to debase the debate. On a serious matter, by spraying in that direction, he is tending to rapse into his rent-a-mouth pose.

LAND VALUATIONS

The Hon. PETER DUNN: I seek leave to make a brief explanation prior to asking the Minister of Health, representing the Minister of Lands, a question on relative values of Government and private lands.

Leave granted.

The Hon. PETER DUNN: Recently, statements were made about a variation in the valuation of lands in the same area, whether it be a district council area or within the city. I specifically refer to the areas of Salisbury, Enfield, Woodville and Elizabeth. The value of Housing Trust land is of a lower value than private land sandwiched among them. Is a special formula used for valuing Housing Trust land compared with private land?

The Hon. J.R. CORNWALL: I will refer that question to my colleague and bring back a reply.

BRISBANE EXPO

The Hon. C.M. HILL: I seek leave to make a short statement prior to asking the Attorney-General a question about the State's representation at the forthcoming Brisbane Expo.

Leave granted.

The Hon. C.M. HILL: Under the heading 'How I found the boom city of tomorrow; the *Weekend Australian* contained an extensive article about Queensland, and in particular Brisbane, by Neal Travis. Under the subheading 'A chance no State should miss' were the following short paragraphs.

> Expo is going to be big all right, a six-month festival starting at the end of April next year. Some 30 countries and corporations are taking part and almost five million individual visitors are expected, 60 per cent from Queensland, 25 per cent from interstate and 15 per cent from overseas.
>
> It will be a magnificent showcase for Australia, which makes it all the harder to understand why Tasmania is (apart from Queensland) the only State to express interest in taking part. Interstate rivalry is one thing, missing out on an opportunity like this is sheer stupidity.

I also mention in passing that, if honourable members are in Queensland, they will be amazed, as I was recently, to see the construction of this Expo site in South Brisbane along the river bank as it is an amazing development. Some mention was made earlier about the question of tourism in relation to this State's involvement in the Expo. Because of the immensity of this issue concerning this State's promotion, both in the national and international sphere, has the Government any plans in train for South Australia to be represented at this Expo and, if so, could the Leader of the Government say what stage has been reached in such matters and what plans are under way for displaying and promoting our commerce and industry, development and growth generally to both Australia and the world at this Expo next year?

The Hon. BARBARA WIESE: I probably know more about the Government's position on this issue than does the Attorney-General so I will attempt to provide some information for the Hon. Mr Hill. Some time ago—at least two or more years ago—the Queensland Government approached all States in Australia about participation in the Expo in 1988 and, at that time, it was estimated that for South Australia to participate at Expo it would cost us between $5 million and $7 million. After some consideration, the Government took the decision that it was not a cost effective way of spending that amount of money in the promotion of South Australia. I can go into the reasons for that if the honourable member wishes, but at that time it was considered that that amount of money was just too much. Since then there have been a number of developments and, as the honourable member has indicated, the Tasmanian Government has decided to participate at Expo.

I understand that currently negotiations are taking place between the New South Wales and Queensland Governments on some sort of reciprocal arrangements whereby the New South Wales Government may participate at the Queensland Expo in return for the Queensland Government participating in some way at Darling Harbour when that project is completed.

There has been some movement there. At this stage all other States in Australia have maintained that participation under the terms that have been offered is not reasonable. Recently the Queensland Government again approached us and provided a modified offer which would reduce the costs involved by several million dollars. However, the figure that is now projected as our share for participation is still very high. At this stage we do not feel that it is a reasonable

proposition for South Australia to enter into. However, we are keeping an open mind on the matter.

As recently as three or four weeks ago a representative of the South Australian Government attended a planning meeting in Queensland where I understand further information was to be provided by the Queensland Government about the expo and possible State participation. The matter is still under review. I have not received a report from that meeting which took place a few weeks ago as to whether any new offer has been made or its being made cheaper for South Australia to participate, but we need to be very careful about how much money we spend on an exercise like that.

It is usually the case that prior to their arrival, when international visitors attend an expo in a country, they have already planned their travel arrangements in that country. It is very difficult for them to change their minds at that point, so that any information we might provide to international visitors in Queensland is highly unlikely to change their travel plans.

Also, it is anticipated that only about 15 per cent of the total number of people attending the expo are expected to come from overseas, so in overall numbers it is a fairly low figure. We need to keep in perspective the relative advantages to our State in outlaying a large sum of money for participation at the expo. The Government still has the matter under review and I am sure that, if we are able to participate at a reasonable cost, then we will do so and the honourable member will be informed.

COMMUNITY WELFARE GRANTS

The Hon. M.J. ELLIOTT: I seek leave to make a short explanation before asking the Minister of Community Welfare a question about community welfare grants.

Leave granted.

The Hon. M.J. ELLIOTT: My office received a report from a group which in the past has been funded by the DCW Grants Committee. For the first time in a number of years, that group's funding was withdrawn. I understand also that it received a letter which stated simply that its application had been unsuccessful. The group to which I refer is Parents Without Partners. Last year I believe that the group received about $7 000 and it has been receiving grants for five or six years. It is a support group for single parents and caters for about 2 000 adults and children in South Australia. It is a little unfortunate that it received such a simple letter which stated that it would not be receiving any money this year. My questions to the Minister are:

1. What amount of money was available for distribution by the committee at the last allocation (that is, total grants)?

2. How does that compare with the previous year?

3. What are the criteria upon which decisions are made to fund various groups?

4. What were the criteria which led to the withdrawing of funding from Parents Without Partners?

5. Can the Minister assure me that the groups who lose their funding in future will receive a credible explanation and, in particular, that Parents Without Partners will receive an explanation as to why its funding was withdrawn?

6. As some groups may be disadvantaged by virtue of their lack of skills and understanding of the bureaucratic system, what kind of assistance is currently offered to those groups so that they are not at a disadvantage?

7. Would the Minister be prepared to give a summary of grants given by the DCW Grants Committee for the present allocation and the previous one?

The Hon. J.R. CORNWALL: The total amount requested from the Community Welfare Grants Advisory Committee chaired by Sir Keith Seaman for the calendar year 1987 was $5.31 million. Funding was approved for 194 projects, the total cost of which was $2.43 million. There is never enough money to cover all requests for funding, nor do I think that that will ever be the case. One might well ask whether there should ever be enough money. In fact, I think that we have to be very careful that we do not move a long way away from the original concept of voluntary agencies in the voluntary sector to something that is voluntary in name only. I think there is a substantial danger of some voluntary agencies (and this happens with larger voluntary agencies) reaching a point where they are almost 100 per cent Government funded.

The Hon. R.J. Ritson: Or have a storyteller in residence.

The Hon. J.R. CORNWALL: Yes, in the past funding has very much tended to be submission based rather than planning based. The people who could tell the best story and who could produce a three colour brochure tended to attract the most funding. The noisiest and squeakiest wheel tended to get the lion's share of the limited funding available. I do not think we will ever see the position (and I do not believe it is desirable) where every voluntary agency that makes a request receives funding. Parents Without Partners is not significantly a welfare organisation. It is a very fine organisation and during the last term of office of this Government I had the opportunity of opening a national convention which that group held at the Morphettville racecourse.

The Hon. R.J. Ritson: Mutual support.

The Hon. J.R. CORNWALL: As I think Dr Ritson accurately stated, one of its primary and important roles is mutual support very often at a significantly difficult period of people's lives, but again no matter how broadly one might apply the phrase in social welfare, I do not think that that is a welfare function in the way that the term is usually understood.

The decision to not provide the $7 000 this year was taken by the Community Welfare Grants Advisory Committee. That recommendation was made to me and I accepted it. There were 194 projects with almost the same number of voluntary organisations who rank ahead of Parents Without Partners. I think that the Community Welfare Grants Advisory Committee does a first-class job. It does it without fear or favour and it certainly does it in an independent way. During the period in which the committee deliberates, there is no contact between the Minister and the committee as to how it might make its recommendations. Obviously, at appropriate times I talk to members of the committee, but in relation to those recommendations there is no ministerial interference or direction.

The Hon. C.M. Hill: Do you vary their recommendations?

The Hon. J.R. CORNWALL: If, as Minister, I see fit to vary one, two or three of their recommendations, of course that is ministerial prerogative, but in terms of suggesting where the recommendations might lie, no, I certainly do not. It would be quite improper for me to do that and I am a very proper person.

The Hon. C.M. Hill: How many would you have varied last year?

The Hon. J.R. CORNWALL: Two or three.

The Hon. C.M. Hill: Could you say whose grants they were?

The Hon. J.R. CORNWALL: No, not off the top of my head, I could not.

The PRESIDENT: Order!

The Hon. C.M. Hill: You could look it up?

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I probably could.

The Hon. C.M. Hill: You probably could?

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Of course, also we have a non-government welfare unit, which was set up specifically to liaise with the voluntary sector. We are very keen that we progressively move towards planning based funding so that the right people get the allocation of the limited funding for the right reasons. In very broad terms, the criteria are that the applicants should be making that application for an activity that will benefit the largest number of people in the spectrum of welfare activity.

The Hon. M.J. ELLIOTT: I have a supplementary question. Would the Minister pick up the main thrust of my question, which was simply: will the Minister improve the communications both from the groups and to the groups so that at least there is some understanding of what is occurring?

The Hon. J.R. CORNWALL: The communication and the understanding is good. That question is gratuitous, and should be treated as such. Since the Hon. Mr Elliott wants more detail, let me give him some.

The various categories that were considered included the aged, unemployed, community and neighbourhood house, family, general and youth. Frankly, PWP does not fit into any of those categories. The following is a list of the number of projects and total funds allocated to those categories.

Categories	No. of Projects	Total Funds
1. Aged	33	288 102
2. Unemployed	9	111 800
3. Community and neighbourhood house	42	591 370
4. Family	34	338 371
5. General	41	585 870
6. Youth	35	518 800

The following new projects were funded, and although I will not give the amounts, it is an indication of the six new projects that we picked up: Banksia Park, Whyalla Youth Organisation, Mimili Community Council, Friends of Abused Children Task Force, Survivors of Child Sexual Abuse and Aboriginal Community Centre. That gives honourable members some idea of the spread of new projects.

The Hon. C.M. Hill interjecting:

The Hon. J.R. CORNWALL: I will tell you about the defunded ones in a minute.

The Hon. C.M. Hill: What about the two or three that you varied?

The Hon. J.R. CORNWALL: I can't remember them off the top of my head. I turn now to significant increases. The majority of currently funded projects received a 4 per cent indexation increase. Three agencies received significant increases in funding over and above the guidelines; namely, Para Districts Volunteer Centre, which attracted additional funding of $9 700, South Australian Council on the Ageing, which attracted additional funding of $25 000, and the South Australian Aboriginal Child Care Agency.

The projects for which funding was not continued included: North Unley Neighbourhood House, the Shaftesbury Project (OARS), the Centre of Personal Encounter, which gets something like $200 000 from the Health Commission (it was picked up as a pet project by the former Premier, David Tonkin), and the Lower Eyre Peninsula Lifeline.

They are substantial details, and I hope that, when the Hon. Mr Elliott reads that in *Hansard*, he will appreciate the spectrum over which these grants are made, the manner in which they are made and the way in which the committee approaches its task. The committee has a difficult task because it is given a relatively limited amount of money, albeit around $2.5 million, and it is faced with projects totalling something around $5 million. The committee carries out its task exceedingly well and, in all of the circumstances, there is not a great deal of room for improvement, although, obviously, we continually monitor the work of the committee.

QUESTIONS ON NOTICE

GOVERNMENT PROJECTS

The Hon. Diana Laidlaw, for the **Hon. R.I. LUCAS** (on notice) asked the Attorney-General:

1. What is the nature and extent of any Government or departmental involvement with the firm Essington Limited over the past five years?

2. What was the nature of any Government involvement in the Gulf Point Marina Project at North Haven?

The Hon. C.J. SUMNER: The Government owned and proceeded with development of the North Haven harbor project prior to 1983 when the project was sold to Gulf Point Marina Pty Ltd whose major shareholders at that time were a consortium of Wentworth Enterprises Pty Ltd, Essington Group and the Australian Land Company.

YOUTH MUSIC FESTIVAL

The Hon. L.H. Davis, for the **Hon. R.I. LUCAS** (on notice), asked the Minister of Tourism:

1. Will the Minister provide comprehensive details on overseas trips made by Ms Ruth Buxton in organising the Youth Music Festival, and, in particular—

(a) Total cost of each trip;

(b) Date of each trip and precise itinerary;

(c) Name(s) of any persons accompanying Ms Buxton and paid by the Government;

(d) Reasons for each trip and results of each trip;

(e) Departmental expenditure lines used to finance trips?

2. Were any accounts relating to the festival processed through private bank accounts under the name of any member of the organising committee or any seconded officer working for the festival and, if so, why?

The Hon. BARBARA WIESE: As I provided a written reply to this question during the recess, I seek leave to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

1. Details on overseas trips made by Ms Ruth Buxton in organising the Youth Music Festival are as follows:

(a) 1984—$6 200, of which Ms Buxton paid $2 500. 1986—$6 826.

(b) From 28 July to 9 September 1984: Adelaide/Singapore/Penang/Singapore/London/Oxford/Cambridge/London/Aberdeen/Orkney/Edinburgh/London/Frankfurt/New York/Austin/Dallas/San Francisco/Melbourne/Adelaide. From 17 May to 5 June 1986: Adelaide/Hong Hong/Beijing/Jinan/Beijing/Seoul/Tokyo/Kyoto/Tokyo/Philippines/Adelaide.

(c) Nil.

(d) Reasons for the trips: 1984—To investigate the Asian Youth Arts Festivals in Honk Kong, Aberdeen, Edinburgh, and other South East Asian and European cities to prepare for the Jubilee 150 Youth Music Festival. 1986—To complete negotiations in China, Japan, Korea and the Philippines for musicians visiting the Jubilee 150 Youth Music Festival. Results of the trips: 1984—Ms Buxton made a preliminary selection of overseas groups and performers to participate in the 1986 Jubilee 150 Music Festival. 1986—Negotiations were completed and contracts finalised with South-East Asian performers wishing to participate in the 1986 Jubilee 150 Music Festival.

(e) 1984—nil from Education Department. $3 699 was provided from the Jubilee 150 Board. 1986—per diem allowances of $3 476 paid by the Education Department, and $3 350 for fares paid by Jubilee 150 Board.

2. *(a)* No accounts are known to have been opened under the name of any members of the organising committee nor any seconded officer working for the festival.

(b) Not applicable.

'LEARN TO SWIM' CAMPAIGN

The Hon. K.T. Griffin, for the **Hon. R.I. LUCAS** (on notice), asked the Minister of Tourism:

1. What was the cost of organising the 'Learn to Swim' campaigns in 1985-86 and what was the budgeted amount?

2. What is the reason for any difference?

3. Has the Government instituted any action to find out the reasons for the difference, and, if so, what action?

4. What departmental expenditure line is this cost involved in?

5. Has a decision been taken to transfer responsibility for this program to the areas?

6. If yes, what towns which provided 'Learn to Swim' lessons last year will not do so this year?

The Hon. BARBARA WIESE: As I replied in writing to this question during the recess, I seek leave to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

1. The 'Learn-to-Swim' campaign is held during a two week period in January of each year, that is, in school vacation time. In addition, swimming instruction is organised during term time. In the 1985-86 financial year, budgetted allocation for both term time and non-term time swimming was $2.653 million and expenditure was $3.048 million. Of that expenditure, some $800 000 was for the 'Learn-to-Swim' campaign.

2. The reason for the difference in total swimming expenditure was the fact that during the last two years there has been an increase in the number of venues used with a subsequent increase in the number of instructors required.

3. There will be a review of this program by April 1987.

4. The cost of employing swimming instructors is included in three programs viz.

1. Vacation and out of school hours recreation for students.
2. Provision of general primary education in schools.
3. Provision of general secondary education in schools.

These are described in the Parliamentary budget document 'Program Estimates 1986-87'.

5. No decision has been taken to transfer responsibility for swimming programs to areas.

EDUCATION STUDIES DIRECTORATE

The Hon. K.T. Griffin, for the **Hon. R.I. LUCAS** (on notice), asked the Minister of Tourism:

1. What were the responsibilities of the five curriculum research officers and three curriculum officers in the studies directorate whose positions are to be abolished?

2. Who will now undertake these responsibilities?

The Hon. BARBARA WIESE: As I replied in writing to this question during the recess, I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

1. The responsibilities of the five curriculum research officers in the Directorate of Studies whose positions are to be abolished are:

(a) provide advice on research and evaluation matters to departmental officers and teachers;
(b) act as consultants in research and evaluation studies;
(c) design and carry out research programs into curriculum and educational practice;
(d) design and carry out evaluation of school, State and Federal programs;
(e) provide reports on published material to senior officers;
(f) serve on curriculum, research and other committees;
(g) conduct workshops and seminars;

These responsibilities will be shared among other officers in area and central directorates who have the requisite skills. In addition, the Education Department may from time to time commission research studies from outside agencies such as the universities, the Institute of Technology, and the South Australian College of Advanced Education.

2. The three curriculum officers in the Directorate of Studies were assigned duties by various superintendents of studies.

These responsibilities will be assumed by the five superintendents employed in the studies directorate.

EDUCATION ADVISORY COMMITTEES

The Hon. K.T. Griffin, for the **Hon. R.I. LUCAS** (on notice), asked the Minister of Tourism: Will the Minister provide for all advisory, consultative and standing committees, formed under the Education Act, the following:

1. Names and occupations (or organisation represented) of all members;

2. Date of appointment and date of expiry of appointment;

3. Amount of fee or allowance payable to members;

4. Number of meetings conducted in last financial year; and

5. Terms of reference for operation of each committee.

The Hon. BARBARA WIESE: The reply to this question is very lengthy and I would like to provide the information in writing directly to the honourable member.

The Hon. K.T. GRIFFIN: I put it on notice for Tuesday next.

The PRESIDENT: I point out to the Minister that a question on notice must be either replied to in the Council or incorporated in *Hansard*; otherwise it is not regarded as having been replied to under Standing Orders.

The Hon. BARBARA WIESE: If that is the case, I have been given the wrong advice and I shall certainly comply with the Standing Order. I ask that the question be placed on notice for Tuesday next. I will ensure that the reply is in a form suitable for incorporation in *Hansard*.

ASER PROJECT

The Hon. L.H. DAVIS (on notice) asked the Attorney-General: In view of mounting public concern over delays and mounting costs at the ASER site on North Terrace, will the Government, as a matter urgency, provide information on the following:

1. The original budgeted cost in 1986 dollars of the completed ASER project and its constituent parts;

2. The current cost estimate in 1986 dollars of the completed ASER project and its constituent parts;

3. The estimated increase in cost to the South Australian Superannuation Fund Investment Trust resulting from any escalation in costs of this project.

The Hon. C.J. SUMNER: Unfortunately, I have not been provided with a reply to this question and I am unable to supply an explanation for that. The honourable member would have heard that I was having an altercation earlier on my in-house telephone: that can be verified by the Hon. Mr Cameron. The purpose of that was to insist that the people who have the dubious responsibility of preparing this reply on time should have it to me by 3.15. p.m. Needless to say, they have remained obdurate or incompetent (I am not sure which) and the reality is that the reply has not yet appeared. I suggest that the honourable member put the matter on motion.

The PRESIDENT: I am afraid that under Standing Orders that is not possible.

The Hon. C.J. Sumner: Yes, it is. The question has been asked and can be asked again on motion.

The PRESIDENT: There is no motion.

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

That the Hon. Mr Davis be given leave to ask this question again on motion.

Motion carried.

FILMING AT PORT ADELAIDE

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

1. Was any State Government department directly or indirectly involved in the filming of persons at Port Adelaide wharves who were opposed to the visits of nuclear armed ships?

2. If so:

(a) for what purpose?

(b) what has happened now to the film or video taken?

(c) does this imply that the State Government no longer puts civil liberties as a priority?

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

1. The Audio Visual Unit of the Training and Development Section of the Police Department filmed the arrival at Port Adelaide of warships from several nations.

2. *(a)* The arrival of the warships at Port Adelaide was a unique event in the Port's history and, from a policing viewpoint, it posed problems involving the safe berthing of the ships and the safety of persons both on the wharves and in the Port River not previously experienced by the South Australian police. Video filming of the arrivals was, therefore, made for the purposes of debriefing.

(b) When the debriefing exercise has been completed, the film will be edited and housed in the police video library for use as a training aid.

(c) In order to provide as comprehensive a record as possible for debriefing purposes, it was necessary to film the entire ambit of the police operation. Any filming of members of the public was unavoidable and quite incidental to the exercise.

DR M. HEMMERLING

The Hon. K.T. Griffin, for the **Hon. R.I. LUCAS** (on notice), asked the Attorney-General:

1. Has Dr M. Hemmerling been engaged by the Australian Formula One Grand Prix Board to conduct or be involved directly or indirectly in the conduct of the Australian Formula One Grand Prix?

2. If yes, what is the nature of the engagement and by what legal vehicle is that engagement achieved?

3. If there is an agreement between the Australian Formula One Grand Prix Board and Dr M. Hemmerling or any body in which he has a direct or indirect interest:

(a) What is the sum of money to be paid to Dr M. Hemmerling or to any body in which he has a direct or indirect interest?

(b) What is the term of the agreement?

(c) On what date was the agreement signed?

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

1. Yes. Dr Hemmerling has been appointed Executive Director of the Australian Formula One Grand Prix Board, and in that capacity is responsible to the board for its functions under the Australian Formula One Grand Prix Act.

2. Dr Hemmerling has a contract of employment with the Premier negotiated by the Grand Prix Board and Crown Law.

3. *(a)* The contract provides for a salary of $75 000 per annum, plus an expense allowance as approved by the board.

(b) The contract runs until 31 December 1991, but may be terminated by either party at any time, with not less than 12 weeks notice.

(c) The contract was signed on 22 September 1986.

EDUCATION DEPARTMENT PROPERTIES

The Hon. K.T. Griffin, for the **Hon. R.I. LUCAS** (on notice), asked the Minister of Tourism:

1. *(a)* Have the Minister and his senior officers discussed proposals by Treasury or any other Department or Minister that not all the proceeds of the sale of Wattle Park Teachers Centre and the Special Education Resource Unit should be returned within the educational portfolio?

(b) If yes, what is the Minister's view?

2. Did a senior officer of the department tells the Correspondence School Task Force on 28 October 1986 that part of the proceeds of the sale of Education Department assets would not be retained within the education portfolio?

3. Is it true that Treasury has suggested a figure of $1 million as the amount that should be taken from the sale of Education Department assets?

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

1. *(a)* I have had discussions with senior officers of the Education Department and Treasury about the sale of Wattle Park Teachers Centre and the Special Education Resource Unit.

(b) My views were expressed at those meetings.

2. To my knowledge, no.

3. No. In past years proceeds from the sale of Education Department properties have generally been returned to con-

solidated revenue. Negotiations are proceeding with respect to future arrangements.

TRADE MEASUREMENTS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Trade Measurements Act 1971. Read a first time.

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

That this Bill be now read a second time.

This Bill proposes a range of technical and machinery amendments to the Trade Measurements Act 1971. The Trade Measurements Act establishes the regime under which standards of measurement of physical quantities for the purposes of trade are established, maintained and enforced. The State Act is explicitly linked to the Commonwealth National Measurement Act as part of a long-standing arrangement to promote uniform national units and standards of measurement. In 1984, the National Measurement Act was amended, making some changes to terminology and to the procedures for establishing and maintaining a hierarchy or standards of measurement. It has therefore been necessary to change some of the terminology of the Trade Measurements Act so as to preserve the relationship of State measurement standards to the national system of standards.

At the same time, the opportunity has been taken to review some other aspects of the Act. In particular, the penalties have been reviewed comprehensively for the first time since 1967. Generally, they have been increased by a factor of about five, subject to rounding-off in some cases. In the few cases where the increase of penalty is of a higher order, that has followed a review of the offence in question and a setting of the penalty on a scale corresponding to the scale of penalties established for comparable offences under the Trade Standards Act 1979. Other procedural matters concerning prosecutions have also been brought into line with procedures set out in contemporary legislation. Clause 19 tightens the sanctions concerned with the sale of coal or firewood. At present, section 36 of the Act requires coal or firewood to be sold by net mass, but goes on to specify a set of conditions under which it is permissible to sell coal or firewood other than by net mass—that is, for example, according to a fixed price per truckload. However, because of the high incidence of detected cases in which the effective price to the consumer per tonne of fuel sold in this manner is far higher than the ruling market price, the Government has decided that the existing exemption ought not to continue and that in future coal or firewood should be sold strictly by mass. Provision is made in the amendment for persons who may make casual sales other than in the course of business.

This amending Bill does not represent a comprehensive review of the Trade Measurements Act. That exercise is being conducted at a national level with a view to developing uniform trade measurements legislation. However, it is not expected that that exercise will be completed before the middle of 1988. In the meantime, the present amendments are necessary for the effective administration of the Trade Measurements Act. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides that this Bill is to come into operation on a day to be fixed by proclamation.

Clause 3 provides for the repeal of section 3 of the principal Act, which details the arrangement of the Parts of the principal Act.

Clause 4 amends section 5 of the principal Act, which is the interpretation section. Several amendments are made to the definitions of terms incorporated by reference to the National Measurements Act 1960 of the Commonwealth, to correspond with the 1984 amendments of that Act.

Clause 5 provides for the repeal of sections 7, 8, 9 and 10 of the principal Act which deal principally with the provision, custody and maintenance of the State standards of measurement, and inserts a new section 7. Proposed section 7 provides that the Commissioner for Standards shall arrange for the provision, custody and maintenance of such State primary standards of measurement and such classes of reference standards of measurement as are necessary to provide means by which measurements may be made in terms of Australian legal units of measurement.

Clause 6 amends section 11 of the principal Act by striking out subsection (4) which deals with the recording of all Inspector's Standards that have been verified or reverified. (An Inspector's Standard is, by virtue of the Commonwealth Weights and Measures (National Standards) Regulations, a standard of measurement that is of a certain denomination, that on verification or reverification is found not to exceed the permitted variation of that standard of measurement and is deemed to be of a value equal to its denomination.)

Clause 7 upgrades the penalty for falsifying or wilfully or maliciously damaging or destroying any standard provided and maintained under the principal Act, from $200 to $1 000.

Clause 8 amends section 20 of the principal Act which deals with the Commissioner for Standards. The clause inserts a new subsection (3), which provides that the Commissioner for Standards may delegate (in writing) any of his or her powers under this Act or any other Act, either conditionally or unconditionally. A delegation is revocable at will and does not operate to prevent the Commissioner from acting personally in any matter.

Clause 9 upgrades the penalty for an Inspector who fails to observe the requirement of secrecy in relation to information that comes to the Inspector's knowledge in the course of the performance of his or her duties or who stamps any measuring instrument otherwise than as required by the principal Act, from $200 to $1 000.

Clause 10 upgrades the penalty for failing to comply with any specification contained in a ministerial notice specifying the period, the purposes or the circumstances in which a measuring instrument may be used for trade, from $200 to $1 000.

Clause 11 upgrades the penalty for using or having possession for use for trade any measuring instrument that is not legally stamped or is incorrect or unjust, from $500 to $2 000.

Clause 12 upgrades the penalty for using a measuring instrument that has become defective or has been repaired unless it has been restamped, from $200 to $2 000. The penalty for failing to obliterate any existing stamp from a measuring instrument that a person is repairing is similarly upgraded.

Clause 13 upgrades the penalty for the following offences in connection with masses and measuring instruments, from $200 to $5 000:

(a) using, or having in possession for use for trade, a mass or measure of an unauthorised denomination;

(b) forging or counterfeiting or causing to be forged or counterfeited or assisting in the forging or counterfeiting of or unlawfully possessing any stamp used for stamping under the principal Act, any measuring instrument, or, unless authorised to do so, making an impression on a measuring instrument purporting to be the impression of any such stamp or altering any date mark used in connection with the impression of any such stamps;

(c) tampering with any stamped measuring instrument so as to cause it to measure incorrectly or unjustly;

(d) using, selling, disposing of, or exposing for sale any measuring instrument so tampered with or any measuring instrument bearing a forged or counterfeit stamp;

(e) making, or selling, or causing to be made or sold any measuring instrument which is false or unjust;

(f) increasing or diminishing any stamped mass or measure or using, selling, disposing of or exposing for sale any increased or diminished measure.

Clause 14 provides for the repeal of section 30 of the principal Act, which deals with the use of unjust measuring instruments. Section 30 is a duplicatory provision, as all prosecutions which could be brought under section 30 can be dealt with under section 27 of the principal Act.

Clause 15 amends section 31 of the principal Act, which renders void any transaction made or entered into by reference to other than Australian legal units of measurement. Paragraph *(a)* is a procedural amendment. Paragraph *(b)* upgrades the penalty for selling by a denomination of mass or measure other than one of the Australian legal units of measurement, from $200 to $1 000.

Clause 16 amends section 32 of the principal Act, which requires the sale of any article by mass or measure to be by net mass or measure. Paragraph *(a)* provides for the repeal of subsections (2) and (3) and the substitution of two new subsections. Proposed subsection (2) requires that where any person offers for sale by mass or measure any article, whether in a shop or otherwise, that person must have suitable measuring instruments to measure the article located in a convenient place so as to be easily seen by the purchaser. The penalty for this offence has been upgraded from $100 to $500. Proposed subsection (3) requires that a seller, if requested by a purchaser of any article sold by mass or measure, must measure the article in the presence of the purchaser. The general penalty (of $1 000) applies to a breach of subsection (3). Paragraphs *(b)* and *(c)* upgrade the penalties for selling an article that is less than the due mass or measure, from $200 to $1 000 (for a first offence), and from $400 to $2 000 (for a second or subsequent offence).

Clause 17 upgrades the penalty for making any false declaration or wilfully misleading any person as to the mass, measure or quality of any article sold or delivered. The penalty for a first offence has been upgraded from $500 to $5 000, and for a second or subsequent offence, from $1 000 to $10 000.

Clause 18 upgrades the penalty for selling any article by short mass, measure or quality, from $500 to $2 000 (for a first offence) and $1 000 to $5 000 (for a second or subsequent offence).

Clause 19 provides for the repeal of subsection (1) of section 36 of the principal Act, which deals with the sale of coal or firewood, and the substitution of two new subsections. Proposed subsection (1) makes it an offence to sell coal or firewood otherwise than by net mass, punishable by a fine of up to $500 (previously $100). Proposed subsection (1a) provides that it is a defence to proceedings instituted under subsection (1) for a defendant to prove that the sale was not made in the course of carrying on the business of selling coal or firewood.

Clause 20 provides for the repeal of section 37 of the principal Act, which requires all proceedings under the principal Act to be disposed of summarily. This repeal is consequent on the proposed repeal of section 43 of the principal Act, effected by clause 22, and the substitution of a new section 43, that includes a provision dealing with summary procedure.

Clause 21 upgrades the general penalty for offences from $200 to $1 000 and strikes out the limitation period applicable to the commencement of proceedings for offences against the principal Act. (The limitation period is dealt with in proposed section 43, inserted by clause 22.)

Clause 22 provides for the insertion of an evidentiary provision, consequent upon the insertion (effected by clause 8) of a delegation provision empowering the Commissioner for Standards to delegate any of his or her powers. Proposed subsection 40 (3) provides that an apparently genuine document purported to be signed by the Commissioner containing particulars of a delegation under the principal Act shall be accepted as proof of the particulars in the absence of proof to the contrary.

Clause 23 provides for the repeal of section 43, requiring ministerial consent to the commencement of prosecutions under the principal Act, and the substitution of a new section 43. Proposed subsection (1) provides for all proceedings for an offence against the principal Act to be disposed of summarily, to be commenced within three years of the date of the commission of the offence or within one year of the offence coming to the knowledge of the complainant or an Inspector, whichever period first expires, and for such proceedings not to be commenced by a person other than the Commissioner for Standards or an Inspector, except with the consent of the Minister. Proposed subsection (2) is an evidentiary provision, making an apparently genuine document purporting to be signed by the Minister certifying the Minister's consent to the commencement of proceedings, proof of that consent, in the absence of proof to the contrary.

Clause 24 upgrades the penalty for hindering or obstructing an Inspector in the course of his duty, and other offences, from $200 to $2 000.

Clause 25 amends section 50 of the principal Act which details the powers of the Governor to make regulations under the principal Act. Paragraph *(a)* is a procedural amendment, consequent upon the amendment effected by clause 5. Paragraph *(b)* upgrades the maximum penalty for a breach of anv regulation made under the principal Act, from $100 to $500.

Clause 26 provides for the repeal of the second schedule to the principal Act, which tables the maximum ranges within which values of reference standards, as determined on verification or reverification, are expected to lie, consequent on the repeal of section 7 of the principal Act, effected by clause 5 of this Bill.

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

PETROLEUM (SUBMERGED LANDS) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 12 February. Page 2857.)

The Hon. L.H. DAVIS: This legislation has been introduced as a result of agreement between the Commonwealth and the States. The legislation relates to the exploration and exploitation of the submerged lands area immediately adjacent to the coast. I understand that similar legislation has been passed in New South Wales, Victoria and the Northern Territory. I have also been advised that Queensland and Western Australia are in the course of passing this legislation in their opening session of Parliament this year. The Opposition indicates support for the legislation which, whilst lengthy, appears not to present any special difficulties to South Australia. I support the second reading.

The Hon. BARBARA WIESE (Minister of Tourism): I thank the honourable member for his excellent contribution to this debate and I hope the legislation has a hasty passage through the Parliament.

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

FAIR TRADING BILL

Adjourned debate on second reading.
(Continued from 12 February. Page 2852.)

The Hon. C.J. SUMNER (Attorney-General): In concluding my remarks, I will adopt the approach of the Hon. Mr Griffin and traverse the issues that he raised in his second reading contribution, so that he will have as full an explanation as possible of the matters raised by him. It will then be possible for him to consider his approach in Committee and any amendments that he or any other honourable member in the Chamber may wish to put to the Committee.

I refer first to clause 3, dealing with definitions. In relation to the definition of 'business', it is suggested that the Commissioner for Consumer Affairs' jurisdiction has been widened by the definition of 'business' in the Bill. This is not so. The Commissioner has always had jurisdiction to assist consumers of trade and professional services, because of the normal meaning of the word 'services' in the Prices Act. The definition is taken from the uniform Door to Door Trading Bill, developed for all States by the Parliamentary Counsels Committee. That Bill has been reproduced as Part III of the Fair Trading Bill. The general definitions have been incorporated in the general definitions clause. It is intended that the Commissioner for Consumer Affairs continue to assist consumers of trade and professional services, as at present. The trades and professions will be bound to the extent that their trading activity will be the subject of scrutiny, so that if they trade unfairly or in a manner proscribed by the new Act they can be dealt with in the same ways as other traders. Whether that would happen in any particular case may depend on the circumstances, and obviously the other regulatory bodies dealing with the professions would almost certainly remain the area in which complaints about the activities of the professions were dealt with. But it does not preclude the Commissioner for Consumer Affairs from taking up matters on behalf of consumers. That is the position at present.

The second issue concerns the definition of 'consumer'. The Hon. Mr Griffin's comments about the desirability of a uniform definition of 'consumer' throughout the legislation dealing with trading practices are noted. It would be desirable to have a uniform definition but, as noted by the honourable member, the different purposes of different legislation make this impossible. References to consumers in the occupational licensing Acts, such as the Second-hand Motor Vehicles Act, the Builders Licensing Act or the Land Agents, Brokers and Valuers Act are rare, because their main focus is on the activities of licensees, whose dealings with both consumers and other traders must be regulated. Problems of uniformity emerge from the Trade Practices (State Provisions) Bill. The Bill must be the same as its Commonwealth and, increasingly, its interstate counterparts, so that the policy decisions of the Federal Government to include, for example, commercial road vehicles, must be adopted.

Similar problems will be faced in the process of developing uniform credit legislation to replace the Consumer Credit and Consumer Transactions Acts in consultation with other States. The reach of that legislation decided by all States must be reflected in our Act if we wish to achieve uniformity.

'Consumer' is defined in the Fair Trading Bill mainly to establish the jurisdiction of the Commissioner for Consumer Affairs. His main role has traditionally been to resolve disputes between traders and consumers. It has always been understood that disputes between traders should not be the concern of the Commissioner. Similarly, it has always been recognised that the amount in dispute is irrelevant to the question of the Commissioner's jurisdiction. To establish a monetary limit for the purpose of determining when the Commissioner can perform his traditional role would be illogical. It would mean that non-traders who purchased goods or services above the monetary limit would be denied assistance while traders accidentally below the limit would be entitled to demand it no matter what their capacity to look after their own interest in their business dealings.

In answer to a separate concern raised by the honourable member about this definition, my advice is that in setting up or establishing a business a person would be 'acting in the course of a business'.

The definition of 'goods' is also taken from the uniform Door-to-Door Trading Bill developed by the Parliamentary Counsels Committee. There is no doubt that the example given by the honourable member of a transportable home would be covered by this legislation. Trading in such a commodity should be fair. Many consumer complaints as to workmanship or non-supply are reported to the Commissioner each year. If they are not to be regarded as part of the land on which they are placed because they are severable from it and, if they are not traditionally or ordinarily understood to be goods, some way must be found to have them caught by the legislation. The solution adopted by the Parliamentary Counsels Committee is proper and the definition is properly wide.

In regard to clause 8 (1) *(e)*, the reference to monitoring business activities is simply designed to give statutory recognition to a function that the Commissioner has carried out in the past and that the community appears to expect him to carry out. It relates to such matters as checking car yards to see whether the requirements of the Second-hand Motor Vehicles Act are being complied with, checking building sites to see whether the Builders Licensing Act is being complied with, checking retail premises to ensure that dangerous goods are not being sold, and generally acting in a proactive manner to ensure compliance with legislation administered by the Commissioner. It seems ludicrous to expect the Commissioner to be responsible for the admin-

istration of legislation but not expect him to monitor compliance with it.

The Commissioner is often asked by trade associations to check the activities of apparently unlicensed persons: unlicensed second-hand motor vehicle dealers, unlicensed second-hand dealers, unlicensed or illegally operating land agents, managers or salesmen are often reported by competitors who feel that they are being unfairly disadvantaged in their business.

This provision is similar to that in section 2 (1) *(a)* of the United Kingdom Fair Trading Act under which one of the functions of the Director-General of Fair Trading is:

> To keep under review the carrying on of commercial activities in the United Kingdom which relate to goods supplied to consumers . . . or . . . services supplied for consumers . . . and to collect information with respect to such activities, and the persons by whom they are carried on, with a view to his becoming aware of and ascertaining the circumstances related to practices which may adversely affect the economic interests of consumers in the United Kingdom.

The suggestion that this provision may go too far is something of an over-reaction. It is symptomatic of an all too common failure to appreciate that the Commissioner for Consumer Affairs is concerned to ensure compliance with the law as well as conciliate disputes. There are many other cases within the South Australian Government in which officers have a monitoring role and these do not appear to attract the same sort of criticism. No-one suggests, for example, that fisheries inspectors should not have power to make spot-checks of fishing boats to see whether the requirements of the Fisheries Act are being complied with. Inspectors from the Department of Labour do not wait until they receive a complaint: they conduct regular monitoring programs to ensure compliance with relevant legislation. Officers of the Department of Environment and Planning conduct monitoring programs regarding air and noise pollution, etc.

Similar sorts of monitoring activity must take place to ensure compliance with product safety and other fair trading legislation. It would be strange for the Commissioner to await a child's death from the use of a prohibited product before finding out whether it is for sale on the market.

As to clause 10, the honourable member's concern in relation to the delegation of powers to non-public servants is noted. There may, however, be occasions when it is appropriate to consider such delegations. Under a related Act, administered by the Commissioner of Standards, it may be appropriate to entrust the certification of the accuracy of weighing instruments to qualified private personnel. However, one would not expect this to be the normal situation, but it is there as an additional option.

The Hon. K.T. Griffin: Wouldn't that be done under that specific Act?

The Hon. C.J. SUMNER: It would be, but that is an example of where it may be appropriate. It would not be a situation that I would envisage as being the normal situation.

As to Part III, before speaking to the specific comments made by the honourable member about the door-to-door trading provisions of the Bill, an important general point must be made. This Part mirrors legislation developed for all States by Tasmania and South Australia and drafted by the Parliamentary Counsels Committee, that is: Federal State Committee. It is uniform legislation designed to provide certainty for businesses who wish to sell door-to-door throughout Australia. That certainty should not be lightly thrown away by haphazard amendment. Indeed, the Direct Selling Association which is one of the primary national industry associations in this field has urged me strongly as recently as last week to ensure that no change is made to these uniform provisions, which have been negotiated over the past two to three years.

The Hon. K.T. Griffin: Somebody has been talking.

The Hon. C.J. SUMNER: I do not know that that is the case.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: You must have sent them the material. With clause 13, my advice is that the Retail Traders' Association's concern (about telephone contact followed by attendance at the Trader's premises being caught by the Bill) is wrong. If consumers are persuaded to attend at the trader's premises (by a direct phone call or however) that attendance and any negotiations and subsequent contract are not caught by the door-to-door provisions. Clause 13 must be read in conjunction with clause 14. It is only negotiations at the door which are covered and they are regarded as solicited negotiations if initiated by telephone 'cold canvassing'.

In relation to clause 14, at this stage no contracts are proposed for exclusion by way of regulations. A period of extensive consultation with interested parties on the content of the regulations will follow passage of the Bill. In the course of those consultations special cases may be identified for special treatment (the honourable member himself mentioned charitable organisations). So long as violence is not done to the principles of the provisions sought to be avoided, clause 14 (3) allows for that special treatment.

As to clause 15, in commenting on a draft of the uniform Bill, the Parliamentary Counsels Committee said:

> Paragraph *(d)* of subclause (1) permits expansion of the categories of the proscribed provisions by regulation. This is to deal with a problem encountered by the N.S.W. Consumer Affairs Department. Apparently some kitchen renovation firms, which operate from door-to-door, include in their contracts a provision that enables the firm arbitrarily to increase the contract price. Paragraph *(d)* would permit the proscription of provisions like this and also any other provisions that are thought to be inappropriate to door-to-door transactions.

This is the only special case currently in contemplation but more details will be required from New South Wales.

Relating to clause 16 (5) it is not intended that the prescribed amount be changed unless there is a substantial change in the value of the given amount. Such a change will only be made in consultation with the other States. In relation to the other subclause mentioned by the honourable member (16 (3) *(c)*), special cases may emerge for separate treatment in the consultation process which will follow passage of the Bill. None is currently in contemplation.

Concerning clause 16 (4), this is in similar terms to clauses in the existing South Australian Act and is designed to prevent massive loopholes developing in the legislation. In the early days of the 1971 Act's operation at least one door-to-door seller purported to sell a number of items separately under separate contracts each just under the limit of operation of the Act. This obvious loophole had to be closed. Because there were difficulties in proving the connection between split contracts a deeming provision was inserted in the old Act: the onus shifting to the seller to prove that two or more contracts amounting to substantially the same transaction were not split simply to avoid the operation of the Act.

Concerning clause 17 (1) nothing is currently in contemplation as the subject of regulations under this clause. It must be remembered however that consumers, especially elderly consumers living alone, are at their most vulnerable when visited at home by itinerant tradesmen. Particular problems may arise in the future with particular trades which require that detailed information about the type of work to be done should be given to consumers as a warning to carefully consider whether a contract should be made.

Nothing is currently contemplated in relation to clause 18, but something may emerge in the process of consultation. Referring to clause 27, the honourable member's point about legitimate disputes (over whether rescission has been properly effected) going to the courts is accepted. As a matter of urgency, I will undertake to take up the question of amending the uniform Bill with other States (and in particular Tasmania, which has already enacted it).

In relation to Part V, as mentioned by the honourable member, the Australian Finance Conference has been advised that it is intended that their member credit providers continue to be bound by the fair reporting requirements taken from the existing Fair Credit Reports Act.

Clause 31 (5) is inserted for the good and compelling reason that the fair reporting provisions will be useless without it. The fair reporting provisions substantially reproduce provisions in the Fair Credit Reports Act which have existed for over 12 years. The basic principles of the legislation are simple: where a person is refused a benefit and the person refusing the benefit is in possession of a credit report, the person refused the benefit ought to know that the information exists and be able to review it and have it changed if it is wrong. To enable this review to take place, people who rely on such reports in making business decisions must keep proper records of those reports. If any oral report can be used but then forgotten, effective review becomes impossible. Telephone calls will become, even more, the common currency of credit checks and the possibility of review will disappear.

It seems perfectly proper and reasonable that if any trader takes action on the basis of a report from a reporting agency or from another trader that he should make a note of that information so that its accuracy may be checked and, if necessary, challenged. There would appear to be no practical problem in printing data relied upon in making business decisions which appears on a computer monitor. The keeping of such 'hard copy' would normally be regarded as good business practice.

In relation to clauses 32 and 33, the honourable member's points about information communicated by an on-line computer have been accepted, and I will move an amendment in Committee to accommodate the receipt of data by computer.

Regarding clause 34, the requirement to advise persons of corrections to false information given out by a reporting agency or trader is contained in the existing Act. It has been there for over 12 years and has only been reworked on transferring to the new Bill. The need for change is not readily apparent but some limitation may be appropriate.

I am advised that the meaning of the words 'proper authority' in clause 36 is plain and that no extra attention is needed. In regard to the example of supposed confusion mentioned by the honourable member, the requirements of legal proceedings are clearly and manifestly 'proper authority'.

The honourable member first queries the potential overlap of powers if clause 42 is enacted. Businesses are required to produce evidence for a variety of purposes related to the public interest. The public interest in truth in advertising is now to be protected. There may be some overlap, as the honourable member points out, but this is no reason not to attempt to promote truth in advertising. In practice, liaison between agencies engaged on common investigations minimises the possibility of precisely duplicated requests and traders are not slow to make agencies aware of prior requests. In relation to this new power the honourable member also mentioned proof on the balance of probability and the role of the courts.

The provisions in the Bill give greater protection to businesses than that contemplated by the honourable member: they contemplate proof beyond reasonable doubt. The anticipated procedure for requiring substantiation would be: firstly, the very careful drafting of a notice by the Commissioner; then, receipt of the reply; then, careful consideration of the answers (of the proof) provided. The sanction for compliance is prosecution, in the course of which the onus would be on the Commissioner (the prosecutor) to prove, beyond reasonable doubt, each element of the offence including, in an appropriate case, that the proof required by the notice was not provided. This provision is aimed at obvious sham claims, mainly in the area of therapeutic goods and services, where the unscrupulous prey on the desperate. Reputable advertisers can readily provide proof and should not be required to go to court each time they are asked for evidence in a doubtful case.

In relation to Part VIII the honourable member questioned whether the controls on debt recovery practices which are set out in clause 43 ought to apply to those trading debts which might be described as trade debts, as opposed to consumer debts. He suggested that this extension of these controls will add, in his words, 'yet another burden' to the business community. It may be worthwhile to remind the Council of just what clause 43 says. It says that you cannot demand payment of a debt without saying who you are and how much is owing to the creditor. You must not demand for a creditor any more than you honestly believe to be owing. If you are met with a flat denial of liability, you must be prepared to check your position. You must restrict your dealings to a solicitor if one has been engaged — a point on which there is more to say later. You cannot call round at all hours of the night; you must be reasonably circumspect in your dealings with third parties; and you must not tell deliberate and threatening lies about the consequences a debtor faces. The honourable member appeared to suggest that it is unduly difficult for people to conduct business with one another while observing these limitations.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I will deal with that. Apart from that, these proposed controls have now been circulated to, and closely considered by, representatives of professional debt collectors for a long time. Those people have never suggested that the limits of acceptable behaviour in the recovery of debts should vary depending upon from whom the debt is being collected. I take it that the honourable member now agrees to that.

The Hon. K.T. Griffin: I was concerned about limiting the time within which calls and telephone calls could be made on debtors and the prohibition against contacting a debtor when the debtor had a lawyer acting.

The Hon. I. Gilfillan: I think he has a point.

The Hon. C.J. SUMNER: I am astonished at the Hon. Mr Gilfillan. No doubt he will be able to use his very good research facilities to check up on these issues. He is very lucky.

The Hon. C.M. Hill: They've got so many cabinets out in the corridor that you can't get past them.

The Hon. C.J. SUMNER: They never stop complaining. They have more facilities than anyone else—more than the backbenchers and almost more than the Ministers—and all they do is complain. From what the Hon. Mr Griffin has said it seems that there is no problem with respect to the collection of trade debts.

The Hon. K.T. Griffin: Not in so much as those standards are concerned, but in relation to the two matters to which I referred there is a problem.

The Hon. C.J. SUMNER: I will deal with those matters, and that concerns clause 43 (1) *(e)* which deals with the times of calls by creditors or their representatives. Both the banks and representatives of the debt recovery industry have made submissions to the Government saying that they would prefer to be allowed to call on creditors or telephone them from 7 a.m. rather than from 8 a.m.—that is, they would prefer to be able to start an hour earlier in the morning. On the other hand, consumer and debtor advocates would rather that the prohibition which is now proposed for public holidays be extended to Sundays as well. The Government is aware that the restriction of hours that is proposed in this clause will have an impact on past practices, particularly as regards repossessions. It cannot be disputed that creditors have a right to pursue their debts, and to pursue them with some vigour. But, it is not seriously suggested that it is proper or reasonable for people to be disturbed at any hour of the night in order to resolve these sorts of problems. Apparently, the Hon. Mr Gilfillan thinks it is.

The permissible range of 8 a.m. to 9 p.m. was selected with some care. It is true that different choices have been made in different places. Some of the Canadian provinces allow these sorts of activities to begin as early as 7 a.m. Some restricted the starting time to as late as 9 a.m. In the United States, it has been part of federal law since 1978 that these sorts of calls can only be made between 8 a.m. and 9 p.m.—the same hours as we have chosen. In an attempt to balance the competing legitimate interests, we have not included the Sunday ban which is imposed by many of those jurisdictions which allow an earlier start time.

The fact is that none of these combinations of permitted hours is known to have produced disastrous results. If it could be clearly shown that allowing these sorts of contacts to begin one hour earlier in the morning would introduce a critical element of commercial reality which is lacking in the present proposals, then the Government would be prepared to consider the matter. But the present proposals attempt to strike a sensible course from the range of apparently workable choices offered, and as at present advised the Government would need to be persuaded of any specific deleterious effects of this choice.

Clause 43 (1) *(d)* deals with the other point raised by the Hon. Mr Griffin, namely, contact with solicitors. It requires a creditor or creditor's agent to communicate only with a legal practitioner duly appointed by the debtor, once the debtor has given written notice of the appointment. The honourable member is alarmed that this provision plays into the hands of professional debtors and assists them to avoid, or at least to defer, their obligations. If indeed the engagement of a solicitor is a useful delaying tactic on the part of a debtor of bad conscience, then it did not need this Bill to create that tactic, and the provision does nothing to encourage the tactic or the alleged consequential delays. On the contrary, it should do something to reduce delay, because the experience of those who work in the field of debt problems is that, once a legal practitioner has been appointed by the debtor, a creditor who persists in pursuing the matter with both the solicitor and the client simultaneously only creates confusion and delay. Apart from that, a similar prohibition has operated effectively as part of the federal law of the United States since 1978 and is also in force in parts of Canada.

It might also be noted that a creditor who continued to pester a debtor as well as, or instead of, dealing with a nominated lawyer, might well be guilty of harassing the debtor, a practice which has long been prohibited by the Commonwealth Trade Practices Act and which is to be picked up in legislation accompanying this Bill. This paragraph, like many of the others in this clause, simply spells out a rule for a particular situation that is known to have created problems in the past, without leaving the matter to litigation about the meaning of harassment.

Concerning clause 43 (1) *(g)*, as to the types of activities which may be proscribed by regulation, four general categories of unfair debt collection practices have been identified in the literature on this subject and many specific kinds of behaviour within those broad categories. They are:

1. the use of deception (such as threatening legal proceedings which cannot be taken);

2. the use of shame and publicity (such as communicating indiscriminately with a debtor's employer, relatives and neighbours);

3. the use of fear (threatening violence to person or property); and

4. badgering (for example, by way of unduly frequent visiting of premises or communication with the occupants of premises).

Most of this behaviour has been specifically proscribed overseas and the Government will consult fully in the process of preparing regulations—especially with service agencies in close contact with debtors—to see if any of these practices are so prevalent as to demand specific mention. No others are currently in contemplation.

In clause 46, as to ministerial control over the Commissioner's activities, the honourable member is referred to clause 6 (2) of the Bill.

The honourable member's comments about proceedings undertaken on behalf of consumers overlooks one fundamental fact in its criticism of the Commissioner's powers: that such representation is only undertaken in the public interest. Policy in relation to the exercise of this power has now been codified in clause 46 (2) *(a)* which says that the Commissioner cannot take on proceedings unless he '. . . is satisfied that the case raises questions of law affecting the interests of consumers generally or a particular class of consumers or that it is otherwise in the public interest . . .'. It is not intended that this power be used as an alternative to 'legal aid' for consumers. That being the case, if the Commissioner is representing a party at no cost to that party, on the basis that there is a public interest component, then the Commissioner must have the conduct of the proceedings. If the consumer were able to settle the proceedings by some kind of compromise this may frustrate the whole purpose for which the Commissioner agreed to represent the person.

As to the monetary limits set out in the clause, it is not intended that they change in the foreseeable future. Consultation on the regulations may bring up arguments for change from interested persons.

My advice is that related counterclaims and set-offs can clearly be dealt with in proceedings undertaken on behalf of consumers.

My comments on clause 47 are also relevant to the equivalent clause in the Statutes Amendment (Trade Practices and Fair Trading) Bill in relation to the Prices Commissioner. As mentioned in debate on the Stamp Duties Act Amendment Act (No. 2) last year, I am advised that the privilege against self-incrimination exists unless specifically excluded by legislation. In other words, a specific reference to its exclusion would be necessary to override the common law. Subclause (3) of this clause (overlooked by the honourable member in his comments) was therefore added out of an abundance of caution. To preserve uniformity with the Stamp Duties Act and the new Prices Act I will move its deletion in Committee. I am advised that the same

situation exists with legal professional privilege. There is no need to mention it in this Bill.

In relation to clause 48, the honourable member's comments about the powers of entry of authorised officers and the need to show certificates of authority demonstrate a misunderstanding of the role of the Commissioner for Consumer Affairs and the main tasks his officers undertake. In the area of enforcement, and reflecting the move to emphasise 'fair trading' rather than 'consumer protection', passive monitoring of business premises is extensively undertaken. As I explained when speaking earlier of this monitoring role, it involves the checking of caryards, building sites and retail premises, but in a very passive, non-interventionist manner. Members of the associations who have made representations to the honourable member will be able to testify to the educational value of these visits, the traders' obligations being explained personally and questions answered on the spot.

This is the unspectacular, uncontroversial, day-to-day enforcement activity undertaken by the Commissioner's officers. Entry is always effected with consent. The role of the Prices Commissioner and his officers in checking prices is the same.

The other main roles of the Commissioner for Consumer Affairs (undertaken by his authorised officers and sometimes requiring attendance at traders' premises) is in negotiating consumer complaints. The negotiation of complaints requires tact, subtlety, an ability to listen, to understand and communicate effectively. Authorised officers must balance sometimes sensitive competing interests (for example, a car dealer's narrow profit margin as against a consumer's desperate need to have a car in working order). Officers often have to visit premises in the course of negotiations: to view items and to talk to traders face-to-face. Once again, were entry to be effected otherwise than with the consent of the trader, the whole process of negotiation would flounder; for effective negotiation it cannot happen in practice.

The honourable member airs these grave concerns whenever the Commissioner's powers are before the Council, but successive Prices Commissioners have exercised those powers for almost 40 years without complaint under legislation introduced by the Playford Government; Commissioners for Consumers Affairs have exercised them, under Liberal and Labor Governments, for almost 20 years without complaint.

Clause 55 is taken from the Door to Door Trading Bill developed as a model for all States by the Parliamentary Counsel's Committee. It is a uniform provision designed to elicit information peculiarly within the knowledge of employers of wrong-doers, the directors of companies who contravene the Act and those who can be shown to have profited from unfair trading. I do not support an amendment to the clause.

In relation to the question of culpability or liability to prosecution, some of the honourable member's fears may be allayed by the insertion of the defences in clause 42 of the Trade Practices (State Provisions) Bill into this Bill. When speaking to the Trade Practices Bill, the honourable member made the logical point that equivalent provisions should be in the Fair Trading Bill. In Committee, I will move an appropriate amendment incorporating those provisions. My amendments have been circulated.

As to clause 62 (2) *(a)*, consultation on the regulations may establish the need for specific codes of conduct. None are currently contemplated. The need for such action should emerge in the future as the Commissioner monitors business activity in a particular field in response to consumer complaints or as a result of moves for industry self-regulation.

Bill read a second time.
In Committee.
Clause 1 passed.
Progress reported; Committee to sit again.

TRADE PRACTICES (STATE PROVISIONS) BILL

Adjourned debate on second reading.
(Continued from 12 February. Page 2853.)

The Hon. C.J. SUMNER (Attorney-General): I will adopt an approach to this Bill similar to the approach I adopted in relation to the previous Bill. The first question raised by the Hon. Mr Griffin related to the intention of other States, in particular, Queensland, the Northern Territory and Tasmania. Queensland is awaiting the introduction of legislation in the other States which have agreed to participate in this uniformity exercise and has reserved its position until then. The Northern Territory is currently reviewing all its consumer affairs legislation and again reserves its position until the outcome of the review. Tasmania is currently considering the enactment of the provisions.

Regarding individual items, I refer to clause 29. In Committee, I intend to move an amendment to bring the Bill into line with the Commonwealth Act. As mentioned by the honourable member, this amendment was made to cover unsolicited changes in the status of a card supplied by credit providers. It came into effect in December 1986.

Clause 43 is also to be amended to reflect recent amendments to the Commonwealth Act. The equivalent of clause 43 in the Commonwealth Act (section 87) was amended by the Trade Practices Revision Act 1986 to provide, amongst other things, remedies in respect of contraventions of section 52a (clause 15 of this Bill—the prohibition of unconscionable conduct). It was considered appropriate to exclude breaches of section 52a from the section which provides a right to damages and leaves the remedies for its breaches to the court's discretion under section 87 (clause 43).

In *Sent-v-Jet Corporation of Australia* (1986) 60 ALJR 503, the High Court considered the operation of section 87 of the Trade Practices Act and concluded that it did not create an independent right of action in respect of contraventions of part V of the Trade Practices Act. The Federal Government saw merit in providing an independent right of action under section 87 in respect of contraventions of part V. First, in many cases where part V is breached, the applicant may not want injunctive relief or damages but may simply be seeking an order avoiding, varying, or refusing to enforce certain provisions of a contract. In such cases, it would be preferable for the applicant to be able solely to seek those orders under section 87, rather than couple that claim with an action under some other provision of part VI.

Secondly, given that contraventions of section 52a are not actionable under section 82, it is preferable that section 87 create an independent right of action in respect of section 52a breaches so that applicants have greater flexibility in framing their actions. Section 87 was therefore amended in December 1986 and its equivalent in the Fair Trading Bill is likewise to be amended.

The effect of clause 18 is to prohibit persons offering employment from engaging in misleading conduct or publishing misleading advertisements in relation to employment opportunities. The Council should note that the effect of the clause is to protect potential employees. Further, it does not enable a review of the terms or conditions of current employment contracts; rather, it prohibits persons

from misleading others as to the terms of potential employment contracts.

Clause 18 does not, in my view, duplicate provisions in the Industrial Conciliation and Arbitration Act, nor does it usurp or allow the usurpation of the jurisdiction of the Industrial Court or the Industrial Commission. In my view, the prohibition of misleading written or oral representations, whether they relate to goods, services or employment, is quite properly a matter for consumer protection legislation rather than the Industrial Conciliation and Arbitration Act. Similarly, the provisions in the Bill empowering the Commissioner for Consumer Affairs to obtain an order restraining individuals or corporations from engaging in such conduct do not involve any conflict with the jurisdiction of the Industrial Court or the Industrial Commission.

I refer to clauses 37 and 38. In adopting the Commonwealth Act, difficulties must be experienced in settling upon courts with equivalent jurisdiction to the hybrid Federal Court. It is also not possible to simply copy interstate legislation. Each enforcement power has therefore been examined in detail to determine which is the most appropriate equivalent South Australian jurisdiction. The honourable member's comments about the District Court in clauses 37 and 38 are superficially attractive, but they overlook the fact that that court has jurisdiction under other clauses of the Bill to grant injunctions, for example, clause 36, in conjunction with prosecution proceedings. Were the power to grant injunctions (and other types of orders contemplated by the Bill) restricted to the Supreme Court, proceedings would constantly have to be removed to that court or commenced anew following the resolution of the initial proceedings.

In relation to clause 42, as mentioned earlier, it is intended that these defences be incorporated into the Fair Trading Bill as suggested by the honourable member.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported: Committee to sit again.

STATUTES AMENDMENT (TRADE PRACTICES AND FAIR TRADING) BILL

Adjourned debate on second reading.

(Continued from 12 February. Page 2854.)

The Hon. C.J. SUMNER (Attorney-General): Again, I will traverse the issues raised by the Hon. Mr Griffin. In relation to clause 6, as I mentioned in comment on clause 10 of the Fair Trading Bill, it may be appropriate to use outside agencies for some purposes. My comments on that apply to this Bill in this case. As to the Commissioner's power to require information, I repeat my comments on the equivalent provisions of the Fair Trading Bill. My previous comments relating to privilege against self incrimination and legal professional privilege also apply in this case.

The Prices Commissioner's and Commissioner for Consumer Affairs' powers have always been exercised subject to the limitation: 'for the purposes of the Prices Act.' The Prices Commissioner's powers will now be exercised for the significantly more limited powers of the Prices Act as it will be amended by this Bill.

The honourable member's proposed limitation on the Prices Commissioner's powers overlooks the difficulties of administration in a sensitive area. The Commissioner has a limited negotiation role (in the complaints about pricing which come to his officers), but they use the same approach mentioned in my comments on the Fair Trading Bill. Face to face negotiations are always preferable and must be conducted in an atmosphere conducive to calm, reasoned discussion. Entry is always made to traders' premises for this purpose with their consent.

Enforcement of price control is a different matter. The price of controlled items is checked throughout the State. In relation to some items different prices apply in different areas. The questions which have to be asked and which must be answered for effective price control and the price justification process are sensitive matters which go to the heart of any business: wholesale prices, sources of supply, profit margins. This is the main reason for the very strict secrecy provisions reproduced in proposed new section 8. These inquiries will be easily frustrated, and the job of price assessment and fixing totally undermined by a refusal to allow access to records.

Prices officers must be able to have access to invoices and other records in the possession of traders whose price structure and practices they are investigating. For example, maximum profit margins on school uniforms are subject to price control: if a vendor is overcharging and access cannot readily be gained to his purchase invoices, an offence cannot be established. In the case of applications for price increases, documentation to support dubious claims is required and must be made available. These are powers the Prices Commissioner has had, as I indicated, for some 40 years in order to enforce price control legislation in this State as it has existed from time to time.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

STATUTES AMENDMENT (TAXATION) BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

For many years some State revenue statutes have included provisions which have allowed State taxation Commissioners to communicate information obtained in the course of their duties to other State and Territory Commissioners and the Commonwealth Commissioner of Taxation.

The extension of these provisions to encompass all State taxation statutes and provide a uniform basis for exchange of information between the States and the Commonwealth has been under review for some time and to this end various amendments to South Australian taxation Acts have been introduced when a taxation measure has been before Parliament.

In October 1985 Royal assent was given to the Taxation Laws Amendment Act (No. 2) 1985 (No. 123/1985) which contained the Commonwealth measures on exchange of information with State and Territory revenue authorities.

To be effective this Commonwealth legislation requires that a 'State Taxation Officer' be defined and that a reciprocal disclosure provision to the Commonwealth Commis-

sioner be included in the relevant State taxation statutes. This Bill amends the relevant State legislation as necessary.

It is necessary to ensure the secrecy of information obtained from the Commonwealth or a State Commissioner as well as that acquired in connection with the administration of a State taxation Act. The opportunity is taken in this Bill to adopt a uniform set of secrecy provisions in the various Acts consistent with those incorporated in the Financial Institutions Duty Act in 1983.

Clause 1 is formal. Clause 2 amends the Business Franchise (Petroleum Products) Act 1979, to incorporate a uniform secrecy provision. Clause 3 amends the Financial Institutions Duty Act 1983 to include power to release information to the Commonwealth Commissioner of Taxation. Clause 4 amends the Land Tax Act 1936, to incorporate a uniform secrecy provision (section 7a). New section 7 is a provision that will bring the Commissioner of Land Tax within the definition of 'State taxation officer' in Part III of the Commonwealth Act.

Clause 5 amends the Pay-roll Tax Act 1971, to incorporate a uniform secrecy provision. Clause 6 amends the Stamp Duties Act 1923. Paragraph *(b)* brings the Commissioner of Stamp duties within the definition of "State taxation officer" in Part III of the Commonwealth Act.

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

MEAT HYGIENE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

In recognition of the increased role of the Commonwealth in the provision of meat inspection services envisaged by the Meat Inspection (Commonwealth Powers) Bill 1986, it is appropriate to grant it a seat on the Meat Hygiene Authority, presently made up of:

(a) the Chief Inspector of Meat Hygiene (who is automatically the Chairman);

(b) a nominee from the Minister of Health; and

(c) a nominee from the Local Government Association.

The Commonwealth has had observer status on the authority for some time, and the new member of the authority will be a nominee of the relevant Commonwealth Minister. It is also appropriate to amend sections 50, 51 and 52 of the Meat Hygiene Act which relate to the role of State inspectors.

Section 55 of the Meat Hygiene Act presently prohibits the sale of pet food unless it was produced at a licensed pet food works. This creates an anomaly in that it also prohibits the sale of pet food from an abattoir, which the Act was never intended to do. The fact that abattoirs have full-time meat inspection means that meat that is not passed as fit for human consumption may, at the discretion of an inspector, be passed as fit for consumption by pets. This has always been the case and the amendment will correct this legal anomaly. A consequential amendment to section 60 is also required.

Clause 1 is formal. Clause 2 provides for commencement on a proclaimed day. Clause 3 amends section 6 of the Meat Hygiene Act 1980, which provides for the constitution of the Meat Hygiene Authority. Under section 6, the authority currently consists of three persons—the Chief Inspector of Meat Hygiene, the nominee of the Minister of Health and the nominee of the Local Government Association. This clause amends the section by increasing the number of members to four and providing that the additional member is to be the nominee of the Commonwealth Minister responsible for the Commonwealth Meat Inspection Act 1983.

Clause 4 makes a consequential amendment to section 9 of the principal Act to increase the quorum of the authority from two to three members. Clause 5 amends section 50 of the principal Act in relation to slaughtering at licensed abattoirs taking place in the presence of a State inspector. The effect of the amendment will be that slaughtering may take place in the presence of a Commonwealth inspector. This amendment and the amendments contained in clauses 6 and 7 are required for the purposes of the reference of legislative powers to the Commonwealth proposed by the Meat Inspection (Commonwealth Powers) Bill 1986.

Clause 6 amends section 51 of the principal Act in relation to the branding of meat. The amendment will mean that branding may be done by or at the direction of a State or Commonwealth inspector. Clause 7 amends section 52 of the principal Act and its effect will be that meat produced at a licensed abattoir may not be sold unless it is passed, as fit for human consumption, by a State or Commonwealth inspector.

Clause 8 amends section 55 of the principal Act which presently prohibits the sale of pet food produced at premises other than licensed pet food works. The amendment will mean that pet food produced at licensed abattoirs may also be sold. Clause 9 amends section 60 of the principal Act which contains evidentiary provisions. The effect of the amendment will be that an allegation (in a complaint in proceedings for an offence) that any pet food was not produced at a licensed abattoir or pet food works will be taken as proof unless the contrary is shown. This amendment is consequential to the amendment proposed to be made to section 55 of the principal Act.

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

MEAT INSPECTION (COMMONWEALTH POWERS) BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Since 1965 meat inspection at local abattoirs has been carried out on behalf of the State by the Commonwealth, under the terms of the Meat Inspection Arrangements Act 1964 (Commonwealth). This arrangement continued after the enactment of the Meat Hygiene Act 1980 (South Australia). The Commonwealth charges the State for the services provided and carries out inspection according to State

legislation. Set up after the meat substitution scandal in 1981, the Woodward Royal Commission recommended the amalgamation of State and Commonwealth meat inspection services to form a national inspection service.

Subsequently, a joint Commonwealth/State working party was set up to examine and advise on the legal, functional and financial aspects involved if South Australia were to refer its legislative powers with respect to domestic meat inspection to the Commonwealth. The report of the joint working party has been received and it recommended that:

1. The State refers its legislative power with respect to meat inspection at domestic abattoirs to the Commonwealth.

2. The transferred legislative power is only exercised by the Commonwealth after consultation with, and approval by, the State.

3. The State, through the Meat Hygiene Authority, retains responsibility for licensing all abattoirs, slaughterhouses and pet food works.

4. The transferred legislative power may be rescinded by the State.

These recommendations may be achieved by a referral of legislative power from the State to the Commonwealth by Parliament. Although the Commonwealth will have power to legislate with respect to domestic abattoirs, it has promised that this power will be exercised only after consultation with the Meat Hygiene Authority and will continue to be directed towards the Australian Common Codes of Construction and Inspection.

The State, through the Meat Hygiene Authority, will continue to be responsible for licensing abattoirs (both export and local), slaughterhouses and pet food works. The State, through the Meat Hygiene Authority, will also continue to be responsible for construction and hygiene standards at slaughterhouses and pet food works, as well as the regulatory aspects of the Meat Hygiene Act.

The State may revoke the powers transferred at any time. The success or otherwise of the transfer will be reviewed annually. After the transfer of legislative powers the Commonwealth will collect inspection fees directly from the abattoir operators, rather than from the State, as at present. When the Commonwealth assumes responsibility for collection of inspection fees, the State will benefit by:

(a) simplification of the charging system; and

(b) reduction in man hours spent processing the fees, and elimination of the debt risk.

The Commonwealth's proposed fees for meat inspection are likely to be about 5 per cent less overall than those presently charged.

Clause 1 is formal. Clause 2 provides for commencement on a proclaimed day. Clause 3 is an interpretation provision: 'abattoir' is defined to mean a licensed abattoir under the Meat Hygiene Act 1981; that is, premises at which meat for human consumption is produced and at which meat for animal food may be produced from meat unfit for human consumption. The definition does not include licensed pet food works or slaughterhouses under that Act.

'Meat' is defined as being any part of the body of an animal, or any product resulting from the processing of any part of the body of an animal, being a part or product intended for human consumption or for use as animal food.

Clause 4 provides for the reference to the Commonwealth Parliament of legislative powers relating to the inspection of meat at abattoirs in South Australia. (Pursuant to section 51 (xxxviii) of the Commonwealth Constitution, the Commonwealth Parliament may legislate on matters referred to it by a State Parliament. The Commonwealth Meat Inspection Act 1983, No. 71 of 1983, already applies to New South Wales by virtue of a reference of power from the Parliament of that State, and section 4 of that Act provides for proclamations to be made by the Governor-General to apply the Act to other States pursuant to such references.) The reference is of power 'not otherwise included' in the legislative powers of the Commonwealth Parliament, since that Parliament already has some power to legislate, e.g. with respect to meat produced for export from Australia. The reference will commence upon the coming into operation of the proposed Act and cease upon the expiry of the proposed Act. Clause 5 provides for the Governor to fix, by proclamation, a day on which the proposed Act will expire. This power may be exercised at any time.

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

ADJOURNMENT

At 5 p.m. the Council adjourned until Wednesday 18 February at 2.15 p.m.