LEGISLATIVE COUNCIL

Wednesday 11 November 1987

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

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

ASSENT TO BILLS

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

Land Tax Act Amendment,
Long Service Leave,
Marketing of Eggs Act Amendment,
Racing Act Amendment.

PETITION: ADOPTION

A petition signed by 880 residents of South Australia praying that the Council would legislate to amend the Adoption Bill to ensure that a suitable couple married for at least five years is eligible to adopt a baby in South Australia was presented by the Hon. J.C. Burdett.

Petition received.

QUESTIONS

HOSPITAL BANS

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

Leave granted.

The Hon. M.B. CAMERON: I understand that there has been a meeting of the FMWU today to decide the future of bans in the hospital system, particularly at the Royal Adelaide Hospital. I have received information that at this stage the bans have led to a situation where linen supplied to the Royal Adelaide Hospital must be examined on a daily basis. I am told that it has reached a stage where some wards will have to be closed next week because of the lack of clean linen. I understand also that, unless the dispute is resolved, at that stage the situation will be absolutely critical.

In view of the Government's demand on Tuesday that staff cuts are necessary before it will grant the 4 per cent wage increase being sought and the unions' insistence that it will not agree to those cuts, I ask first for some indication from the Minister whether the Industrial Court has made any decision in relation to cuts in staff being part of the negotiations for the 4 per cent. I understand that the other area in which the bans have affected people is in the transfer of patients between wards. As a result of these bans there is a potential for patients to be left in inappropriate beds or high dependency beds when there is no longer any need for them to be there. The only way that this situation has been able to be resolved is by hospital staff, other than FMWU members, moving patients, thereby adding to the strain on an already overtaxed nursing and hospital staff.

I understand also that the delivery of hospital equipment for repair has been affected. I am told that no cleaning of the outside area of the hospital is being undertaken. I was somewhat surprised that these bans were still in force, because last week the Minister indicated that there were no longer any bans in the hospitals. I was surprised to read this morning that the unions indicated that they were considering extending the bans. Could the Minister outline what is the situation now as a result of the FMWU meeting today at lunch time? Are bans still in effect? If they are, what bans are in effect and what steps is the Minister taking to ensure that hospital linen will be available in sufficient quantities to ensure that there is no closure next week of wards at the Royal Adelaide Hospital?

The Hon. J.R. CORNWALL: Mr Cameron has got into a bit of hyperbole. Most of the bans, as everybody knows, were lifted over a week ago. Certainly, all the bans by the cleaners, which were a source of considerable irritation to almost everyone, have been lifted since that time. Negotiations have been proceeding in the Industrial Commission, which is the correct forum for that to take place. The only person who has talked about job cuts is Mr Cameron, who again is full of mischief.

The Hon. M.B. Cameron: I beg your pardon? You said that there must be job cuts yourself.

The Hon. J.R. CORNWALL: Never, never.

The Hon. M.B. Cameron: What are you talking about?

The Hon. J.R. CORNWALL: Never have I said that there must be job cuts.

The Hon. M.B. Cameron: You did.

The Hon. J.R. CORNWALL: As part of meeting the 4 per cent second tier situation, we talked about the possibility of jobs going by attrition.

Members interjecting:

The Hon. J.R. CORNWALL: I must say that I am disgusted to see that the entire Opposition seems to find this current industrial dispute in the hospital system a matter for great derision. They are sitting there laughing their heads off.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: As I have said before, it is no wonder that they are condemned to be a permanent Opposition. They consistently act like one. They are irresponsible and never constructive, and see themselves as having a vested interest—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —in prolonging industrial disputation in our hospital system. They will be judged by the people of South Australia on that record. Negotiations are proceeding. It has always been a condition of the second tier decision made by the Commonwealth Conciliation and Arbitration Commission (not by the South Australian Government and not by me as Minister of Health) that there must be productivity savings or offsets. Everybody who has thought about it for more than 30 seconds knows that productivity savings are more difficult to identify in service industries than they are in, for example, the metal industry. It is very easy to measure additional productivity in those sorts of industries.

What we have said in ongoing negotiations is that we have accepted the Victorian Government's position, in principle; we have gone back into the commission where we are very well represented, of course, by the Department of Personnel and Industrial Relations. Industrial relations in this State are, of course, the responsibility of the Minister of Labour, my colleague Frank Blevins, and negotiations are proceeding. Obviously, in this sort of situation both sides are asked to put offers on the table and the arbitrator is the umpire.

My latest briefing late yesterday afternoon was that by and large those negotiatons have to this point been reason-

ably constructive. The dispute at this point has not been resolved. Our position has always been very clear: there have to be some savings and, even if we wanted to be the most generous or even reckless Government in the country, we cannot go outside the decision taken by the Commonwealth Arbitration Commission. Apparently everybody, with the single exception of Mr Cameron, knows that. As an indication of good faith, the great majority of bans have been lifted by the FMWU for more than a week.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: I repeat: the majority of bans have been lifted for more than a week.

The Hon. M.B. Cameron: You have no idea of the problems of hospitals.

The Hon. J.R. CORNWALL: I have a very good idea of how the hospitals are functioning. The simple fact is that there is not one scintilla of evidence that apart from on one occasion there was a deferral of elective surgery, for example. It may be a little awkward working in the hospital system at the moment because there are still some selective bans, but nothing is achieved by coming into this place like a cockatoo or galah and flapping your wings and squawking in the vain hope that you may somehow be able to precipitate further industrial action and disadvantage patients. That is typical of the recklessly irresponsible attitude that is consistently taken by Mr Cameron.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: The simple fact is, of course, that the Minister of Labour is in charge, and Mr Lucas again shows his ignorance. The Department of Personnel and Industrial Relations is conducting the negotiations on behalf of the Government and the matter remains properly in the South Australian Industrial Commission. I do not intend to do anything at this stage that is likely to cause a deterioration in the delicate situation in any way. That is the current situation. The majority of the bans—certainly all of the bans of the cleaners, for example, which were a source of very serious discomfort and concern to South Australians—have been lifted now for more than a week.

DRAMA FUNDING CUTS

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister Assisting the Minister for the Arts a question about drama funding cuts.

Leave granted.

The Hon. L.H. DAVIS: The Performing Arts Board of the Australia Council late last week announced grants for 1988 for South Australian drama, dance and music. However, the board has cut funds to both Troupe and Harvest Theatre Company. Last year Troupe received $61 600 from the board and is currently receiving about $200 000 per annum from the State Government.

Troupe employs 12 people at below the award and these employees include six actors, two technicians, a wardrobe assistant, a writer and a producer. The decision of the Performing Arts Board to cut funding to Troupe must place a question mark over the company's future, notwithstanding that Lord Harewood, Artistic Director of the 1988 bicentennial Festival of Arts singled out Troupe for praise at the recent launch of the Festival of Arts program. In fact, Troupe is the only professional theatre company left in South Australia following the demise of The Stage Company last year. Although Troupe had a deficit of about $46 000 in 1986, I understand that that deficit has been cut back to about $11 000 or $12 000 due to tight financial management.

Harvest Theatre Company in 1986 visited 33 country centres giving 115 performances to over 35 000 people and continues with an active program in the current year. Having made inquiries, I have established that South Australia's share of funds for dance and drama has shrunk from 12.9 per cent of the national total awarded by the Performing Arts Board of the Australia Council in 1983-84 to only 10.9 per cent for 1986-87. I believe that that figure will be lower again for 1987-88. As the Minister would be aware, the steady reduction in corporate head offices in Adelaide over recent years has made it more difficult for theatre companies here to obtain sponsorship, compared with their counterparts in Sydney or Melbourne.

As we enter the bicentennial year and look forward to the Festival of Arts—the top arts event in Australia in 1988—Adelaide, a city of 1 million people, will for the first time in many years face the prospect of having no alternative professional theatre company to the flagship company—the State Theatre Company. Last year there were two—Troupe and The Stage Company; next year there may be none. Great concern exists in the theatre world over the possible loss of jobs and skills. The State Theatre Company, which has had a superb 1987 season, employs many interstate actors and actresses. Traditionally, the alternative companies provide opportunities for local actors, actresses, writers, producers and technicians. My questions to the Minister are:

1. Is the Government concerned about the cuts to Troupe and Harvest?

2. What action has the Government taken to address this serious matter?

The Hon. BARBARA WIESE: Yes, of course, the Government is concerned about the cuts in federal funding to both those companies in South Australia and, in fact, the Department for the Arts mounted a very strong case to the Performing Arts Board prior to the current round of decisions being taken at the federal level about funding, because the Department for the Arts recognised that there was some doubt whether the Federal Government would consider continuation of funding for Troupe in particular. It put very strongly a case to the Performing Arts Board that it was important that its funding should be continued to allow Troupe the breathing space it needed to re-examine its current structuring and methods of operation and to ensure that the way it operated was most appropriate in the current circumstances.

The Performing Arts Board has apparently chosen not to heed that advice, which means that Troupe will now be in a very difficult situation with respect to any restructuring questions it might want to address for itself. I am aware that Troupe has applied for project grants moneys from the Federal Government, the first applications for which close in February of next year. No doubt exists that whatever money it is able to achieve through those sources will not make up for the money it has lost through a cut to the major grant.

The Government and the Department for the Arts are very concerned about the impact of these decisions. At the request of the Department for the Arts, a meeting will be held this week with Troupe management to work out just what can be done from here to assist that theatre group through this difficult period. It is not reasonable for the Hon. Mr Davis to pass a death sentence on Troupe quite this early.

The Hon. L.H. Davis: I didn't. I just said that it was a possibility.

The Hon. BARBARA WIESE: The honourable member indicated that Troupe might not exist next year, but we

should not be that pessimistic because there may be ways of restructuring that will enable Troupe to carry on, perhaps in a different form. These matters will have to be considered by both Troupe and Harvest. We must face the fact that less money is available both at Federal and State level for all Government funding, and the arts is no exception. It will be shown that it will not be possible to fund the arts to the same extent as in the past. The South Australian Government will put very strongly to the Federal Government that South Australia should be able to maintain its share of funding. The Government will do whatever it can to assist local companies in their applications to Federal bodies when they apply for funding.

MINISTERIAL STATEMENT: HOSPITAL BANS

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

Leave granted.

The Hon. J.R. CORNWALL: I inform the Council that my colleague the Hon. George Weatherill has just contacted an official of the FMWU. The meeting of 70 shop stewards that was called at lunchtime to discuss the second tier wage rise and the bans has just finished. The recommendation from that meeting is that all bans in South Australian public hospitals, including residual bans, that had been imposed by the FMWU be lifted.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Wipe the egg off your face, boys. The only bans that are still in force in the system anywhere are at the Institute of Medical and Veterinary Science and are not related to the second tier wage negotiations in any way.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: That news comes directly and within 20 minutes of the completion of the meeting.

Members interjecting:

The Hon. J.R. CORNWALL: I know that the Hon. Mr Davis and his colleagues are disappointed that there will not be ongoing disruption for the patients in the public hospital system, but the simple fact is that that meeting of 70 shop stewards at lunchtime will recommend to the membership that all bans be lifted.

INDUSTRIAL COURT

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question on the subject of delays in the Industrial Court.

Leave granted.

The Hon. K.T. GRIFFIN: Over the past several months, a number of people, including lawyers, have raised with me the problem of delays in the Industrial Court in workers compensation matters and I have raised these issues in this Chamber periodically. In one particular matter, a builder's labourer has been on Commonwealth sickness benefits since June 1986, weekly compensation payments having been halted. The matter was listed for hearing in the Industrial Court on 13 October 1987 and was fourth on the list. The worker sat in his lawyer's office all that day waiting for a call from the court, but no call came. He went back the next day but the matter still did not come on. On each of those two days, the doctors who were to give specialist evidence for the plaintiff were on call and their own programs were disrupted.

The matter has now been adjourned until the end of March 1988. I am told that other matters for trial in the workers compensation area are being listed for hearing in the second half of 1988. I know that the Industrial Court is the responsibility of the Minister of Labour, but any delay in any of the courts has to be a matter of concern not just to the public but to those who are awaiting remedies. I hope that this is a matter about which the Attorney-General is prepared to act. My questions are as follows:

1. Will the Attorney-General investigate the extent of delays in the workers' compensation jurisdiction in the Industrial Court and determine the reasons for those delays?

2. Will the Attorney indicate what steps the Government can or will take in order to reduce those delays?

3. Will the Attorney bring back information indicating the current status of the lists in the Industrial Court?

The Hon. C.J. SUMNER: The example given by the honourable member in relation to litigants waiting on the day listed for their cases to come on is not unusual, and relates to a situation that has existed for many years. That occurs not on every day but on occasions, because it is the long-established practice of the courts to list more cases on any given day than there are judges to hear them. If that were not done there would be a major under-utilisation of judicial time. The honourable member, as a former Attorney-General, and the Hon. Mr Burdett, as a qualified legal practitioner with a practising certificate, would know that it is necessary for the courts to over-list cases on various days to ensure that on a statistical basis, over time, the judges are kept busy for the maximum possible time. Of course, the basis for this is that, inevitably, a certain proportion of cases settle. The administrators in the courts have to determine on a statistical basis how many cases are likely to settle on any given listed day and then list the number of cases, taking into account the settlement rate. That ensures the most efficient use of judicial time.

With such a system, obviously, on occasions the court will be faced with a situation where the required number of cases do not in fact settle with more cases to go on than there are judges to hear them. That means that some litigants have to wait to see whether their cases will come on during that day, and I assume that that is what happened to the person referred to by the honourable member. However, I point out and emphasise that that situation is not unusual; it is the norm because of listing procedures that are absolutely necessary to ensure efficient use of judicial time.

However, the other question of the length of the lists is of more concern, and the Government is aware of the length of the lists in the Industrial Court. I am presently having discussions with the Minister of Labour to try to see what can be done about reducing those lists. Part of the problem is that this will certainly be only a temporary difficulty, because with the new WorkCover system under the new Workers Compensation Act, over time, the number of workers compensation cases that would have arisen under the old Workmen's Compensation Act will diminish, and there probably will be then an excess of judicial capacity in the Industrial Court.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: We will see. I suspect that this problem will be resolved over a period of time, but, of course, it is a problem for the litigants at this moment.

The Hon. K.T. Griffin: If they are on sickness benefits.

The Hon. C.J. SUMNER: I agree, and the Government is attempting to find a way to resolve the temporary difficulty.

CORRECTIONAL SERVICES ADVISORY COUNCIL

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Correctional Services, a question about the report of the Correctional Services Advisory Council.

Leave granted.

The Hon. I. GILFILLAN: The report of the council was made available yesterday. The council is comprised largely of ministerial nominees. Members would be interested to hear that Gordon Barrett is the Chairperson, Carmel O'Loughlin is the Deputy Chairperson, Ray Kidney (OARS) is a ministerial nominee, as is Ray Whitrod (ex-Police Commissioner and leader of the Victims of Crime Society), Susan O'Connor (a barrister) is the Attorney-General's nominee, and Veronica Brodie is the nominee of the Minister of Correctional Services. The report of that very competent council was tabled yesterday, and it contains several paragraphs answering the question 'How have our prisons fared during the year?' I would like as part of my explanation to quote a couple of paragraphs from this report, as follows:

> Continuing progress has been made in improving the bricks and mortar.

The report further states:

> The community's return is going to be determined most by the way in which the prison regimes deal with the conflicting needs of security and prisoner rehabilitation. The balance is difficult to find. Too much emphasis on security reduces the extent and effectiveness of programs designed to fit the prisoner back into the community. Too little emphasis on security—at least the perimeter security—leads inevitably to escapes and their public consequences. The emphasis on security during the year has increased, particularly at Yatala, with the result that constructive communication between prisoners and staff and management has been reduced almost to nil. One avenue for such communication is by way of prisoner committees. Realistically they cannot be set up by management but they can be encouraged. They have not been working for most of the year.

I interrupt my quote to point out to the Council that at this very time the media has carried stories indicating that there is concern at Yatala that it could be on the brink of further violence and sit-ins. I understand that the Yatala staff are on alert for that very reason. I continue my quote:

> The first effects of the reduction or the breakdown of communications are seen in prisoner programs. New programs are less likely to get under way, and those already under way begin to falter. The end result can be hostility, vandalism and violence. During the year there were incidents at Yatala and Cadell which led to an increased emphasis on security, at least at Yatala, and the mood there continued to be tense.
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> Difficult as it is to achieve a good balance between the needs of security and freedom of movement and expression within the prisons, efforts have to be made to keep communication going. Failure to do so means that the money being spent on new buildings and on maintaining prisoner programs will not have the benefits for which the community is hoping.

Briefly, before asking my questions of the Minister, I think it is important to repeat that an enormous amount of public money is going into the prison system, and this excellent committee, comprising such competent people, has made quite plain that, unless it is managed properly inside, Yatala will be a failure, and a very expensive failure at that, with a lot of violence and disruption occurring therein.

As a result of this report, I ask the Attorney-General, first, whether he agrees with the findings of the Correctional Services Advisory Council that the situation at Yatala is tense and susceptible to hostility, vandalism and violence, and that the rehabilitation programs are faltering because of a breakdown in communications? Secondly, in order to establish at least a base level of communication, will the Minister ensure that the Department of Correctional Services and prison management encourage the setting up of prisoner committees in our prisons, particularly Yatala?

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

CHURCH SCHOOLS INSURANCE

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Education, a question about WorkCover in church schools.

Leave granted.

The Hon. J.C. BURDETT: Last night, at the annual general meeting of a Catholic parish school close to where I live, it was disclosed that the WorkCover arrangement would increase workers compensation payments by the school from $9 000 per annum to $18 000 per annum—that is to say, double. This expense is, of course, quite beyond the control of the school and has led to increased fees and cutting of other expenditure; some budgets were cut to nil. The staff has remained the same, and the increased expenditure has been brought about entirely by WorkCover.

The Hon. R.I. Lucas: Have they ever made a claim?

The Hon. J.C. BURDETT: I am not aware of that. Certainly the school's claim experience is not heavy. My questions are:

1. Will the Minister of Education investigate the effect of WorkCover on the whole of the independent and church school system?
2. Will he consider a subsidy as the expense is wage related?
3. Will he consider making representations to WorkCover in relation to concessions?
4. Will he consider supporting applications by the church and independent schools systems to become self-insurers which would partially (and I stress 'partially') overcome the problem.

The Hon. BARBARA WIESE: I understand that this issue has been drawn to the attention of the Government; whether it is the Minister of Labour or the Minister of Education I am not sure. So, I know that it has been investigated in one way or another, although I do not know the outcome of that investigation. However, I will refer those questions to my colleague in another place and bring back a reply.

WILPENA POUND

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Tourism a question about Wilpena Pound.

Leave granted.

The Hon. R.J. RITSON: I think this is my maiden question to this particular Minister, and it is a genuine question seeking information.

The PRESIDENT: That is what all questions are supposed to do. Under Standing Orders that applies to all questions.

The Hon. R.J. RITSON: There are a number of rumours and conjectures in the community concerning a proposed private development—apparently a multi-million dollar tourist complex—at Wilpena Pound. It certainly sounds rather exciting and good for the State, but there has been

little or no publicity in the press or public announcement as to what is actually going on. As a result, constituents are asking a number of questions which I think deserve to be answered.

I have heard various estimates about the size of the complex, amounts of $30 million and $50 million having been mentioned. The site of the complex is rumoured to be in various places. One constituent was concerned that it might be within the pound close to the old homestead, although that seems unlikely. Another constituent of mine was concerned about the medical infrastructure of the northern region if the population of the district increased substantially. The Hawker hospital normally has only a handful of beds available at any one time, and the people of Hawker are concerned as to what their medical responsibility will be if there is an increase in the tourist population.

Can the Minister of Tourism, as the person most likely to have her finger on all the aspects of this proposal, let us know what development is planned for the Wilpena tourist complex and what impact it is likely to have on the environment, and the infrastructure and services in the region, as I am sure that all of us are interested to hear more about this exciting project.

The Hon. BARBARA WIESE: Indeed, there are some plans for a tourism development in the Flinders Ranges, because I think for quite a long time it has been recognised by most people associated with tourism that the existing facilities around the Wilpena Pound area are inadequate for the promotion of tourism and environmentally damaging for that very sensitive part of our State heritage. For that reason, some years ago Tourism South Australia initiated a study to look at the feasibility of a tourism development for the Flinders Ranges. When that document was released (and that document will form part of a broader study which looks at environmental impacts within the Flinders Ranges area), consideration was given to calling for registrations of interest for developments in that part of the State.

As it happens, the Minister for Environment and Planning, in his capacity as Minister responsible for the National Parks and Wildlife Service, has carriage of the proposals currently being considered, but almost a year ago a company was given 12 months to work up a proposal and to build on the feasibility study findings that had already been produced by consultants employed by Tourism South Australia. Aspects of that original report indicated that the components of a tourism report that they had studied would not be economically viable and there was a need for some other company to come in and to put together some new ideas.

A company has been doing just that, and I understand that very soon it will be in a position to reveal the proposals that it has for the Flinders Ranges, but of course any proposal that might come forward with respect to a tourism development in that area will have to undergo an environmental assessment. Environmental impact statements will have to be prepared on any such proposal, because the Government is committed to the preservation of the environment of the Flinders Ranges, and the impact on infrastructure requirements in that area would necessarily form part of such an assessment process.

In summary, the development of a tourism complex in the Flinders Ranges is still some way off, but the plans are well under way. We need to have a lot more information about some of the components of such a complex before any construction can take place.

The Hon. R.J. RITSON: As a supplementary question, has an environmental impact study been made and is such a report available to the Government? Are there any estimates of the numerical increase in the tourist population in the region if this complex goes ahead?

The Hon. BARBARA WIESE: I think I indicated that so far no environmental impact statement has been produced, because there has not been a firm proposal to assess. Once there is a firm proposal, such a study can be undertaken and the extent of increasing tourism to the area must also depend on the type of resort complex that is proposed, its accommodation capacity, etc. Until we have a firm proposal, it is difficult to make the assessments to which the honourable member has referred, but such assessments will be made at an appropriate time.

YOUTH AFFAIRS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Youth Affairs a question about the portfolio of youth affairs.

Leave granted.

The Hon. M.J. ELLIOTT: Youth affairs is one of the 18 portfolios that I shadow. I noticed that over the past two years not an awful lot has happened in that area. I browsed through the Auditor-General's Report to try to find out exactly what has happened under youth affairs. The only relevant line I could find was a line under local government whereby nine people are employed with a total salary budget of $295 000 and a total budget of $435 000, which seems chicken feed in anyone's terms. I wonder whether I missed other lines elsewhere. What exactly has the Minister of Youth Affairs done and what has been achieved in the past two years?

The Hon. BARBARA WIESE: I think that that is rather a silly question. If the honourable member really took a keen interest in the area of youth affairs, he would see that the Government's record in this area has been quite significant and it is certainly broader than any responsibilities which as Minister of Youth Affairs I hold directly. My responsibility as Minister of Youth Affairs is to administer the work of the Youth Bureau, which has existed in the South Australian Public Service since 1979. Its role has been to bring about better planning and coordination of youth services for South Australia and the South Australian Government.

The responsibility for the delivery of services to young people is dispersed quite broadly throughout the South Australian Public Service so that the Minister of Health and of Community Welfare has responsibility for the administration of a number of programs which deliver services specifically to young people, as do the Minister of Education, the Minister of Further Education, etc. A number of Ministers have a responsibility for service delivery. My role has been to bring about a better coordination of the services that are delivered, and we are achieving that through the Youth Affairs Reference Group, a committee which meets regularly and which has representation from each of the Government agencies that have some responsibility for young people.

Since that committee has been meeting, I think that there has been a much better sharing of information across the Government sector about the programs that are being delivered by various agencies, and much greater consistency in the approach that is being taken by the various agencies in the formation and delivery of their programs.

With respect to the specific responsibilities of the Youth Bureau and its officers, many of those officers have worked with individual agencies on working up particular programs.

They have been called in as consultants for work that is taking place in some agencies. Further, the Youth Bureau has been responsible for commissioning survey work and research projects and for obtaining Federal Government funding for particular projects. It has worked with agencies on the preparation of submissions to attract Federal funding for things that are happening in South Australia, so the work of the Youth Bureau has been quite extensive. By and large, my role is that of policy development, planning and coordination as opposed to the service delivery role, which is a role carried out by other Ministers in the Government.

CHEMICALS

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister of Health a question relating to chemicals.

Leave granted.

The Hon. J.C. IRWIN: The Minister would be well aware that there is a Bill before this Council relating to agricultural chemicals, which has already passed the Assembly, and nowhere can I recall debate specifically relating to the home garden use of chemicals. There are many residents of South Australia who would be under the impression that the Agricultural Chemicals Bill, in fact, covers all uses and aspects of agricultural chemicals.

My advice today is taken from a letter from the Minister of Agriculture to the United Farmers and Stockowners. The UF&S apparently asked the Minister a question regarding the home or garden use of chemicals and the Minister of Agriculture's Advisory Committee on Agricultural Chemicals. The final paragraph of the letter states:

> Finally, in regard to your comment about the Advisory Committee on Agricultural Chemicals, I point out that the first term of reference includes home garden use amongst the areas to be considered for advice to me. I would point out that I do not have power in this area and any advice to me about exclusive home garden use of chemicals would have to be referred to the Minister of Health for his consideration.

There are many other areas where the thrust of the Agricultural Chemicals Bill will have the same benefits and detrimental effects. Health and the food chain are just as much affected in the home garden use of chemicals as they are in the broad agricultural and horticultural areas.

My questions are: how will the home garden use of chemicals be dealt with in the future? What mechanisms has the Minister in mind or in place to advise the Minister of Agriculture and his advisory committee regarding the home use of chemicals? Does the home garden use of chemicals include only urban areas or does it include all gardens, even if they are on a rural property?

The Hon. J.R. CORNWALL: In this State we are lucky to have the Controlled Substances Act, which is the most comprehensive legislation of its kind in the country. Contrary to the impression one might get from listening to the Hon. Mr Griffin, it is not just about marijuana; it goes right across the spectrum of licit and illicit drugs, pharmaceuticals, chemical toxins, and so forth.

Of course, under the Controlled Substances Act there is an expert advisory council, which is established by statute: the Controlled Substances Advisory Council. In fact, I have recently requested it to examine a number of issues related to insecticides, in particular. I do not want to canvass the request in any detail at the moment, but I hope to be able to make a comprehensive and further updated statement, for example, with regard to aldrin and its use, both as a termiticide and in areas like home gardening in the very near future. I have referred that matter, and others, to the Controlled Substances Advisory Council and it is my intention, in the very near future, either by ministerial statement or by press release, to acquaint the Council and the public with the details of the proposed actions. However, with regard to any other agricultural chemical or chemical that might be in use domestically, the Controlled Substances Advisory Council is the expert body to which I would always refer matters formally for expert opinion.

JOB CUTS

The Hon. M.B. CAMERON: I seek leave to make a short statement before directing a question to the Minister of Health on the subject of job cuts.

Leave granted.

The Hon. M.B. CAMERON: In answer to a question earlier today, the Minister said:

> The only person who has talked about job cuts is Mr Cameron, who is again full of mischief.

He further went on to say:

> Never have I said there must be job cuts.

On 22 October the Minister said:

> It is pretty obvious, if you work on 1.2 hours per thousand square feet instead of 1.4 or 1.6, then you will require fewer cleaners in the work force. It is pretty obvious there will be fewer cleaners at the end of the period.

The Hon. R.I. Lucas: That's not job cuts, that's just fewer cleaners.

The Hon. M.B. CAMERON: Yes. Today in the House of Assembly the Hon. Mr Blevins was asked questions concerning the 4 per cent offset and this is part of what he said:

> I make it very clear that by the financial year 1989-90 the entire 4 per cent has to be offset by productivity increases and cost savings even if it means job losses.

Further quoting from the Hon. Mr Blevins:

> I just want to stress one thing, that whilst I have made it perfectly clear I do not believe the 4 per cent can be introduced without job losses—

'without job losses'—

> and, if at the end of the process it is clear that sufficient productivity increases have not occurred to offset the 4 per cent, then it will mean some jobs will have to go.

I ask the Minister of Health just one simple question: who are we to believe, him or the Minister in the other place?

The Hon. J.R. CORNWALL: It is quite obvious that Mr Cameron either does not understand or chooses to misrepresent the difference between attrition and redundancy—

The Hon. R.I. Lucas: Come on!

The Hon. J.R. CORNWALL: Never mind 'come on'.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: You are being mischievous or stupid, and I suspect, on your past performances, you are being both. There is nowhere in the statements that have been made by my colleague, Frank Blevins, any reference to job cuts. Job losses by attrition are very different from job cuts by redundancy—

Members interjecting:

The PRESIDENT: Order! Order! The question was heard without any interjections; I ask that the same apply to the answer.

The Hon. J.R. CORNWALL: I do not think I have any more to add. There is a very big difference between attrition and redundancy, just as there is a very big difference between losses in the work force in general terms—and that is in the longer term—as against job cuts. The general connotation of the expression 'job cuts', as Mr Cameron ought to know, and as Mr Lucas does know, means dismissals and redundancies. It has been made crystal clear in all of the

negotiations that one of the things that will never be proposed, and has never been a policy of this Government, is redundancy. With regard to attrition, if at the end of the negotiations in the commission there have to be some jobs which go by attrition over that period to 1990, so be it. That is a matter for the Minister of Labour, the Industrial Commission, the DPIR, and ultimately, of course, the Cabinet. Nobody except the dishonourable Mr Cameron has ever talked about redundancy and job cuts. It is dishonest of him to come in here and try to misrepresent the position in the way he has.

The Hon. M.B. CAMERON: I have a supplementary question: does the Minister agree that the statement of the Hon. Mr Blevins, 'If at the end of the process it is clear that sufficient productivity increases have not occurred to offset the 4 per cent then it will mean some jobs will have to go,' means that there will be job cuts? Does the Minister agree with that?

The Hon. J.R. CORNWALL: Mr Blevins has never used the expression 'job cuts'. The only person who has ever used that term is Mr Cameron, for the most reprehensible and mischievous political reasons. As I said, he is either stupid or mischievous, and I suspect both.

CARRICK HILL

Adjourned debate on motion of Hon. Carolyn Pickles:

That the report of the Select Committee on the Sale of Land by Carrick Hill Trust be noted.

(Continued from 4 November. Page 1635.)

The Hon. T.G. ROBERTS: I rise to support the motion to note the report of the select committee. The committee was set up to look at the proposal being put forward by the trust, namely, to sell a section of the land that comprises the Carrick Hill property. The section was 2.7 hectares in the south-eastern corner which made up 6.8 per cent of the whole of the Carrick Hill property. It would have raised $70 000 in trust which could have provided the money to buy contemporary works of art or sculpture for a sculpture park, which trust members felt was needed to lift the standard of Carrick Hill and to encourage not just one-off visitors, but the return of visitors and also to encourage the visual arts in South Australia which need fostering in terms of sculpture. The loss of sculptors, particularly local ones, to overseas countries at the moment is occurring because we do not have a sculpture park or an area where local artisans can present their works of art in a way that is complementary. It was viewed by the Carrick Hill Trust that a sculpture park was required to complement the other visual arts areas that could be viewed by walking through the Carrick Hill property.

Members of the select committee were shown around the property, through the house and the grounds to view the area proposed to be sold. We later viewed the works of art inside the home. Upon visiting the property one can get a feel for some of the difficulties the trust has in administering such a diverse section of the arts that comes under its responsibility. A number of works of art internationally recognised in the painting field are displayed. There is a lot of valuable furniture, antiques, porcelain and so on and it was felt that to take the pressure off some of these areas by the number of visitors proposed to be going through the property, to complement and lift these pressures, a sculpture park was required to carry out the expectations of the trust in being able to put forward something that had a little bit of everything for everybody.

People go to Carrick Hill for varying reasons. Some go to view the home and its contents, some go to see the grounds and others go to take in the panoramic views and scenery that go with the property. Unfortunately, the trust's income was not enough to cover the developments that it thought were required and it was put in a position where it did not want to see the whole of the property deteriorate to a point where it would not be viewed by anybody or that nobody would want to return because the place was in a position where it was difficult to administer due to lack of funds being raised from people going through the gate and corporate bodies making subscriptions to the trust.

It was felt that to get the sculpture park established the sale of that small portion of the land would be required and the revenue raised—approximately $1.2 million—would be put in trust in perpetuity so that approximately $70 000 a year could be put aside for the purchase of those works of art. Unfortunately, it was seen by some people that the wills of the late Lady Hayward and Sir Edward Hayward tied the interests of the Carrick Hill property trust and those people thought that the intentions of the will were to be maintained whatever happened.

The Hon. Carolyn Pickles interjecting:

The Hon. T.G. ROBERTS: The Hon. Carolyn Pickles says that that is not what Sir Edward wanted. It was given in evidence that over the past few years of Sir Edward's life he talked about a proposal for a sculpture park to be funded in a way that the trust has put forward. Lady Hayward did not have an opportunity to outline any of these proposals because the situation had not got to that stage when she died in 1970. In 1983 Sir Edward did outline privately to people that he had a vision that included a sculpture park to be funded, hopefully, through a mechanism that encouraged local artisans to participate and keep young South Australian artists in this State. That, unfortunately, has not been the case.

The position in which we now find ourselves is that, if the proposal is not taken up and the trust not formed and the land not sold, the trust will be restricted in its ability to raise funds to enable the sculpture park to be developed. That will limit the funding made available for any development of the Carrick Hill property.

Those people who have travelled around British and European stately homes will know that a great deal of encouragement is given to those homes to develop their finer points in terms of their ability to attract people through the gates to look at them. Where they have not been sponsored or do not attract the funding required, the stately homes generally tend to fall into disrepair and are turned over to such artistic pleasures as lion exhibitions. With some, giraffes and elephants roam near the front gates with all sorts of zoos and menageries that do not complement the vision of what most people regard as a stately home or mansion and certainly do not complement the artistic holdings within the bodies of the homes.

If Carrick Hill Trust is put in the position where its hands are tied so that it does not have access to revenues that may be raised, I am afraid that Carrick Hill may fall into the same category where, to attract people through the gates to fund the developmental projects required, the trust may be forced to run most uncomplementary revenue raising projects alongside the visual arts projects that are carried on.

One of the objections that were raised, particularly by residents who live close to Carrick Hill, was that if the land were sold, there would be some disruption to them and the

subsequent development would be a visual imposition. I accept that point. However, there may be some other disruptions to their way of life if Carrick Hill is forced to try to attract people through the turnstiles to raise the funds that are required to achieve the vision of the late Sir Edward Hayward.

The reference by the Hon. Mr Elliott in the press that members of the select committee went into this matter with fixed positions was not true in my own case. I certainly went into the committee not with a fixed position but to look at the issues and the dilemma in which the trust found itself with regard to its legal and moral responsibilities. I was prepared to look at both sides of the argument in terms of how firmly tied the trust was to its legal obligations and what sort of responsibilities it had. I found that I came down on the side of the living rather than of those who had passed away.

As a Parliament, we have a responsibility to those who administer the trust. The trust has had difficulty coming to terms with changed circumstances. I know that it would be very good to take a conservative position and say that nothing ever changes but unfortunately—or fortunately, depending on the way one looks at it in terms of one's political perspective—the responsibilities that we have to the living are very strong. Those who believed that a section of land should be sold were looking at the difficulties that the trust had in administering the estate.

I was one of those who came down on the side of the trust and its being able to have a free hand to enable it to carry on the work that it has started in developing Carrick Hill as a point of focus in this State for the living and visual arts and in building an international reputation to complement some of the other areas of the arts that the Hon. Mr Davis says the Government often neglects. Carrick Hill would make an excellent contribution to fostering an extension in the foothills of the visual arts display on North Terrace so that international and interstate visitors could find their way out there to have a look at what could be regarded as the anglicising of the South Australian landscape. It is a small piece of England, which was probably built to remind people of their visits to England and Europe.

Some problems were already showing at Carrick Hill, not through neglect but because funds were not available to be expended in a way to enhance the property. Many of the projects, such as the gardens and the maze, were carried out in a way to save money. They did not receive a large injection of funds and were undertaken with a lot of hard work and personalised attention from members of the trust. I commend them for the work that they have done, and I hope that they will continue to carry on under difficult circumstances to make Carrick Hill something of which South Australia can be proud, and try to hold some of our local artists, particularly sculptors, in this State. If the sale of the land does not go through, the trust's job will be made much more difficult, and its members' time as individuals to develop the park will be restricted. They will have to become virtually touts for finance, and a lot of their time will be taken up in what could be regarded as time-wasting measures to raise funds.

That sums up most of the arguments that were developed by those who supported the sale of the land. I respect the views and opinions of those who oppose the sale of the land on legal grounds, but I feel that we have a responsibility to the living to carry out this work in a way which supports the sale of that section of the land.

Motion carried.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Legal Practitioners Act 1981. Read a first time.

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

That this Bill be now read a second time.

It makes four amendments to the Legal Practitioners Act 1981. The first amendment is to section 52, which deals with the professional indemnity insurance scheme. Section 52 of the Act authorises the Law Society to enter into an arrangement with authorised insurers to provide professional indemnity insurance to legal practitioners. A compulsory professional indemnity insurance scheme came into operation on 1 March 1982. The present scheme has now operated for nearly three years and is due to expire on 31 December 1987.

Since the terms of the scheme were last negotiated with insurers in 1984, the market for professional indemnity insurance has changed dramatically in that is has become difficult to obtain and increasingly expensive. The Law Society has examined a number of options for renewal of the scheme and now proposes a scheme whereby the society will self insure against claims up to a specified limit with back-up insurance to the limit of the indemnity.

The amendment to section 52 will allow such a scheme to be put in place. The section is an enabling section—the details of the scheme will be spelt out in the regulations. As far as the public is concerned, the level of protection under the proposed scheme will be the same as under the existing scheme.

The second amendment is to section 53, which deals with the Combined Trust Account. Under section 53, practitioners are required to deposit with the Law Society a specified proportion of the money held in their trust accounts. Interest from the moneys so deposited is paid into the Legal Practitioners Guarantee Fund and is used, *inter alia*, to pay the costs of investigating complaints against legal practitioners, the costs of disciplinary proceedings against legal practitioners, and compensating persons who have suffered loss as a result of a fiduciary or professional default by a practitioner.

The section requires practitioners to deposit the money with the Society on or before 1 January and 1 July each year. In the event that a practitioner fails to comply with the section he must pay interest on the outstanding moneys for the period he was in default.

Practitioners are frequently in default without deliberately intending to be. Problems are caused by the adjustment date of 1 January. Most legal practices are closed over the Christmas/New Year period, or operating on skeleton staff. Proper reconciliation of trust accounts is difficult under these circumstances. In addition, not all banks will deliver trust account statements to solicitors on the mornings of 1 January and 1 July. Further, the trust account ledger itself has to be balanced and if there are significant numbers of unpresented cheques the provisions of section 53 (4) need to be considered.

There is no magic in the two adjustment dates originally incorporated into the Act. Altering the dates to 31 May and 30 November will be more convenient for practitioners, and providing a seven day grace period before the money must be deposited will overcome the present problems being experienced by practitioners.

The third amendment is to section 56 (6) of the Act. That section provides that where the amount in the guarantee fund exceeds an amount calculated by multiplying $5 000 by the number of legal practitioners the society shall hold

the excess to be paid or applied by the society to the Legal Services Commission, or for any purpose approved by the Attorney-General and the society.

The Society adopts the view that, at the very least, the guarantee fund should be able to meet a defalcation of $500 000 without exceeding the 5 per cent limit established by regulation pursuant to section 64 (2). To satisfy this, there would need to be at least 2 000 practitioners, a number not expected to be attained until about 1993. Further, with the change in the value of money it is reasonable to expect the size of any major defalcation to be significantly greater than has been the case in the past. By increasing the amount from $5 000 to $7 500, the amount in the guarantee fund will be held at an appropriate level.

The fourth amendment is to section 86. This section provides that a legal practitioner has a right of appeal against an order of the Legal Practitioners Disciplinary Tribunal. The Supreme Court has recently held that a complainant has no right of appeal where the tribunal has made no order or reprimand and has simply dismissed the charges. The amendment will give a complainant a right of appeal against any decision of the tribunal, whether it be a formal order or a dismissal of a charge.

Clauses 1 and 2 are formal.

Clause 3 inserts a new provision enabling the society to establish the new professional indemnity insurance scheme. Clause 4 alters the dates on which deposits are required for the combined trust account from 1 January and 1 July to 31 May and 30 November. It also allows for a seven day grace period within which a deposit may be made without penalty.

Clause 5 provides for the guarantee fund to accumulate to a balance 50 per cent higher than the limit presently fixed in section 56. Clause 6 will permit an appeal against a decision by the disciplinary tribunal not to take disciplinary action against a practitioner.

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

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Summary Offences Act 1953 and to repeal the Second-hand Goods Act 1985. Read a first time.

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

That this Bill be now read a second time.

This Bill repeals the Second-hand Goods Act 1985 and transfers existing police powers to inspect goods, records and other related matters to the Summary Offences Act 1953. This is a significant deregulation initiative which affects approximately 3 500 licensed dealers.

The Second-hand Goods Act 1985 repealed the Second-hand Dealers Act 1919 and the Marine Stores Act 1898 and followed a review undertaken by an inter-departmental working party established in January 1981. The key provisions of the 1985 Act provide for the licensing of second-hand dealers, require second-hand dealers to keep prescribed records in a prescribed form and provide the police with powers of search and entry of second-hand dealers' premises. The objectives of the Act are to restrict the sale of stolen goods and to prevent the entry into the second- hand goods industry of persons who are likely to engage in the selling of stolen goods.

The regulations contain a number of exemptions for various types of goods and, since the Act was proclaimed on 1 June 1986, there has been a steady stream of requests for further exemptions. Numerous concerns have been expressed by business, by the Commercial Tribunal and others about the justification of the legislation and a review has been carried out to develop an alternative system which will satisfy the police but not be as regulatory as the present system.

The system proposed is one of 'negative licensing' with the courts being given an additional sentencing option of prohibiting offenders, who commit an offence under the Act or an offence involving dishonesty, from carrying on the business of buying or selling or otherwise dealing in second-hand goods for such period of not less than 12 months as the court thinks fit.

Most of the stolen goods recovered from second-hand dealers in the past have been due to information supplied by dealers to the police and not as a result of police visiting dealers to check the records prescribed under the Act. The imposition of excessive recording and restrictions, which dealers considered could not be justified, does not encourage this spirit of cooperation which is essential if stolen goods are to be detected. The police fully support the need to obtain the cooperation of dealers and the police have agreed to reducing regulation. The main areas of regulation which will be removed are as follows:

- licensing of dealers and managers
- annual returns
- registration of premises
- keeping of prescribed records which are a duplication of normal business records
- tagging and identification of goods
- recording movement of goods
- holding goods for 4 days
- inclusion of prescribed information in advertisements.

It is proposed that dealers should only record information of goods bought or received which a prudent business person would be expected to keep. Very few businesses are likely to be granted exemptions from recording information of goods bought or received. Examples which come to mind are charitable organisations, collectors of bottles, cans and scrap metal, dealers in fabric off-cuts and second-hand book marts. Any person who sells second-hand goods, regardless of the value of the goods, on not less than six different days within a period of 12 months, will be required to comply with the Act. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 inserts a series of new provisions into the principal Act dealing with the business of selling second-hand goods. New section 49 provides definitions of terms used under this heading. Section 49a requires a second-hand dealer to maintain records containing information prescribed by the section. Section 49b is a method of requiring second-hand dealers to watch out for stolen goods. Section 49c empowers members of the Police Force to enter premises for the purpose of enforcing these provisions. Section 49d enables a court to order that a person convicted of certain offences not carry on business as a second-hand dealer. Section 49e is an evidentiary provision. Section 49f provides for offences by directors of companies and section 49g limits the time in which proceedings must be commenced.

Clause 4 replaces section 77 of the principal Act.

Clause 5 repeals the Second-hand Goods Act 1985.

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

CARRICK HILL LAND

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That this Council resolve to approve, in accordance with the requirements of section 13 (5) of the Carrick Hill Trust Act 1985, the sale by Carrick Hill Trust of that portion of the land comprised in Certificate of Title Register Book Volume 2500 Folio 57 that is marked 'A' and shaded in red on the plan laid before the House of Assembly on 2 April 1987.

In speaking to this motion, I do not intend to reiterate all that has been said over recent weeks and months regarding the sale of a portion of Carrick Hill. Members who are truly interested in the welfare of this magnificent property will, by now, be familiar with the proposal and the various claims and opinions that have been expressed on this matter. It is, however, important to remember that the Carrick Hill Trust's real purpose in this proposal is not to sell some of the land but to accumulate funds for the maintenance of the property and its further development as one of this State's prime tourist attractions.

The trust has explored several money-raising options: it runs a souvenir shop, and it has hosted special functions and organised several other fund-raising activities, but the capital that has been generated is by no means sufficient to meet the intentions implicit in the bequest—hence the current proposal to sell a portion of the land. It would appear that the main issue at this stage centres around the right of the Government, as the willing recipient of bequests, to vary aspects of the arrangement. Clearly, this Government believes that the intentions of such generous benefactors must be honoured. Nevertheless, there have been instances—and undoubtedly there will be even more—where bequests, no matter how generous, create a continuous need for expenditure that could not have been anticipated. In such cases there needs to be a mechanism to enable the original intention behind the bequest to be achieved.

There are many instances in South Australia and interstate of generous gifts of items and property to various institutions, which require considerable financial outlay to maintain, protect and make available to the public, leading to severe financial difficulties for the recipient organisations. This matter was considered by the select committee, which recognised the problem and recommended:

The question of whether the Supreme Court should be given the power to vary charitable trusts in order to provide ongoing maintenance of any bequest be further investigated by the Attorney-General.

I am sure that the Attorney-General will look into this matter. However, the principle that bequests, once made and accepted, should be honoured by the recipient, is something that the Government and I fully support. In the instance of Carrick Hill, the Hayward family wanted to leave a valuable property and art collection to the State for the enjoyment of the community. It was not intended that the property be kept as it was without further development. The Haywards contemplated a variety of uses. They suggested that it may be an art museum, a botanical garden or that it could be used as a residence for the Governor. I think members will agree that all these uses would require further developmental funding.

Upon Sir Edward Hayward's death the Government accepted the bequest and, through the Carrick Hill Trust, set about refurbishment and restoration of the house and gardens. In all, nearly $3 million has been spent on Carrick Hill over the past few years. That demonstrates to me a genuine commitment by this Government to honour the Hayward family bequest. To develop this valuable asset further would mean continued injection of Government resources.

The trust has recently commissioned a development plan that calls for the development of 9.5 hectares as a sculpture park, in addition to the existing three hectares of formal garden. Grounds development for this area is expected to cost $500 000, while the acquisition of 30 suitable pieces of sculpture will cost about $1 million. With funds from the sale of the land this exciting development plan could be implemented over the next seven years. The end result would be a world class art museum and botanical park totally in accord with Sir Edward and Lady Hayward's vision.

Before his death Sir Edward, in discussions with the Premier of the day (the former Liberal Leader, the Hon. David Tonkin), indicated his support for selling portion of the land. In his letter of 23 June 1987, David Tonkin indicated that Sir Edward had no compunction about selling off land 'up the back' if it would provide the basis for the ongoing development of Carrick Hill and the sculpture park.

The trust deed, signed by Sir Edward and Lady Hayward, together with their wills, are naturally couched in legal terms, yet it is the Carrick Hill Trust's and the Government's belief, that is fully substantiated by David Tonkin's letter, that the Haywards were more interested in providing an artistic cultural facility for the enjoyment of the people of South Australia than striving at all costs to keep the whole property intact in perpetuity. David Tonkin assures us that Sir Edward was not concerned about selling a piece of the land to help develop Carrick Hill, and this view was supported also in evidence to the select committee by David Dridan, a member of the trust and also an art adviser to Sir Edward Hayward. Sir Edward was more enthusiastic about Carrick Hill being developed as a sculpture park than he was concerned about the sale of any of the land.

The recent select committee report on this matter was evenly divided over its support for the proposal to sell a portion of the land. However, the Government believes that the proposed sale and the development of the sculpture park is quite consistent with the wishes of Sir Edward. I stated earlier that this Government is committed to the principle that bequests accepted by the Government must be honoured. I believe that that principle is fully supported by all parties. I believe also that, in leaving Carrick Hill to the State, the main purpose was not to make sure that the property remained intact but rather that it be developed and enjoyed by the people of South Australia. The proposal to sell a small portion of the land and to use the proceeds to establish the sculpture park had been contemplated by Sir Edward and is consistent with the Haywards' intended development of the property. I commend the motion to members.

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

[Sitting suspended from 4.3 to 5.9 p.m.]

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1826.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill. We are able to proceed with the debate immediately

because I was provided with a draft Bill earlier this week in anticipation that it would be introduced today. The Law Society has made some representations to me about the amendments proposed in the Bill. There is some urgency with the Bill, because practising certificates for legal practitioners must be renewed by 1 January 1988 and, as a condition precedent to renewal of a practising certificate, there is a compulsory requirement for professional indemnity insurance to be arranged.

When I was Attorney-General, in consultation with the Law Society, the Legal Practitioners Act was amended to provide that professional indemnity insurance for every legal practitioner practising in South Australia was compulsory, and that it would be provided through a master policy negotiated by the Law Society with insurers and every legal practitioner would then be covered. That was done for two reasons: first, to protect members of the public and, secondly, in an endeavour to get a better rate of insurance for legal practitioners in terms of professional indemnity insurance cover. That master policy has operated for two periods of three years each and expires at the end of December this year. It is therefore important that a new scheme of professional indemnity insurance is negotiated, and I understand that the Law Society has been doing that since the middle of the year.

The proposal envisages that the Law Society will carry part of the liability up to $50 000 for any one claim, and the balance will be insured through Lloyds of London. For that $50 000 cover for any one claim the Law Society will retain portion of the premium paid for professional indemnity insurance and will invest it. As I understand it, such a scheme already operates in Victoria and provides appropriate cover as well as providing legal practitioners with some moderation in the rate of premium payable. It was suggested to me that this sort of arrangement may result in each legal practitioner paying something like $700 less in premium next year compared with what would apply under a renegotiated master insurance policy.

That is a substantial saving. In making that saving it should be emphasised that the public remains fully covered and that there is no reduction in the level of cover available to the public; I would imagine that the level of surveillance by the Law Society through its Legal Practitioners Complaints Committee under the Legal Practitioners Act would increase, because there is then a much more direct involvement in ensuring that claims are kept to an absolute minimum and, if made, are resolved quickly. So, the proposition before us repeals that section of the Legal Practitioners Act which provides for the master insurance policy and replaces it with a section that is in effect an enabling section which sets out the major components of any new scheme of professional indemnity insurance, allowing for regulations to be promulgated containing the detail of the insurance cover.

The Opposition and I support that proposal. Obviously the regulations are of critical importance in determining the effect of the scheme. I suppose before embarking on the second reading speech I should have declared my own interest as a legal practitioner in the benefits which might flow from this proposal. I put this on the record to ensure that at some later stage no-one can accuse me of not disclosing that matter, which might be construed as a pecuniary interest.

The Bill also does several other things. It provides that the date by which or at which practitioners must make adjustments to trust accounts for the purposes of the Combined Practitioners Trust Account are changed from 1 January to 30 November and from 1 July to 31 May. Again I accept the practical reasons why this has been proposed, namely, because of the difficulty of obtaining from a bank statements on 1 January (as banks are closed) and on 1 July, which is the commencement of a new financial year. I also appreciate the need for a seven day grace period after the two dates to which the amendments will be made.

The third amendment deals with the guarantee fund, which again accrues ultimately to the benefit of any member of the public who might suffer as a result of defalcation. The amount referred to as the base on which the fund may be accumulated is $5 000 per practitioner, to be increased to $7 500 per practitioner to enable the fund to accumulate to a more appropriate level.

The fourth amendment is to ensure that there is a right of appeal against any decision of the Legal Practitioners Disciplinary Tribunal in circumstances where the tribunal has made no order or reprimand against a practitioner in respect of whom a complaint has been laid and has simply dismissed the charges. In effect, it is giving the complainant a right of appeal to the Supreme Court. Again, I think that that is in the interests of the public and, accordingly, I support that proposition, too.

There are only two other matters about which I want to make an observation. New section 52 (4) provides:

> As from the date of promulgation of the scheme or the amendment . . . it has the force of law and is binding on—
> *(a)* the society;
> *(b)* the legal practitioners covered by the scheme;
> *(c)* the insurers and other persons to whom the scheme applies.

I do not expect the Attorney to answer my question immediately, but it may be a matter which he could consider before the Bill is dealt with in another place. My question relates to the provision concerning insurers: if those insurers are outside South Australia—either interstate or overseas—can they be bound extra-territorially by this section?

The other matter to which I draw attention is the definition of 'legal practitioner' in new subsection (5); it is to include a person who has ceased to be a legal practitioner but who was a legal practitioner when a liability covered by the scheme arose. As I say, this is a matter that the Attorney can consider before the Bill is passed through another place. I ask what happens to liabilities that accrued before this scheme came into operation and accrued under the current scheme?

Probably there is a provision in the present scheme to continue the cover for liabilities that accrued or were incurred under the scheme, but it seems that there may be some doubt whether that is adequately covered by the amendment. In order to enable the matter to be dealt with expeditiously, I am prepared to indicate that we support the second reading. We will facilitate the progress of the Bill through this Council because it is necessary to have it in place at the earliest opportunity to enable notices for renewals of practising certificates and compulsory insurance cover to go out well before 1 January 1988. I support the second reading.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 10 November. Page 1791.)

The Hon. PETER DUNN: The Opposition agrees with the thrust of this Bill, which should have been introduced a long time ago. The second reading explanation says that the object of the Bill is to allow the Registrar of Motor

Vehicles to refuse to register a motor vehicle. In another place, in reply to a question on this Bill, the Minister of Transport said that at the moment the Registrar cannot refuse to register a vehicle if it is unsafe or does not conform to Australian design rules. However, the Registrar will be able to refuse to register where a vehicle does not conform to the appropriate Act or regulation, or is unsafe. In other words, it has not been necessary in this State for any of the vehicles built here to comply with the Australian design rules. If General Motors or Mitsubishi had been aware of that, they might not have acted in the way that they have done. That is an interesting derivative of what this Bill does. As a result of this Bill, vehicles will have to comply with design rules, which have been laid down relatively world-wide, not just Australia-wide. Therefore, it is fair and reasonable that this Bill be supported.

The Bill also deals with vehicles causing a threat to the safety of persons using a road. In a number of cases vehicles have been found to be unsafe. Ten or more years ago, vehicles were designed with horrendous looking objects such as spiked eagles sitting on front and funny, pointy mudguards. Obviously, this Bill will stop those designs.

The second reading explanation states that a vehicle may not be registered if it poses a threat to the safety of people on the road, for example, if the windows are unduly reflective and particularly dangerous bull-bars are attached. I have not really seen vehicles with reflective windows, although I have seen very dark ones. I guess that there must be some if the Minister says so, but I think that is a minor issue. With regard to bull-bars or roo-bars, as they are more commonly known in this State, there is a very real purpose for them, particularly for people who drive at night in the outback. Most of the trucks and other vehicles that carry the papers from here to Coober Pedy, Roxby Downs or Ceduna are fitted with some type of protective bar on the front.

I hope that reasonable design will allow protective bars to remain and that drivers will not be forced to remove them. It is even more important as a number of people owning light vehicles use them, and making contact with kangaroos, cattle or sheep, at high speed at night on an open road can be very dangerous. I think that some protection can be gained from using those bars.

Who determines the safety of the bars and the vehicles, and what is deemed to be unsafe? I guess that there are regulations and committees, and I ask the Minister to address this in reply. Do STA buses comply with the rulings of this committee? I understand that they are either equal to or larger than the maximum width permitted and that, when fully laden, they can be overweight. I ask that the Minister also address this in reply. The Opposition agrees that the Registrar should have the option of refusing to register a vehicle. I can name a few instances where modifications to vehicles have made them unsafe, for instance, larger engines put in vehicles when the braking system does not have the capacity to handle it. I was under the impression that these matters were now fairly rigidly controlled. If this Bill allows for a sensible and safer approach to vehicle modification, I agree with it. The Opposition supports the Bill.

The Hon. J.R. CORNWALL (Minister of Health): In response to the Hon. Mr Dunn, it can be done at the time of registration or done in the same way as vehicles are currently defected as being unroadworthy. One would have officers of the Registrar of Motor Vehicles on the one hand and the police on the other. I cannot vouch for the fine detail of that response. It is the only one that I have come upon going through the file that was provided to me. I undertake to provide from the Minister of Transport considered and written answers to those questions, although I do not think that we should allow it to hold up the passage of this Bill. I think that the information that I have given is probably close to the mark.

The Hon. Peter Dunn: Does a committee determine what is safe or unsafe, or does an individual determine it?

The Hon. J.R. CORNWALL: I am unaware of the existence of any committee. I think an individual competent officer with authority does it, whether it be a police officer—

The Hon. K.T. Griffin: Subjective judgment.

The Hon. J.R. CORNWALL: It is. One could say it is subjective judgment that brakes are faulty or tyres bald.

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

BARLEY MARKETING 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

The issue of the personal liability of board members was raised with the Government by the board as a result of amendments made to the Companies (South Australia) Code regarding the personal liability of directors and senior officers for certain decisions taken in their official capacities. While the Australian Barley Board is not subject to the code, board members expressed concern about their personal liability as members of the board. As a result, the Government has decided to amend the Barley Marketing Act 1947 to expressly exclude the personal liability of board members for decisions made by the board.

The Australian Barley Board is empowered to trade on futures markets in accordance with guidelines determined by the responsible Ministers in South Australia and Victoria. Since the board will soon be issued with these guidelines, and since futures trading will be confined to trading for hedging purposes, a definition of hedging is required to be incorporated into the Act.

The board has conducted investigations into suspected illegal barley trading and encountered significant problems in obtaining satisfactory evidence for prosecution.

Section 10a of the Act allows the board to serve notice on a person requiring that person to provide information specified in the notice. The person cannot without reasonable excuse fail to comply with the notice or provide false or misleading information.

While the intention of this section is clear, the board has found that a grower can successfully claim a common law right against self-incrimination for failure to comply on the grounds the information provided may lead to some pecuniary penalty.

The board has requested an amendment to overcome this situation, and the Government has agreed with that request by introducing an amendment to give the Australian Barley Board the same powers in this regard as are given to the Australian Wheat Board in relation to wheat trading. Rural producers from time to time execute bills of sale over their crops in order to secure ongoing finance.

It is the Australian Barley Board's policy to act on:

1. Garnishee orders of the Australian Taxation Office.
2. Bills of sale granted by the Minister of Agriculture.
3. Registered bills of sale.

The board acts in good faith on these bills and makes payments to the grantee until advised the bill has been discharged.

However, the board has experienced difficulty with one particular grower who delivered barley subject to a bill of sale from his property under another name and the board, without any knowledge of this, paid him.

The grantee of the bill of sale naturally took action against the grower concerned and cited the board as a party in this case. The board is unable to police the actions of every grower in this State and was not a party to this scheme to defraud the grantee. The board has requested, and the Government has agreed, to amend the Act to protect the board from prosecution in these circumstances.

While the Barley Marketing Act empowers the board to market barley (and oats) up to (and including) the 1987-88 season, so as not to inhibit the commercial flexibility of the board, the Government has decided to move now to extend the life of the Barley Marketing Act by a further five years.

Clauses 1 and 2 are formal.

Clause 3 inserts new subsection (5) into section 4. The new provision is a standard provision excluding liability of members of the board.

Clause 4 inserts a definition of 'hedging purposes' in relation to futures contracts. The provision is identical to the provision currently before the Victorian Parliament for insertion into the Victorian Act.

Clause 5 inserts a provision into section 10a requiring self-incriminating information. However the information can only be used against the person giving it in proceedings for an offence against the Act.

Clause 6 inserts a provision that protects the board against claims by the holders of a bill of sale or other security over a barley or oat crop.

Clause 7 extends the operation of the Act to the 1992-93 season.

The Hon. PETER DUNN secured the adjournment of the debate.

CANNED FRUITS MARKETING 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

Since January 1980, the marketing of canned deciduous fruit produced mainly in South Australia, New South Wales and Victoria has been controlled through the Australian Canned Fruits Corporation. This is implemented under terms of agreements between canners and within the framework of the Commonwealth Canned Fruits Marketing Act 1979 and complementary legislation of the States concerned.

The Corporation acquires and arranges for marketing of canned deciduous fruit, sets minimum selling prices, equalises returns to canners from domestic and export market sales and arranges for the provision of seasonal finance to canners.

Following the Industries Assistance Commission Interim Report on Canned Fruit (Statutory Marketing and Interim Assistance Arrangements) the Commonwealth Government has agreed with industry requests to continue the current marketing arrangements for a further year to 31 December 1988.

Federal Parliament has been presented with a Bill which extends operation of the Commonwealth Act to that date and the purpose of the measure before honourable members is to secure a similar extension to the complementary South Australian Act. Parliaments in other relevant States naturally are required to undertake the same action.

Clause 1 is formal.

Clause 2 amends section 4 of the principal Act which is the interpretation provision. The definition of 'season' has been amended to extend the season to 31 December 1988.

The Hon. PETER DUNN secured the adjournment of the debate.

APIARIES 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 of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this Bill is to amend the Apiaries Act 1931. The amendments sought stem from advice received from the Ombudsman, Crown Solicitor, a Magistrate in a court case and from consultation with the beekeeping industry.

Amendments are sought to remedy shortcomings in the sections dealing with reporting of disease and provision of water by the beekeeper.

To protect the Beekeepers Compensation Fund an amendment is sought to limit the amount of compensation payable to any one beekeeper, and to give the Minister power to refuse compensation when the owner has failed to report obvious disease for a long period of time. Provision is also sought for interest to be paid on amounts standing to the credit of the fund.

Provision is sought for the right of appeal by a person who has been refused compensation.

Industry has asked for, and I am seeking, amendments to enable the Chief Inspector to order sterilisation as well as burning infected material; to prohibit the exposure of beekeeping materials to places where bees have access; to transfer the schedule of diseases to the regulations; to update the list of diseases to which the Act applies and distinguish between prescribed diseases and declared notifiable diseases; and for an increase in penalties for offences against the Act.

An amendment is sought to delete that part of the Act which provides that the Minister gives queen bees to the owners of bees on Kangaroo Island. This was only possible when the Department of Agriculture was running the Ligurian bee farm on the Island.

Clauses 1 and 2 are formal.

Clause 3 amends section 3 of the principal Act which is the interpretation provision. The definition of 'disease' is

struck out and a new definition is substituted. 'Notifiable disease' is also defined for the purposes of the Act.

Clause 4 amends section 5 of the principal Act which requires a beekeeper to be registered by increasing the maximum penalty in subsection (1) to $5 000.

Clause 5 repeals section 6 of the principal Act and substitutes a new provision. The new section provides that a beekeeper must give notice to an inspector of a notifiable disease in his or her apiary within 24 hours after evidence of the disease appears. The maximum penalty fixed is $5 000.

Clause 6 amends section 7 of the principal Act which deals with the duties of beekeepers by striking out paragraph *(c)* of subsection (1) and substituting a new paragraph which requires a beekeeper to comply with any directions or instructions lawfully given by an inspector under the Act.

Clause 7 amends section 8a of the principal Act to provide for payment into the Beekeepers Compensation Fund of interest.

Clause 8 amends section 8c of the Act which is the section dealing with compensation. A new subsection provides that the maximum amount of compensation payable under the section will be calculated in accordance with the regulations.

Clause 9 amends section 8d of the principal Act which is the section limiting compensation. The amendment provides that the Minister may refuse an application for compensation where disease has been present in the property for at least two months before notification was given by the beekeeper.

Clause 10 inserts section 8e into the principal Act to give a person who is refused compensation by the Minister a right of appeal to the District Court.

Clause 11 amends section 9 of the principal Act which creates a number of offences. The maximum penalty under this section is increased to $5 000.

Clause 12 amends section 10 of the principal Act by increasing the maximum penalty in subsection (3) to $5 000.

Clause 13 amends section 11 of the principal Act by increasing the maximum penalty in subsection (3) to $5 000.

Clause 14 amends section 12 of the principal Act which is the provision prohibiting the bringing of bees into Kangaroo Island and the keeping of bees other than pure Ligurian bees on the Island. Maximum penalties have been increased to $5 000.

Clauses 15, 16 and 17 increase the maximum penalties in sections 13, 13aa and 13a of the principal Act respectively to $5 000.

Clause 18 repeals section 13b of the principal Act and substitutes a new provision requiring beekeepers to maintain sufficient clean water for bees. The maximum penalty fixed is $5 000.

Clause 19 amends section 19 of the principal Act which is the regulation making power. Subsection (2) is amended by providing that regulations may impose a maximum penalty of $5 000 for breach of any regulation.

Clause 20 repeals the schedule to the principal Act which listed the diseases and pests affecting bees to which the Act applies. Provision has been made in the definitions of 'disease' and 'notifiable disease' to allow prescription of diseases by regulation.

The Hon. PETER DUNN secured the adjournment of the debate.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

In Committee.

(Continued from 21 October. Page 1370.)

Clause 2—'Offence to make information available to Commonwealth agencies for certain purposes.'

The Hon. I. GILFILLAN: I will not be moving the first part of my amendment, in deference to what I believe is a better amendment on file under the name of the Hon. Trevor Griffin.

The Hon. K.T. GRIFFIN: I move:

Page 1, lines 16 and 17—Leave out 'it is unlawful for any person to' and insert 'no person who is employed or engaged in, or in connection with, this Act may'.

The embargo created by this new section 75a is on anybody engaged in the administration of the Act from making certain information available in the context of the section. It seems to me that it ought to be wider than the principal registrar and other registrars and cover any other person who is involved in the administration of the Act.

The Hon. I. GILFILLAN: I support the amendment.

The Hon. C.J. SUMNER: This does not change my attitude to this ridiculous Bill which is, as I said before, a typical Democrat stunt, in which I am surprised that the Hon. Mr Griffin is acquiescing. I can only assume that he is trying to shore up a weak flank somewhere along the line. There is no justification for this legislation: he knows that. The Democrats know it, but in their typical opportunistic manner—

The Hon. I. Gilfillan: There's nobody in the gallery. There's no point in this.

The Hon. C.J. SUMNER: It is all right: you know exactly what the Bill is. It is a typical opportunistic stunt coming from the Democrats. There is no basis for it in any sort of sensible legislative program. The amendment makes the legislation no better, in my view: it does not overcome the criticisms that I levelled at the Bill when it was introduced.

It was a poorly thought out Bill when it was introduced. In my second reading speech I indicated the practical problems with the Bill which really undercut the whole basis of the matter. It would make the exchange of information on a number of things including—

The Hon. M.B. Cameron: How can you talk about poorly thought out Bills?

The Hon. C.J. SUMNER: Well, that is the reality of this Bill. For instance, it would stop the making available of information to the Federal Government on electoral rolls. I suppose the honourable member would say that his particular amendment has fixed that, but this amendment does not improve the Bill.

The Hon. K.T. Griffin interjecting:

The CHAIRPERSON: Order!

The Hon. C.J. SUMNER: The honourable member says it improves it: I suppose improvement is in the eye of the beholder. In this case it does not overcome the fundamental objection to the Bill which I put in the second reading debate. I am surprised that the Hon. Mr Griffin and the Liberals should have anything to do with it. I can only assume that they feel they have to go along with it for political reasons because the Democrats have introduced it, but it ought to be treated with complete contempt by anyone in the Parliament who has any sense.

The Hon. K.T. GRIFFIN: It is not through any indication of weakness, or for any other similar reason to which the Attorney-General refers, that the Opposition is supporting this Bill. I indicated in my second reading contribution that this all occurred because the debate on the Australia Card was pretty hot at the time. The Victorian Liberal Party indicated its intention to introduce legislation to do this. The Hon. Mr Gilfillan picked it up sooner than I did, but it is the sentiment of the provision which I think is important. My amendment improves it and my subsequent amendment to leave out the penalty removes the difficulties

to which the Attorney-General, in his second reading contribution, drew attention and with which I agreed. So, if the penalty is removed the principle is clearly expressed and, in my view, that is an important principle.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 1—
Line 21—After 'centralise' insert 'identifying'.
Line 22—After 'public' insert 'generally'.

These are explanatory amendments to fill out the wording so that it is a little clearer in its interpretation.

The Hon. C.J. Sumner: Fill out! It's to correct the botch you made when you introduced it.

The Hon. I. GILFILLAN: I think it ill befits the Attorney to ridicule this legislation since so much time is spent on moving amendments to improve the legislation brought in by the Attorney himself. However, it is interesting that his contribution in the Committee stage shows how accurate I was in attributing the content of his second reading speech to a speechwriter. At least there was some value in that. To date, there has been no indication that the Attorney will do anything more than spend his time abusing people in this place and assuming intentions and motives which I feel are quite offensive. However, knowing him as I do, after five years, I am prepared to take that as part of his character.

That matter aside, the amendments are constructive. I was bitterly disappointed because his speechwriter indicated that a sunset clause should be put in. I thought that by now the Attorney would have had an amendment on file to put that into effect, but apparently he does not even follow the good advice of his speechwriter.

The Hon. K.T. GRIFFIN: I support the amendments.

The Hon. C.J. SUMNER: These amendments have come about as a direct result of the contribution I made.

Members interjecting:

The Hon. C.J. SUMNER: It is a fact. It was—that is right. It just goes to show—

Members interjecting:

The Hon. C.J. SUMNER: You can use those sorts of insults if you like. The reality is that you know that the only reason for introducing this Bill is a stunt: it is just an opportunistic stunt from the Democrats. One would perhaps expect more from the Liberals, but they are going along with it for, I can only assume, some political reason, because they are afraid that you will get on the *Philip Satchell Show* yet again tomorrow morning and pontificate about how you are the conscience of the world! The fact is that you are not the conscience of anything. You are the most opportunistic political Party in this State.

The Hon. I. GILFILLAN: On a point of order, Ms Chair, could I ask you to rule that the comments of the Attorney are not germane to the amendment. In fact, I do not believe that they are germane to the Bill.

Members interjecting:

The Hon. I. GILFILLAN: That was an additional point of order.

The CHAIRPERSON: I would agree that the Attorney's comments were not germane to the Bill, but they were no less germane than the comments you made a minute ago regarding the Attorney which, likewise, had absolutely nothing to do with the Bill.

The Hon. I. Gilfillan: But he did not take a point of order.

The CHAIRPERSON: I feel that we ought to call it quits at this stage.

The Hon. C.J. SUMNER: All I am saying is that the amendments the Hon. Mr Gilfillan introduces now do not cure the defects in the Bill that were identified in my second reading reply. Similarly, the amendment moved by the Hon. Mr Griffin, which we just addressed, did not cure the defects. As a Bill, in my view it is fundamentally flawed. It is unnecessary—as I pointed out on numerous occasions before; it is impractical; it will stop the transmission of information which already occurs between the State of South Australia and the Federal Government, and which is necessary in areas that I have already mentioned, such as electoral rolls.

The fact that the Hon. Mr Gilfillan now comes in with some minor amendment, to my way of thinking, does not overcome the problems that were identified in the second reading explanation, but we know and they know that they do not have to take any responsibility for the Bill, because it will not be passed in another place and, of course, that is another thing that Democrats and Liberals are allowed to do. I thought it was a particular trait of Democrats to introduce Bills, knowing they did not have to take one skerrick of responsibility for them, because they know that they will not pass the Parliament, but I suppose that that is in the nature of democratic politics, and one has to live with it.

An honourable member interjecting:

The Hon. C.J. SUMNER: Except in your case. I suppose that there is some chance that at some time in the future you might return to the Government benches, but there is absolutely no chance of that happening with the Democrats, and that is why I indicate that they are in a different position from the Liberals.

The Hon. I. Gilfillan: There has been a fair old slide from Labor to Democrat in the Adelaide poll, but that is not relevant.

The Hon. C.J. SUMNER: That is all right. One of the great lies of the century was Senator Chipp's, 'We'll keep the bastards honest.' That would have to be about the most dishonest, duplicitous statement made by a politician in recent times, because that is not what Democrats—

The Hon. M.J. ELLIOTT: On a point of order, Madam Chair, you have already asked the Attorney-General on one occasion to stick to the context of the motion, but quite clearly he is not doing that.

The CHAIRPERSON: I take the point of order, but I do not think that the pot should call the kettle black.

Amendments carried.

The Hon. K.T. GRIFFIN: I move:

Page 1, line 23—Leave out 'Penalty: $50 000'.

I think it is inappropriate for public officials in this context to be subject to penalties. The statutory provision of the principle ought to be sufficient and in any event can be the subject of a court injunction if that ever became necessary, but I would not have thought that it was in the nature of governments to act contrary to the law in most instances. While this is not law until passed by both Houses, it seems to me to be inappropriate to have the penalty, and that is why I move for its deletion.

The Hon. I. GILFILLAN: The shadow Attorney shows wisdom in his analysis of the situation and I am persuaded that he is right. There is little purpose in leaving in a penalty which would apply only to a servant of a Government and he is quite right: the Government should carry the burden of responsibility and blame. Any action in the Supreme Court for an injunction probably would be the only effective way of implementing the Act.

The Hon. C.J. Sumner: Why did you put it there in the first place?

The Hon. I. GILFILLAN: Because I, unlike some others, am able to learn by listening to what others have to say. I support the amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

The Hon. I. GILFILLAN: I move:

That Standing Orders be so far suspended as to enable the third reading to be considered forthwith.

The PRESIDENT: I put the question. Those in favour say 'Aye'; against 'No'.

An honourable member: No.

The PRESIDENT: As there is a single dissentient voice, there must be a division.

The Council divided on the motion:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan (teller), K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (8)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.S. Feleppa, Carolyn Pickles, C.J. Sumner (teller), G. Weatherill, and Barbara Wiese.

Pair—Aye—The Hon. C.M. Hill. No—The Hon. T.G. Roberts.

Majority of 3 for the Ayes.

The PRESIDENT: The motion is not carried as there is not an absolute majority in favour, which is necessary for suspension of Standing Orders.

ABORIGINAL HEALTH SERVICES

Adjourned debate on motion of Hon. M.J. Elliott:

That this Council is concerned by the current policy of the Health Minister to defund independent Aboriginal health bodies and to then absorb their activities into the Health Commission,

to which the Hon. M.B. Cameron has moved the following amendment—

Leave out all words after 'concerned' and insert—

1. by the current policy of the Health Minister to defund independent Aboriginal health bodies and to then absorb their activities into the Health Commission; and
2. with the role of the Department of Aboriginal Affairs in the funding of Aboriginal health programs and Aboriginal communities in the north-west of the State.
3. That a select committee be appointed to inquire into and report upon the Aboriginal Health Organisation and the allegations of mismanagement made in respect thereof, viz.:
   (a) minimal involvement in service delivery;
   (b) inability to promote unity and a coordinated approach to problem solving;
   (c) victimisation, favouritism, threats of physical violence, lack of communication and inefficient utilisation of resources;
   (d) inefficient management and an ineffective board of management; and
   (e) any other related matters.
4. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
5. That this Council permit the select committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the Council.

(Continued from 4 November. Page 1650.)

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

That this debate be further adjourned.

The Council divided on the motion:

Ayes (8)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.S. Feleppa, Carolyn Pickles, C.J. Sumner (teller), G. Weatherill, and Barbara Wiese.

Noes (11)—The Hons J.C. Burdett,. M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott (teller), I. Gilfillan, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. T.G. Roberts. No—The Hon. C.M. Hill.

Majority of 3 for the Noes.

Motion thus negatived.

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

That the sittings of the Council be suspended until the ringing of the bells.

The Council divided on the motion:

Ayes (8)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.S. Feleppa, Carolyn Pickles, C.J. Sumner (teller), G. Weatherill, and Barbara Wiese.

Noes (11)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan (teller), K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. T.G. Roberts. No—The Hon. C.M. Hill.

Majority of 3 for the Noes.

Motion thus negatived.

The Hon. C.J. SUMNER: It seems to be that the best course of action in relation to this motion is for it to be put off until we return in a fortnight. That was the proposition which I was putting to the Council and which members opposite have decided not to go along with. They have even gone to the extent of refusing the Government the capacity to suspend the Council for the dinner adjournment. It is traditional in this Parliament for the dinner adjournment to occur at 6 p.m. If business has to be done in the evening, it is traditional to suspend the sittings of the Council at 6 p.m. and return at 7.45 p.m.

The Hon. R.I. Lucas: Are you trying to save money?

The Hon. C.J. SUMNER: That would be the last thing that you would want to do, I would expect.

The Hon. L.H. Davis: You also continue to sit until 6.30 p.m.

The Hon. C.J. SUMNER: I know, and we do that when we think we can conclude the business. The reality is that we will not be able to conclude the business by 6.30 p.m. The next point I would make relates to why the matter ought to be dealt with in a fortnight. Amendments have just been placed on file by the Democrats, and the last amendment from the Democrats was circulated about half an hour ago. They placed one amendment on file earlier in the day and decided that it was not good enough. They changed their mind and had the messengers run around and pick up the amendment that they had put on file. They had another amendment prepared and circulated, such that we got it at 5.45 p.m. What they expect us to do and what the Opposition is forcing us to do is debate that amendment knowing that it was circulated only within the last half an hour. To my mind, that is not legitimate.

If the Opposition and the Democrats want to proceed with the matter, we can proceed with it tonight. That is satisfactory. Surely the Government deserves the opportunity of examining the amendments and determining whether—

Members interjecting:

The Hon. C.J. SUMNER: The Hon. Dr Cornwall, who has carriage of this measure, has already spoken on the motion, which means that someone else on this side has to consider the amendments and determine the Government's attitude to them. So, it is quite clear that the best course of action would be to adjourn the matter until this evening, if honourable members want to proceed with it today.

The Hon. M.J. Elliott: Why not do it tomorrow?

The Hon. C.J. SUMNER: No, we will not do it tomorrow; it is Government business time tomorrow. We will proceed with it tonight or in a fortnight's time, if members wish. However, I do not see why members are not prepared to come back and debate the matter this evening.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: That may well be. The Parliament was due to sit—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. R.I. Lucas: Someone has to cut costs.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: How does that fit in with the Hon. Mr Griffin's comment about the Parliament not sitting next week? Of course it does not. The honourable member really does not know what he is talking about. The Hon. Mr Griffin was complaining because Parliament would not be sitting next week. Of course, not sitting next week saves costs.

Members interjecting:

The Hon. C.J. SUMNER: Well, we were giving you a rest, which you obviously need.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis: One of the problems is supposed to be legislation that is still coming. What has happened to the Superannuation Bill? Are you going to have that in place on 1 January? You'll never do it.

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! I call Mr Davis to order, or he will have an evening home.

The Hon. C.J. SUMNER: This motion has had an extraordinary metamorphosis. It was introduced by the Hon. Mr Elliott as a simple motion expressing concern about the current policy of the Health Minister to defund independent Aboriginal health bodies and to then absorb their activities into the Health Commission. The Hon. Dr Cornwall responded in a very comprehensive way to the motion moved by the Hon. Mr Elliott. I would have expected that to convince the Council to throw the Democrat motion out. Unfortunately, members opposite once again seem to have made common cause with the Democrats to support this motion.

What was a simple motion condemning the Minister of Health has now become a motion to establish a select committee. The Hon. Mr Cameron has moved for a select committee, but his amendment still contains expressions of concern about the current policy of the Health Minister. So, in that sense, the Hon. Mr Cameron's motion still expresses concern and then moves for the establishment of a select committee. If members opposite and the Democrats were fair dinkum about the matter, with a proposal for a select committee coming forward, surely it would have been fairer for the Parliament and the people whom they are attempting to impugn by this motion for the expressions of condemnation about the policy of the Government and the Minister to have been removed from the motion, and then—

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: If we are to have a select committee, surely we should go into it with an open mind.

The Hon. M.B. Cameron: If the Minister will withdraw his ministerial statement, we will do that. If the Minister will apologise for his statement, we will do that.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: What you are doing is deciding to establish a select committee to inquire into and report on the Aboriginal Health Organisation and the allegation of mismanagement made in respect thereof, but you are pre-empting—

The Hon. M.B. Cameron: He pre-empted. He came into this place and made some outrageous statements.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —by your expressions of concern about the policy, the findings of the select committee. I would have thought that if the Hon. Mr Cameron had been fair dinkum about it and had genuinely wanted an inquiry into this area, then the proper approach would have been—

The Hon. M.B. Cameron: Have you looked at your amendment?

The Hon. C.J. SUMNER: Mine doesn't express any concern about anything; it merely establishes the select committee without any words of concern, complaint or condemnation of the Minister. It seems to me that the appropriate thing to do, if the Council wants to set up a select committee, is to set up that select committee with an open mind and not to have a preamble that condemns the Minister and the Government policy without any inquiry. That, to my way of thinking, is an improper way of going about this investigation. The Minister of Health has given a comprehensive rebuttal by way of a ministerial statement and in his reply to the motion that was moved by the Hon. Mr Elliott. Following that, we now find the Opposition moving for a select committee, but moving in such a way as to continue the criticisms of the Minister—in other words, pre-empting the decisions of a select committee.

The amendment that I have on file does away with the criticisms of the Minister. It picks up the words of the Hon. Martin Cameron's amendment which establishes the select committee. Therefore, we are not running away or trying to avoid an examination by a select committee into the allegations of mismanagement made in respect of the Aboriginal Health Organisation concerning minimal involvement in service delivery, inability to promote unity and a coordinated approach to problem solving, victimisation, favouritism, threats of physical violence, lack of communication, inefficient utilisation of resources, inefficient management and ineffective board of management. We are picking up the words of the Hon. Mr Cameron and incorporating those into his terms of reference for the select committee.

The Hon. M.B. Cameron: The Minister asked to put Nganampa Health, Pika Wiya and things like that in. Why didn't you do it?

The Hon. C.J. SUMNER: That is a fair enough point, and fully justifies the stand I took earlier which was to enable—

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —us to consider the amendments filed by the Democrats only a little over half an hour ago.

The Hon. M.J. Elliott: The substance was filed five hours ago.

The Hon. C.J. SUMNER: The substance was filed five hours ago, then I find at 5.30 p.m. that you instruct the messengers to run around and retrieve the amendments that you put on file, in other words, the amendments that you put on file to start with were not the ones you wanted to proceed with. About 35 to 40 minutes ago the messengers handed around altered amendments for reconsideration by the Council.

We had a reasonable interjection from the Hon. Martin Cameron: he said, 'What about the Nganampa Health Serv-

ice?' That is a reasonable point, and surely, had we been given the opportunity to consider the amendments we could have decided whether or not an amendment to the amendment I have put on file was reasonable. In the light of the Hon. Mr Cameron's interjection and the fact that he now says that my amendment does not accord with some discussions that he had with the Minister of Health—

The Hon. M.B. Cameron: They were in the Chamber; you were sitting there listening.

The Hon. C.J. SUMNER: That is all right. I have drawn this up. The reason I had to do it was that the Minister of Health had already spoken in the debate. So, we now have a suggestion from the Hon. Martin Cameron that my proposition should be amended. That is fair enough. I am prepared to consider that, and I would have considered it. Had we had the time, he could have made the point informally that my amendment did not accord with his discussions with the Minister of Health—a fair point to make. But because we are forced into debating this matter at this moment, when it was quite unnecessary, we do not have the time to properly consider the suggestions of the Hon. Martin Cameron. In the light of the Hon. Martin Cameron's interjection, I seek leave to conclude my remarks.

The PRESIDENT: That the Attorney have leave to conclude his remarks—

The Hon. M.J. ELLIOTT: I move:

That the Attorney-General have leave to conclude his remarks on the next day of sitting.

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

To amend the motion by striking out all words after 'on' and inserting 'Wednesday 25 November 1987'.

The Hon. M.J. Elliott's motion negatived; motion as amended carried.

ADJOURNMENT

At 6.30 p.m. the Council adjourned until Thursday 12 November at 2.15 p.m.