LEGISLATIVE COUNCIL

Wednesday 5 April 1989

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

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

PAPER TABLED

The following paper was laid on the table:

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

Planning Act, 1982—Crown Development Report—Sobering-up Centre, Port Augusta.

QUESTIONS

SOUTH AUSTRALIAN DENTAL SERVICE

The Hon. M.B. CAMERON: I seek leave to make a brief statement before asking the Minister representing the Minister of Health a question about the South Australian Dental Service.

Leave granted.

The Hon. M.B. CAMERON: The 1987-88 annual report for the South Australian Dental Service, released recently, shows an alarming increase in the number of people waiting for treatment.

The report shows that the number of people attending the Adelaide Dental Hospital's admissions clinic last year increased by 26 per cent and that the number of people on the hospital's waiting list for conservative dentistry (such as fillings, root canal therapy, etc.) rose by 10 per cent from 1 370 to 1 506 in just a year.

A check today with the hospital revealed that, while person requiring a tooth filled might at a push be examined tomorrow, he will have to wait on average 10 months for a dentist to do a permanent filling. I am advised that private dentists generally are able to do such straightforward work within a week of consultation.

Waiting times for orthodontic care at the Adelaide Clinic have also doubled in the past year from two to four months, with 154 patients now waiting for treatment. A year earlier only 37 people were on the orthodontics list for treatment.

In the area of community dental services, which takes in suburban and country clinics, the SADS report says 6 485 people are now waiting for conservative dentistry—a rise of almost 2 000, or 44 per cent, in a year. The report states:

> Despite this increase in demand, the proportion of eligible adults which seeks conservative dental care is still only about half that of the general population.

My questions to the Minister are:

1. Is the Minister aware that the waiting time for conservative dentistry (such as a filling) at the Adelaide Dental Hospital is now about 10 months, and that the total number of people on the list has risen by 10 per cent in the past 12 months? If so, what steps are the Government and the Minister taking to immediately reduce the waiting list and the excessively long period that the aged, unemployed and disadvantaged have to wait for treatment?

2. Is the Minister aware that in the past year there has been a 44 per cent rise in the number of people on the waiting list for conservative dentistry at the South Australian Dental Service's community dental clinics? If so, what steps is the Minister taking to reduce this excessively high waiting list?

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

JUSTICE INFORMATION SYSTEM

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question on the Justice Information System.

Leave granted.

The Hon. K.T. GRIFFIN: In September 1985 the Government approved funds for the establishment of the Justice Information System. At that time the cost was expected to be $21 million (in 1985 values) and take six years to complete. The savings were expected to amount to $5.04 million per annum in 1985 values. A 1988 status report on the benefits indicated that the potential savings had slumped to under $2 million per annum, mainly because of a reduction in staff numbers from 63 expected in 1985 to 16 currently. To 30 June 1989 estimated expenditure on the system is expected to be a total of $22.1 million, and a further $52.3 million expenditure is expected to be required to implement the system over the next five years. My questions to the Attorney-General are:

1. What action is the Government taking to contain the cost of implementing the Justice Information System in view of new estimates that the Government has received showing that the cost has blown out from an estimated $21 million in 1985 to almost $75 million currently, while benefits to be obtained from the system have been more than halved?

2. Has the Government requested a report on whether or not the implementation of the Justice Information System can be discontinued and, if so, when is that report expected?

The Hon. C.J. SUMNER: The question of the Justice Information System is currently being examined by the Public Accounts Committee, as I am sure honourable members are aware. In fact, the Public Accounts Committee has been kept informed, at its request, of action over some considerable time now. It is a monitoring exercise by the Public Accounts Committee and I understand that it is still being considered by that committee. The figures that the honourable member has mentioned are not, to my recollection, correct.

The Hon. K.T. Griffin: Well, they are.

The Hon. C.J. SUMNER: Well, they are not. The honourable member mentioned $75 million. That is not an accurate figure as far as I am aware.

The Hon. M.J. Elliott: The scale is very close.

The Hon. C.J. SUMNER: It is not very close. To suggest that is, as far as I am aware, incorrect. The Office of the Government Management Board has been examining the options with respect to the Justice Information System, and it may be that some changes to the future direction of the system will be indicated.

It must be realised that originally the Justice Information System arose out of a report commissioned, I think in 1978, to decide whether an offender tracking system in justice agencies in South Australia would be viable. Such a system would be confined to the tracking and tracing of offenders through its various parts from police apprehension to, if relevant, release from prison.

In 1981, partly as a result of an overseas visit by the Hon. Mr Griffin, the then Liberal Government took the decision in principle to expand the Justice Information System beyond an offender tracking system—which was its initial rationale—to a broad based system which would service all relevant departments in a whole range of areas. This decision was taken in principle in 1981 by the Tonkin Government I believe at the considerable instigation of the Hon. Mr Griffin, who came back from a trip to America trumpeting a broad based Justice Information System, and

not just an offender tracking system, as being something in which South Australia should get involved.

The previous Government engaged Touche Ross, independent consultants, to examine the feasibility of a Justice Information System. These private consultants reported in due course and that report was considered by the Bannon Government. Eventually it was decided to commit funds to the Justice Information System along the lines which had been suggested—that is, a broad based system involving a number of agencies and not just an offender tracking system.

Obviously, in a system such as this there are significant benefits for the Government and the community. However, there is a question of the extent of those benefits as opposed to the cost. There is little doubt that, because the systems in all the agencies needed upgrading, it was decided to proceed with the JIS. Had the JIS not been proceeded with, individual agencies would have had to become involved in their own computerisation with the risk that that could be done in an incompatible way and thereby increase the cost of this exercise beyond what it has cost.

That is another factor which no doubt was behind the Hon. Mr Griffin's strong backing and support for a Justice Information System and behind the State Government's commitment to this system. It was agreed to proceed with the system following careful consideration of the issues and, in particular, a report from the independent consultants, Touche Ross.

The Hon. K.T. GRIFFIN: I ask the following supplementary questions:

1. Is the Attorney-General still the Minister responsible for the Justice Information System?

2. Is he privy to a report in January 1989 by the JIS board of management which outlines the figures to which I referred earlier?

3. Is it not true that the Bannon Government has made a decision to proceed to implement the system and has been responsible for making all management and funding decisions in relation to its implementation?

The Hon. C.J. SUMNER: I have been the Minister responsible or at the head of the matter, but it has been a cooperative effort involving a number of departments: the Police Department, the Department for Community Welfare, the Department of Labour, the Attorney-General's Department, the Court Services Department and the Department of Correctional Services.

The Justice Information System is being run by a board of management which has involved people from each of those agencies and which has been chaired by the Police Commissioner (Mr Hunt), who has had an involvement in the system virtually since it was first being considered in the late 1970s. Presumably, the honourable member has access to a report from his colleagues on the Public Accounts Committee, but the figures mentioned by the honourable member are not the figures that I recollect being mentioned in that report.

Finally, the decisions to commit funds with respect to the Justice Information System were taken by the present Government. However, I point out to the Council that the conceptual decision to expand the Justice Information System from an offender tracking system to the broad-based Justice Information System involving all the agencies and a whole lot of other applications was taken by the Tonkin Government in 1981. The reality is—and it is quite clear from the material of which the Hon. Mr Griffin would be well aware—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. Cameron: Are you suggesting that it's Mr Griffin's fault?

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I am not suggesting that it is the Hon. Mr Griffin's fault. I am suggesting that the Hon. Mr Griffin was involved in the decision to expand the nature of the Justice Information System from an offender tracking system—

Members interjecting:

The PRESIDENT: Order! There is far too much audible conversation.

The Hon. C.J. SUMNER: —to a broad-based system. He did that after an overseas trip. He came back and with great fanfare, including a press release, advised the community that this was the way to go. He has been a strong supporter, as has the Liberal Party, of the Justice Information System.

The Hon. K.T. Griffin: That's not the issue.

The Hon. C.J. SUMNER: I have indicated that the financial commitments were taken by the Government. I am suggesting that the financial commitments which were made by the Bannon Government were implemented after procedures had been followed which had been set in train by the previous Government. In particular, I refer to the Touche Ross report, but, as far as I am aware, the figures given by the Hon. Mr Griffin that were allegedly taken from the report to which he has referred are not correct.

CENTRE HALL

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking you, Madam President, as Presiding Officer, a question about Centre Hall.

Leave granted.

The Hon. L.H. DAVIS: All members would be well aware that we will shortly celebrate the fiftieth anniversary of the completion of this Chamber in 1939 and the one hundredth anniversary of the completion of the building to house members of another place. In recent weeks the mustard carpet in the Centre Hall has been removed and, in the process, what I understand was the original lino, which was laid in the original Legislative Council building (which was completed in 1939), has been exposed.

I have inspected this green, white and black lino. At best, it can be described as being in a tired state and, at worst, it is hard, cracked, water damaged, pitted and pocked by heel marks, cigarette butts, water stains and sheer old age. Many would say that it is not particularly attractive. Presumably, the quite adequate mustard-coloured carpet has been removed so that the lino can be pressed into service yet again. My questions to you as presiding officer are: first, is that in fact the case? Secondly, if that is so, why is it being done? Thirdly, what is the cost of the exercise?

The PRESIDENT: An attempt is being made to restore as much as possible of Parliament House to its original state in the interests of the heritage of this State. The mustard carpet has been raised to expose the original lino which was designed to be the floor in the centre hall, and an attempt is being made to see whether it can be restored sufficiently to become the floor of the centre hall. If it is not possible to restore it sufficiently it will, of course, be covered again with a carpet.

Members interjecting:

The PRESIDENT: Order! It is most unfair for people to interject when I am trying both to answer a question and to maintain order. It is an experiment to see whether it can be restored sufficiently to become the flooring of the entrance hall in the interests of the heritage of this building. However, if it is found not to be possible it will, of course, be covered

again with a carpet. The final decision will not be able to be taken for some time until various treatments, and so on, have been attempted. I do not have figures for the cost of the exercise, which is being undertaken by the Department of Housing and Construction, but I can attempt to find that out. Certainly, it is within the heritage budget of the department, which has been put aside for restoration work in Parliament House.

The Joint Presiding Officers would certainly like to restore as much as possible of Parliament House to what was originally intended, despite the changes made in the intervening 100 and 50 years respectively which have removed some of the planned charm of the original building. We would like the restoration to proceed as budgets permit, understanding that it will take quite a time to accomplish all that needs to be done. Being the centenary and jubilee year of the building, we felt it appropriate to start with centre hall as being a focal point of the building.

JUSTICE INFORMATION SYSTEM

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General a question about the Justice Information System.

Leave granted.

The Hon. M.J. ELLIOTT: On 1 November last year I asked the Attorney-General a number of questions about the JIS. He finally answered them in this place on 16 February, although the responses he gave did not answer a number of the questions I had asked at that time. I will repeat those questions and hope to get a direct answer. Will the Attorney-General inform this Chamber whether or not there has been an audit in recent times (and I asked that originally in November, of course)? If so, what were the results of that audit? Is it accurate that the JIS is now running at least five years over time?

It was suggested in the Auditor-General's Report that the cost may be $50 million, although more recent information given to me suggests $60 million, and I received no response on that point either.

I have been contacted by a person involved in a private welfare agency who was approached to see whether he wanted to keep its information on the JIS. How many organisations have been asked? Is it intended that many more will be asked whether they wish to use the Justice Information System?

The Hon. C.J. SUMNER: I am not sure what the honourable member's final question relates to: whether private people will be asked to use the Justice Information System.

The Hon. M.J. Elliott: Answer the other questions first, then—

The Hon. C.J. SUMNER: Well, I understood that was what the honourable member said, I do not know of any such suggestion. However, if that is not the case, I will let the honourable member know.

With respect to an audit, I am not sure what the honourable member refers to by that. If he is asking whether there is a review of the Justice Information System in progress, the answer is that there is. That has been indicated on previous occasions and the Ofice of the Government Management Board is examing the JIS at present, with a view to seeing whether it ought to proceed in its original form or whether any modification should be made to it. A decision will be made about that matter in due course. Obviously, one important consideration will be the 1989-90 budget, because any further spending on the JIS will have to be considered and bidded for in that budget. So, yes, the matter is currently being reviewed, and decisions will be taken in due course and explanations provided.

With respect to the other question, the honourable member has mentioned $50 million. The Hon. Mr Griffin mentioned $75 million, which was the figure which I queried. So, to answer the question by way of summary, yes, there is an Office of Government Management review of the JIS proceeding at present. Secondly, the matter is being considered by the Public Accounts Committee and, presumably, that committee will release a report on the JIS at some time.

The Hon. M.J. ELLIOTT: As a supplementary question, will the Attorney-General please read my questions and answer me soon, in writing, on all those matters?

The Hon. C.J. SUMNER: I have answered the questions. First, there is a review and announcements will be made about it.

The Hon. M.J. Elliott: There was one last year. That was what I asked you about.

The Hon. C.J. SUMNER: Yes, I know. A review is in progress which commenced following the budget of last year, which has not yet been completely finalised but which will be finalised before the budget considerations next year. That should be simple enough for the honourable member to understand. Is there an audit? If he wants to call it—.

The Hon. M.J. Elliott: It wasn't—

The PRESIDENT: Order!

The Hon. M.J. Elliott interjecting:

The Hon. C.J. SUMNER: The review since the budget was approved last year has been ongoing, with a view to preparing a position on the JIS (that is, whether there will be any alteration to the JIS) for consideration in the forthcoming budget. That is fairly clear. Is there an audit? The honourable member wants to call it an audit: I will call it a review. Who is conducting it? The Office of the Government Management Board, in conjunction with the Board of Management of the JIS. Is that clear?

The second point is that the material is being referred to the Public Accounts Committee, which is also examining it, and which, I assume, will also provide a report.

CHILDREN'S EVIDENCE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about children's evidence in court.

Leave granted.

The Hon. DIANA LAIDLAW: On Monday evening, a Mr Michael Hill, QC, a member of the Criminal Law Revision Committee of London, addressed a meeting of the Law Society of South Australia on the issue of children giving evidence in our courts. In response to concerns expressed by a number of people present at the meeting, about South Australian and, particularly, DCW assessment practices and procedures relating to the accuraccy and credibility of children's evidence in child abuse and protection cases, Mr Hill said:

> Children should be left, as far as possible, to tell their own stories in their own way, before adults—whether they be social workers, police officers or barristers—seek to impose an adult order upon them. The thing that I would be most concerned about by what I have heard you say about the Children's Interest Bureau is that I would be more impressed if they recognised that repeated interviewing of the children that goes on before they get into court actually teaches the children what to say.

Mr Hill's observations reinforce the need in South Australia for DCW and the police to utilise videotapes and/or, at the very least, audio tape recorders for their initial interviews with a child, and for later presentation of the evidence. The use of tape and/or video recorders for this purpose has been

on the child protection agenda for some years, as the Attorney-General would be aware. The use of recording facilities was recommended by the South Australian Task Force on Child Sexual Abuse in 1986. According to DCW circular 1904 last year, Crown Law advised some DCW field workers to use tape recorders when collecting evidence from children in initial interviews. Following questions I asked in this place on 17 August regarding this matter, the Attorney-General advised as follows on 13 October:

The honourable member will no doubt be interested to learn that a working party is being established by the South Australian Child Protection Council to consider the issues surrounding the audio/visual recording of evidentiary interviews. The Crown Solicitor's office will be represented on that working party.

I therefore ask the Attorney the following questions. Recognising his interest in ensuring the conduct of fair trials in this State, has the South Australian Child Protection Council's working party report been finalised and, if so, is it to be released? If not, can he advise when the timetable for that working party's report will be finalised? Last Monday evening considerable concern was demonstrated amongst barristers on the presentation of children's evidence in courts.

The Hon. C.J. SUMNER: I have not yet seen the South Australian Child Protection Council's report, if it has been completed. However, I will make inquiries to see whether the report has been completed and, if so, what its recommendations are.

It would be hard to disagree with what Mr Hill said in the sense that children should be able to tell their own stories in their own way. However, I suspect that his comments on the Children's Interest Bureau—insofar as they constitute criticisms—would hardly have been made on the basis of any substantive information that Mr Hill could have. Clearly, he is not aware of the details of the Children's Interest Bureau's involvement in these cases but, insofar as he has spoken about the need for videotapes, and the need for children to tell their own stories in their own way, I believe that there is a case for consideration of these matters.

The question of videotaping for accused persons, witnesses and suspects is currently being examined by the Government, including the South Australian Child Protection Council. Some video interviews of suspects are already being carried out on a pilot basis by the South Australian Police Department. The whole question of videotaping will have to be considered comprehensively at some time. Certainly, this matter has not been rejected by the Government. In fact, it is currently being given detailed consideration.

MR TERRY CAMERON

The Hon. R.I. LUCAS: My questions are to the Attorney-General. First, will the Attorney-General table in the Council all statements taken from witnesses and documents obtained during the investigation of Mr Terry Cameron's activities in the building industry to substantiate the conclusions in the report tabled yesterday but which leave a number of unresolved questions, particularly the following: *(a)* the number of houses in which Mr Cameron was involved and who built them (the report does not identify precisely how many building applications were examined; it refers only to 'about 60', and of these the report does not reveal in which individual or company names 10 of the building applications were made); *(b)* conflicts of evidence between Mr Cameron and builders who undertook work on his behalf; and *(c)* the circumstances in which an officer of the Department of Public and Consumer Affairs still maintains that he had threats made against him by persons associated with Mr Cameron?

The PRESIDENT: Order! I think the honourable member is giving an explanation of his question. I suggest that he request leave to do so.

The Hon. R.I. LUCAS: I do not have any explanation at all. Secondly, will the Attorney-General also table a detailed list of all documents inspected by the investigating officer in the course of his investigations?

The Hon. C.J. SUMNER: The report has been prepared for Mr Neave, the Commissioner for Consumer Affairs. The matters were referred to him as it appeared that the allegations related to Mr Cameron's activities in the building industry. A large number of allegations were made. They were canvassed in the report, and the full report of the investigator making the inquiries was tabled in the Parliament. It is reasonably unprecedented that full details of an investigation of that kind should be tabled in Parliament. Nevertheless, the Government felt that the public should have that information and therefore opted for tabling the report.

The report speaks for itself. It was examined by the legal officer in the Department of Public and Consumer Affairs and by the Crown Solicitor, and the conclusions of those people have been made available to the Council. I doubt whether the tabling of the statements which have been obtained can take the matter any further, but I will examine the honourable member's question.

RESIDENTIAL TENANCY FUNDS

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about residential tenancy funds.

Leave granted.

The Hon. J.F. STEFANI: In 1987-88 the Auditor-General's Report contained details of security bonds lodged by tenants living in rented accommodation, and the investment interest received during that year totalled $2.171 million. As honourable members will be aware, the operation of this section of the department, which employs more than 34 people, is funded by investing security bonds lodged by tenants. As at 30 June 1988, the fund held $17.944 million in tenants' security bonds in various forms of investments and allocated the sum of $768 500 from income received on tenants' moneys to fund capital or research projects approved by the Minister.

Will the Government provide full details of the investments held in term deposits and certificates of deposits totalling $7 million, including the names of the institutions holding those deposits? Secondly, will the Minister provide full details of the capital or research projects which he has approved and which have been funded to the tune of $768 500 from income on funds provided by South Australians who are living in rented accommodation?

The Hon. C.J. SUMNER: I think that all that information is on public record, but, if not, I will get a response. I think that the investment details of the fund have been made available on previous occasions. If not, I will see whether they can be provided. The capital projects relate to the International Year of Shelter of two years ago. A number of projects were approved at that time after they had been referred to the Residential Tenancies Tribunal for consideration. I will have inquiries made and bring back a reply.

MR TERRY CAMERON

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Attorney-General a question about Mr Terry Cameron.

Leave granted.

The Hon. J.C. IRWIN: In the report tabled by the Attorney-General yesterday, it is disclosed that in 30 applications to build houses, made to the Willunga council, Mr L.G. Addison was nominated as the builder. However, according to that report, Mr Addison says that he never at any time built a home for Mr Cameron, nor properly supervised the building of a home, but merely allowed Mr Cameron to use his general builder's licence for a payment of $50 per house. If this is true, and the homes were not built or supervised by a licensed builder. then Mr Cameron had them built illegally.

The report concludes that 'it is unclear who built those homes for Mr Cameron'. The Premier has said the report exonerates Mr Cameron, suggesting there is proof that these houses were built legally, yet the report does not show that. In order to prove to Parliament that the homes were built legally, will the Government ask Mr Terry Cameron to produce information to show who built the 30 homes in the Willunga council area for which Mr Cameron used the licence of Mr L.G. Addison?

The Hon. C.J. SUMNER: All that material has been considered by the investigator and by the legal officer in the Department for Consumer Affairs, the Commissioner for Consumer Affairs and the Crown Solicitor. The results of the consideration of the report have been made available to the House. Unless there is specific—

Members interjecting:

The Hon. C.J. SUMNER: If honourable members want to make further allegations, that is a matter for them. They can take the consequences. The reality is that all their allegations have been investigated. A detailed report has been tabled in Parliament. That report has been assessed by the Crown Solicitor and, on the evidence available, there is no suggestion of any wrongdoing or any evidence that would constitute grounds for legal action being taken.

HON. J.R. CORNWALL

The Hon. R.I. LUCAS: Has the Attorney-General an answer to the question that I asked on 14 February relating to the Hon. J.R. Cornwall?

The Hon. C.J. SUMNER: The Minister of Health has provided the following answer:

Following appeal, Dr Humble was paid $52 663, being damages plus interest. At this stage, no demand has been made for payment of legal costs by Dr Humble's or Dr Cornwall's solicitors.

ANTI-CORRUPTION BRANCH

The Hon. R.I. LUCAS: Has the Attorney-General a reply to my question of 22 February about the Anti-Corruption Branch?

The Hon. C.J. SUMNER: The Minister of Emergency Services has provided the following answer:

The new Anti-Corruption Branch will be dealing with very sensitive inquiries, the success of which will be dependent upon confidentiality of the matters with which they are involved. Coupled with this will be the need to protect the reputation of those people about whom unsubstantiated allegations have been made. It is therefore not intended to table a specific report in Parliament. However, the annual report of the Commissioner of Police will provide a general overview of the operations of the Anti-Corruption Branch and will include relevant statistical data.

NORTHERN ROADS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Attorney-General a question about road funding in the north.

Leave granted.

The Hon. PETER DUNN: In light of the appalling history of road funding for the north of South Australia and, for that matter, anywhere in South Australia and in light of the very severe flooding that has occurred—probably the worst for the past 30 years—the roads in the north of South Australia are impassable. Many of them have been out of commission for a fortnight and are likely to be not traffickable for the next two to three weeks. What has the Government done in the way of putting money aside to fix up those roads? Does it intend to give a special grant to those areas so that the roads may be traffickable and people can carry on their normal business?

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

AGE DISCRIMINATION TASK FORCE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about the Age Discrimination Task Force.

Leave granted.

The Hon. DIANA LAIDLAW: Yesterday in this place the Attorney-General gave a ministerial statement on legislation on age discrimination. From discussions with journalists, the Minister's staff, and so on, it seems that there was a mix up in the Government's ranks over the matter with no similar statement being made by Mr Arnold yesterday and rushed statements being delivered to the *Advertiser* last night. With the fumble that has gone on with the administration of this matter and the introduction of this subject to the Parliament, did the Attorney-General overlook the tabling of the task force report which he and I am sure all Government members are well aware is the subject of considerable community interest?

I was not sure whether this question should be directed to the Attorney-General or to the Minister in the other place, as it is not clear from the statement to whom the task force was to report. As the Attorney-General issued the statement yesterday, I ask him whether it was an oversight on his part in not tabling the task force report and recommendations and whether he will undertake to do so or to provide members with copies. If he does not intend to do so, why not?

The Hon. C.J. SUMNER: The task force reported initially to the Minister of Employment and Further Education. The report was considered by Cabinet, and the statement I gave yesterday outlined the decisions of Cabinet in relation to that matter. With respect to the tabling of the report, I will discuss the matter with the Minister of Employment and Further Education to ascertain whether or not he intends to make the report publicly available.

The Hon. DIANA LAIDLAW: Will the Attorney advise whether he believes the matter is of sufficient public concern that it would be advisable for the report to be made public, and will he be recommending that course of action?

The Hon. C.J. SUMNER: I have answered the question. I will discuss the matter with the Minister of Employment and Further Education to ascertain whether he believes the report should be tabled. Once I have done that, I will advise the honourable member.

CORRUPTION

The Hon. K.T. GRIFFIN: Has the Attorney-General a reply to the question I asked on 12 October 1988 on corruption?

The Hon. C.J. SUMNER: The Commissioner of Police, Mr David Hunt, has provided the following information:

From the early 1970s until 1984 Bluebeards Massage Parlour was situated at 346a King William Road, Adelaide. The premises were identified by the Vice Squad as an escort agency. A further business, Sportman's Leisure Club, was later established adjacent to Bluebeards and this was identified as a brothel. In 1973 Giovani Malvaso was employed at Bluebeards as manager, and he subsequently purchased the business in 1976. In 1984 Giovani Malvaso and his brother Frank were charged by the Vice Squad with keeping a common bawdy house, a common law offence. Frank Malvaso was convicted and fined $1 500. The charge against Giovani Malvaso was dismissed.

Both Bluebeards and the Sportsmen's Leisure Club were the subject of constant police attention during the period they operated. These premises utilised highly sophisticated security devices in an effort to combat policing of the establishment. Allegations suggesting that people in high places such as politicians, lawyers and police officers have been videotaped or otherwise recorded for blackmail purposes in such premises are the subject of current investigations by the special investigative team established by the Commissioner of Police. These matters have also been referred to the National Crime Authority. I refer to Police Commissioner Hunt's answer to the Master's program on this point, which I referred to in my earlier answer.

THIRD PARTY PREMIUMS

The Hon. J.C. BURDETT: Has the Attorney-General a reply to my question of 14 February on third party premiums?

The Hon. C.J. SUMNER: The Minister of Transport has provided the following answer:

Under section 5 of the Motor Vehicles Act the role of the third party premiums committee is to determine a maximum level of third party premiums. The SGIC is entitled to charge a lesser premium. In April 1988, SGIC asked the third party premiums committee (the committee) to determine that an increase in premiums was 'fair and reasonable'. The committee undertook that task, and in the process of doing so sought further information from SGIC and consulted with it on certain aspects of the form of information provided. Those consultations were ongoing.

The committee was not consulted by SGIC before it made its decision to reduce premiums below those previously determined by the committee. The committee has the obligation under the Act of determining what level of premiums is fair and reasonable. It has sought further information from SGIC (including the information which SGIC apparently had available to it upon which it made its decision). It intends to proceed in the light of all available information to fulfil its statutory function.

PARLIAMENT HOUSE CLEANING

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking you, Ms President, as Presiding Officer, a question about the cleaning of the exterior of Parliament House.

Leave granted.

The Hon. R.I. LUCAS: As you, Ms President, and all members would be aware, the exterior of Parliament House is currently being cleaned. During the course of this contract considerable damage is being caused to the interior of Parliament House. In particular, I instance damage to one of the doors fronting old Parliament House and carpet having to be lifted. I have also noticed damage in the Hon. Mr Dunn's office which will need to be investigated and repaired and damage to the area under the stairway on the lower ground floor where carpet has had to be lifted. Other areas, particularly around the back, have suffered damage, namely, some sections of the Library. There is a history of damage to the interior of Parliament House as a result of its contract for the exterior cleaning.

The Hon. M.B. Cameron interjecting:

The Hon. R.I. LUCAS: I do not know, I just raise this point. Ms President, would you provide to members a list of the damage caused by this contract and the estimated cost to the responsible Government agency, or is the contractor responsible for the cost of the damage to the interior of Parliament House?

The PRESIDENT: I have no information at present on the financial implications of the water damage that has occurred. As I understand it, the damage has been as indicated by the honourable member. There has also been damage to the accounting office; in fact, the accounting officer has had to move house temporarily until the cleaning is completed.

The Hon. R.I. Lucas: The House of Assembly stationery, records and—

The PRESIDENT: You have asked your question, and you may not add to it while an answer is being given. You sat down, and I took it that you had finished your question, to which I am now giving an answer.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: I do not need your help, thank you. I can manage without it. I will attempt to find out the cost involved. The cleaning contract has been organised by the Department of Housing and Construction as part of the restoration of Parliament House to its original glory. As members would be aware, cleaning has occurred to the marble facings on the northern and western sides of Parliament House, is now occurring on the southern side, and we still have the eastern side to go.

Water treatment is being used to clean the marble which covers the upper part of the building, as the marble is soft and would be damaged by any other cleaning method. As members will have observed, the lower part of the building—the granite portion—has not been cleaned by water. As it is a much tougher material it will require much tougher cleaning methods, such as steam cleaning, to remove the dirt.

I am sure that all members will agree that the outside of Parliament House is being greatly improved by being cleaned. We hope that this cleaning process will be finished by the 5 June festivities which will celebrate the centenary of the first part of the building and the fiftieth jubilee of the second part. We understand that work is proceeding with that date as a target for completion. We realise that there can be slip-ups and difficulties may arise which have not been foreseen and which may extend the time required for the work to be completed, but we are hopeful that we will have a new look Parliament House—at least on the outside—by the time of the celebrations.

SELECT COMMITTEE ON ENERGY NEEDS IN SOUTH AUSTRALIA

The Hon. I GILFILLAN: I move:

That the select committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON EFFECTIVENESS AND EFFICIENCY OF OPERATIONS OF THE SOUTH AUSTRALIAN TIMBER CORPORATION

The Hon. T.G. ROBERTS: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 12 April 1989.

Motion carried.

SELECT COMMITTEE ON THE ABORIGINAL HEALTH ORGANISATION

The Hon. CAROLYN PICKLES: I move:

That the select committee have leave to sit during the recess and to report on the first day of the next session.

Motion carried.

SELECT COMMITTEE ON CHRISTIES BEACH WOMEN'S SHELTER

The Hon. G.L. BRUCE: I move:

That the time for bringing up the report of the select committee be extended until Wednesday 12 April 1989.

Motion carried.

REPRODUCTIVE TECHNOLOGY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 March. Page 2396.)

The Hon. K.T. GRIFFIN: I support the second reading of this Bill, which seeks to ensure that the postponement of section 14 of the principal Act coming into operation be terminated. If this Bill is passed by both Houses of Parliament and receives the assent of the Governor, section 14 will immediately come into operation.

As my colleague, the Hon. Dr Ritson, who introduced this Bill, indicated, section 14 of the principal Act deals with research and provides that a person must not carry out research involving experimentation except in pursuance of a licence granted by the council (the Reproductive Technology Council).

There is no doubt that, if section 14 was brought into operation, the council would have the authority to issue licences for research after proper assessment of the applications for such licences. A licence, when issued, is to be subject to conditions which defines kinds of research, prohibit research which may be detrimental to an embryo and require a licensee to ensure observance of the code of ethical practice formulated by the council, and such other conditions as the council may determine.

There is nothing in section 14 which prevents the council from issuing a licence for experimentation, even though a code of ethical practice may not yet be in operation. If section 14 is operative, the council is competent to consider applications for licences. Two conditions are imported immediately into the licence by virtue of the operation of section 14 and a third condition relates to the code of ethical practice if the council has formulated such a code. If it has not, it may set conditions which have the effect of establishing that code of practice. The unusual aspect of the principal Act is that the Government, by proclamation, suspended the operation of section 14.

I am concerned that that has occurred, because the select committee, out of whose deliberations this Bill emanated, intended from the outset that there ought to be restrictions on research that is detrimental to an embryo. At the moment, with section 14 not in operation, there is no legislative constraint upon such research and I believe that that is a serious situation.

All that the Hon. Dr Ritson's Bill does is to bring that section immediately into operation. It will create no embarrassment or difficulty, either for the council or for those who are carrying out research, unless they are already contravening those express provisions contained in section 14 (2) that already relate to experimentation and research. It is in that context that I believe it is important to pass this Bill as soon as possible so that section 14 can be brought into effect. That section addresses serious issues and the select committee of this Council never envisaged that the operation of section 14 would be suspended. I support the second reading and urge the Council to pass this Bill as soon as possible.

The Hon. G.L. BRUCE: I understand that a report of the Reproductive Technology Council will be tabled next week, so I believe that any further debate on this Bill now would be premature. The report should be perused by members before any further action is taken. The Government does not necessarily oppose what Dr Ritson is trying to do, but it does not believe that this Bill will solve the problems.

I believe that any further debate on this Bill should be postponed until we have had the benefit of considering that report. We can then make further suggestions, and I think that we will be able to arrive at a solution which will achieve the aims of Dr Ritson. I understand that at the moment experimentation which will harm embryos is not taking place. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

KALYRA HOSPITAL

Adjourned debate on motion of Hon. M.B. Cameron:

That regulations under the South Australian Health Commission Act 1976, concerning Kalyra Hospital, made on 26 January 1989 and laid on the table of this Council on 14 February 1989, be disallowed.

(Continued from 8 March. Page 2228.)

The Hon. G.L. BRUCE: This motion was first moved some time ago. I will outline a brief history of the Kalyra Hospital, which was a 65-bed recognised hospital operated by the James Brown Memorial Trust providing convalescent/rehabilitation and hospice inpatient services in southern metropolitan Adelaide. On 30 July 1987 the operators of Kalyra were advised that the State Government had decided to relocate services from Kalyra Hospital. The Chairman and Chief Executive Officer of the trust were personally informed of this decision by the Deputy Chairman of the South Australian Health Commission at a meeting called specifically for that purpose on that day.

The decision to withdraw support from Kalyra and relocate its hospital services was part of the South Australian Health Commission's strategy to save $1 million per annum whilst maintaining services at the same level in the south. This decision was well considered and taken with the interests of people receiving these services as the foremost consideration. The services are now located in modern facilities with other substantial supports close by, and are readily accessible by patients and relatives compared with the relative isolation of Kalyra.

Rehabilitation/convalescent services were transferred to the Julia Farr Centre on 1 February 1988, with the commencement of staff orientation followed by the opening of the first of two 23-bed wards on 8 February 1988. Currently services provide 46 beds for an expected 40 daily bed average. Since the opening of the convalescent/rehabilitation wards on 8 February 1988 the 46 beds have been well occupied with daily average occupancy of over 37 patients. In the first 12 months of operation there were 745 admissions, with an average length of stay of 20 days. These modern hospital facilities have enabled the provision of a very high standard of care and is well supported by referring hospitals and other agencies.

Staff relocated from the Kalyra Hospital have expressed their happiness in working at the Julia Farr Centre. Repeated

verbal and written communication from patients and their families expressing their gratification for the service provided and for the physical facilities of Julia Farr Centre have been received. Inpatient hospice services were transferred to Repatriation General Hospital, Daw Park on 11 July 1988, with the commencement of staff orientation and patient admission.

The Hon. M.B. Cameron: I don't think you really believe all this, Gordon.

The Hon. G.L. BRUCE: It is true. I understand that the hospice situation there has been well received. It is in a home and it has done very well. Admissions to the Daw House hospice commenced on 8 August 1988 providing 15 beds for an expected 12 daily bed average.

In addition to the inpatient hospice service, the adjacent southern annexe of Daw House has been refurbished to provide office/treatment areas, relative overnight stay and accommodation for the Palliative Care Professorial Unit. Since the opening on 8 August 1988 Daw House Hospice, with 15 beds, has been consistently well occupied, with a daily average occupancy of over 13 patients. In the first six months of its operation there were 122 admissions, average length of stay being approximately 18 days.

The success of Daw House within the Repatriation General Hospital and the community is attested by the following: no staff have resigned for reasons of dissatisfaction; and the morale and enthusiasm of the whole team is exemplary. Staff who transferred from Kalyra also affirm their satisfaction with the way Daw House works and excellent team work is obvious.

The hospice is accepted as an integral part of the Repatriation General Hospital and good relationships and mutual appreciation are well established. The hospice has a good reputation in the hospital. The hospice team appreciate the willing and effective support of Repatriation General Hospital services at every level. The veteran community has applauded the placement of the hospice at Daw House. Great interest and substantial donations for the hospice program have been forthcoming already and are expected to increase.

The closer relationship between the staff serving the community program and the staff of Daw House is evident, partly because of geography, partly because of integrated leadership. Daw House provides a context for expanding educational programs and research in palliative care. A Master of Palliative Care is planned in conjunction with Sturt College of SACAE and the Flinders University. Research investigations into the epidemiology, sociology and clinical pharmacology of palliative care are in preparation. The resources of the university and the Repatriation General Hospital allow much more opportunity for these new plans than was possible when inpatient care was provided at Kalyra Hospital.

In the transfer of services from the Kalyra Hospital to the Julia Farr Centre and Daw House, the ability to provide for Kalyra's level of activity remained unchanged. Kalyra had 65 beds for an average occupancy of 55; Julia Farr Centre has 46 beds for an expected occupancy of 40; Daw House has 15 beds for an expected occupancy of 12; and Repatriation General Hospital has resumed responsibility for its average of three convalescent/rehabilitation patients previously cared for at Kalyra.

The Government is well aware of the importance of hospice care and palliative care services to the community. In addition to services provided in the south, these savings have been allocated to other initiatives in the metropolitan area including: funding of public patients of Mary Potter hospice; funding of the establishment of the central eastern palliative care team; additional funding for the Flinders Medical Centre Pain Unit, Phillip Kennedy Centre and the Queen Elizabeth Hospital hospice service; funding was also provided for the establishment of the Chair in Palliative Care at Flinders University; and funding of a palliative care team in the north including an additional $100 000 this year for community support. Additional inpatient services at Lyell McEwin Health Services will be provided as part of that service redevelopment.

This relocation of services has also had the benefit of eliminating the need for rebuilding Kalyra Hospital. The much-bandied figure of $170 000 for upgrading was just that—upgrading existing buildings at a particular point in time, rather than the medium to long-term total rebuilding of these hospital facilities at the estimated cost of some $12 million. The current upgrading of buildings at Kalyra Hospital to provide 40 nursing home beds only—not the hospital standard accommodation—will cost more than $1 million—hardly the $170 000.

Much has been made of the issue of the status of Kalyra Hospital as a private hospital. This has been extended to include the notion that money value might be attached to the beds previously provided at Kalyra Hospital and that, as a result of relocating these services and failing to recognise this, the Government had taken away some $205 million from the James Brown Memorial Trust. The Government rejects this assertion. The facts of the matter are that on 10 March 1977 Kalyra Hospital was exempted from section 1X M of the Health Act with the exception of the nursing home section of the complex. This formally recognised the status of Kalyra Hospital as a public hospital. Its role as such extended back to the time when Kalyra was a tuberculosis sanatorium. From 10 March 1977 forward, the Mitcham Local Board of Health was no longer required to inspect Kalyra Hospital but, rather, the nursing home section.

By May 1984, however, the beds comprising the nursing home section had become hospital beds and, as a result, the Mitcham Local Board of Health no longer had a role in licensing the hospital facilities of Kalyra. The Mitcham Local Board of Health was, accordingly, advised in correspondence to the secretary dated 30 June 1984. Simply, the status of Kalyra Hospital was confirmed with its exemption under section 1X M of the Health Act on 10 March 1977 and with its subsequent inclusion as a Recognised Hospital, (Prescribed Hospital), under the South Australian Health Commission Act regulation 1985. The South Australian Health Commission had, in fact, considered the request of the James Brown Memorial Trust to sell five hospital beds and initially advised the trust on 16 January 1987 that there may be some concern about the notion of transferring public beds to private beds. In the event, the commission subsequently advised the trust on 30 June 1987 that it had no objection to the sale of five hospital beds, particularly if they could be used to gain 15 private nursing home licences. This was consistent with the trust's stated intention to pursue the provision of nursing home accommodation and the commission's view that Kalyra's future role lay in the service area.

At all times Kalyra Hospital beds were considered quite rightly as public beds. Kalyra Hospital was a Recognised Hospital (Prescribed) and its beds had been public beds prior to 1984, 1977 and before that. The issue of an assessment of the value of private hospital beds as it relates to Kalyra Hospital is therefore academic. If there are no beds to sell, they have no value.

In relation to the 40 nursing home beds, it is appropriate to say that these were provided with significant effort on

the part of the South Australian Health Commission to the James Brown Memorial Trust at no extra cost to the trust. This issue was determined by the Supreme Court of South Australia in the hearing of the appeal by the James Brown Memorial Trust against the refusal of the South Australian Health Commission to consider its application for a licence to operate Kalyra Hospital as a private hospital. Mr Justice Bollen found *inter alia* that even if the South Australian Health Commission's refusal to hear the application amounted to a decision from which the trust could appeal, Kalyra could not be a private hospital because it was a recognised hospital. He said:

In my opinion there is no room for suggestion that a hospital can be both a private and a recognised hospital. The definition of a private hospital negates any such suggestion. I think, therefore, that the South Australian Health Commission acted correctly in declining to entertain the application.

He also found that the trust's argument that the South Australian Health Commission was required to determine the licence application was wrong, because the applicant was not qualified to hold a licence. The South Australian Health Commission was only required to hear an application if the applicant was qualified to hold a licence. Kalyra Hospital was a recognised hospital and prescribed hospital, and was no longer able to operate as such, either physically or financially. It was therefore inappropriate and unnecessary for Kalyra to be listed in the regulations. Its operators, the James Brown Memorial Trust, advised that the proposal to remove it from the list was acceptable and it should be so removed. On those grounds, I suggest that the motion of the Hon. Mr Cameron be opposed.

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

SEXUAL REASSIGNMENT ACT REGULATIONS

Adjourned debate on motion of Hon. K.T. Griffin:

That regulations under the Sexual Reassignment Act 1988 concerning certificates and returns, made on 10 November 1988 and laid on the table of this council on 15 November 1988, be disallowed.

(Continued from 15 March. Page 2405.)

The Hon. G.L. BRUCE: I was Chairman of the Joint Committee on Subordinate Legislation which recommended that there should be no disallowance of this regulation. The committee took evidence from three witnesses, if my memory serves me right. The evidence of two of these witnesses was tabled in the Council, and members have had that evidence available to them. The first witness was a Father Laurence McNamara, a lecturer in moral theology at the St Francis Xavier Seminary, who came before us and gave much substantial evidence. The second witness was the Registrar of Births, Deaths and Marriages, Mr Ayling, who gave us some very important information on which we based our decision to allow the regulations.

We did not table the evidence of the third witness, as it was of a fairly sensitive nature. This was a person who had gone through the actual process of reassignment. The Act was brought in so that anyone who had had sexual reassignment could obtain a copy of his or her birth certificate, if so desired. The situation is changing now from extracts of a birth certificate to an actual certified copy of a birth certificate, which is the full birth certificate. The Act actually gave the regulations effect to have a copy of that birth certificate not showing the first sex of the person who had sought reassignment. It was a certified copy stating their name and what the sex was now, and it was left at that, the idea being not to cause embarrassment to the person who had the sexual reassignment if they were applying for a passport or making some other application which required them to have a copy of the birth certificate.

The stumbling block the committee ran up against concerned the Registrar of Births, Deaths and Marriages. In answer to the Hon. Mr Burdett he said that his declaration at the foot of each certified copy of the certificate was as follows:

I, David John Ayling, Principal Registrar of Births, Deaths and Marriages for the State of South Australia, do hereby certify that the above is a true copy of the entry recorded in the birth register of this State, book (blank), page (blank).

Of course, there was some hesitation by the committee in accepting that what he was saying was a true copy when he had not actually put in all the details that had been changed. There is no indication that the original birth certificate has been altered or changed in any way. It is just that the copy does not show the full copy of the birth certificate. The committee was concerned, and in a letter sent to the Attorney-General on 15 March (and I do not think we have received a reply), as a result of the evidence we had received, we stated:

The joint committee is at present considering regulations under the Sexual Reassignment Act 1988 concerning certificates and returns, made on 10 November 1988.

I forward, for your information, a copy of the evidence in relation to this matter and draw your attention to page 28 of the evidence submitted by the Registrar of Births, Deaths and Marriages, Mr David Ayling, in which he quotes the wording of his certificate which appears at the bottom of certified copies or extracts from the register.

Concern has been expressed that the copy is certified as being a true copy. Accordingly, it is requested that consideration be given to the actual form of wording of the Registrar's certification in order to remove any possible objection.

Further questioning, of course, indicated that that was not graven in stone or that it could not be changed. There was no reason for this at all: it had just been a traditional form of words that had appeared on copies of birth certificates or any other certificates. In fact, it came out during Mr Ayling's evidence that he had had only two applications in all the time that the new Act had been in force.

The Hon. K.T. Griffin: It hasn't been all that long.

The Hon. G.L. BRUCE: No, it has not been there all that long, and there is not a great need for it. You are dead right. Only a minority of people will need to be protected by this regulation, and we feel that they should be protected. Mr Ayling said in his evidence:

At this stage we have only received two applications, so there are only two entries in the register.

So it is not a huge matter.

The other evidence concerned the churches. Indeed, a minister gave evidence. We also had a letter from the Archbishop, expressing concern. Their concern was that they would be landed in a situation where they might be marrying two people of the same sex. Their argument was that they could also be marrying bigamists or other people who were not eligible. What counts is the honesty of the person who is questioned as to whether they are legally entitled to be married. My feeling was that, if a bigamist could get married, and it all depended on what he said to the minister who questioned him, there was no reason why someone of the same sex should not be able to do the same thing. It had to be left to the people concerned.

Mr Ayling showed us a note which he presents with the certificate if he is requested to give it, and this is worth reading into *Hansard*. It states:

This certificate has been issued showing a reassigned sex. The holder should be aware that it may be an offence to present the certificate as evidence for the purpose of law of a place other

than South Australia, particularly for purposes of marriage, which is governed by Commonwealth law.

The Hon. R.J. Ritson: So you're not going to amend the Commonwealth Marriage Act?

The Hon. G.L. BRUCE: The note continues:

Refer to subsection (4) of section 9 of the Sexual Reassignment Act 1988. If you are in any doubt, refer to the Principal Registrar of Births, Deaths and Marriages or to your legal adviser.

The Hon. Dr Ritson has put his finger on it. It is a Commonwealth situation concerning marriages. No clear case has come up so far. It is a situation with which the Commonwealth will have to come to grips.

The Hon. R.J. Ritson interjecting:

The PRESIDENT: Order!

The Hon. G.L. BRUCE: No, there are specific people who are entitled to get a copy of the original certificate; the Supreme Court and two or three other people are entitled under the Act to get a copy. Ordinary people and the Minister are not entitled to get a copy. The courts are so entitled, as are some others, as shown by the evidence. No doubt my learned colleague opposite will tell us who they are when he addresses the Council. It is quite clearly set out who has a right to see the original birth certificate. No injustice is being done to anybody. A minority exists, and these people are entitled to protection when they apply for a birth certificate. The decision to go for sexual reassignment is not taken lightly. They go through a process of counselling—

The Hon. R.J. Ritson: They are not doing that here any more.

The PRESIDENT: Order!

The Hon. G.L. BRUCE: We have evidence that they do. We were given evidence by someone who had gone through the sexual assignment process that they were given counselling. The ultimate thing is that they possibly submit to the surgeon's knife. That is the drastic part so, if people have gone that far and are prepared to put their beliefs on the line as to how they see their sexuality, I for one would not want to stand in their way when they applied for a copy of their birth certificate. I do not think they ought to carry the snickering (that is probably not the right word) of society when they go along and cannot get a certificate showing that they are what they are and what they have gone through in a sexual reassignment.

I believe that the Act does the right thing by these people. It does not affect a great deal of people. I believe it is a humane and compassionate part of the governing to be able to protect the minority of these people in the State of South Australia. I have no qualms with that part of the Act. I can come to grips with it. The legislation went through Parliament. I understand that the Opposition moved an amendment to have the information appear on the birth certificate. Of course, that would have defeated the whole purpose of the resolution that came through to the Joint Committee on Subordinate Legislation. If a birth certificate had to show when one got the sexual reassignment, it would not be worth having the Act.

This is a compassionate way to approach the situation. I feel sorry for those people who are in such a situation that their sex is not clearly defined. I would not stand in the way of these people if they wanted a copy of their birth certificate to show who they were at the present time, particularly if they had taken steps to go along the track of the sex that they had chosen, and had done it the hard way, through a consultative process and eventually through a surgeon's knife. I urge honourable members not to support the Hon. Mr Griffin's motion.

The Hon. J.C. BURDETT: I support the motion. As is the previous speaker, the Hon. Mr Gordon Bruce, I am a member of the Joint Committee on Subordinate Legislation. As he said, no action was carried in that committee. I think everyone knows that that committee is Government dominated—with four Government members and two Opposition members—and that has applied whichever Party has been in power. There was a division on the question of no action being taken on this regulation. The two Opposition members (including myself) voted against the no action motion. So, I do not feel bound by the decision of the committee. Indeed, I feel quite free to speak about the regulation which causes the main problem. Under our system, we cannot disallow individual regulations in a set; we must disallow the set—at least that is the opinion of the Crown Solicitor which has been accepted. The regulation in question is regulation 6 (4), which states:

Subject to subregulation 5, if the Registrar is to issue a copy of an extract from an entry in a register or index that has been altered by the Registrar pursuant to section 1 (1) *(b)* of the Act, the copy or extract will show the entry as altered.

During the hearings of the committee it became quite clear that that means (to use a practical example) that where a person who has been registered on the birth certificate as a male—and it could happen the other way—and goes through a reassignment procedure and, pursuant to the Act and regulations, has his sex reassigned, that is entered in the reassignments of sex register. Subsequently, if that person applies for an extract or certificate, it will show that that person was, and always has been, a female, just as if that person had been born a female.

This question was raised by the Hon. Trevor Griffin and myself when the Bill was being debated. We both said then, and I say now, that the public records of the State ought to tell the truth, not lies.

The Hon. G.L. Bruce: They do not tell lies.

The Hon. J.C. BURDETT: Yes, they do, because the person had been registered as a male and the register, pursuant to these regulations, would show that that person was, and always had been, registered as a female when that person had not. The public records of the State would not tell the truth; they would tell a lie.

The Hon. G.L. Bruce: They would give all the facts.

The Hon. J.C. BURDETT: No; they would tell a lie. It would be contrary to the truth. When the Bill was debated, it was pointed out that there was strong medical evidence that sex is determined at birth and that the fact of a reassignment does not change the sex. It is on that basis that I support the motion of the Hon. K.T. Griffin.

I feel the greatest sympathy for people in this situation. However, when trying to help people by legislation, we must look at the whole spectrum—the whole issue—and I do not believe that we are justified in not telling the truth. Compassion has to be taken into account and truth has to be taken into account.

Broadly speaking, there are two categories. One category covers young people whose sex at birth was ambiguous. It may be that some time after birth it is decided that that person is better assigned to the other sex than that which appears on the register and that surgical procedures should be undertaken to make that person more appropriate to that sex. That is a different situation, but there are procedures in the existing Act to correct a mistake.

As the Hon. G.L. Bruce said, the Hon. K.T. Griffin moved an amendment, but, in lieu of that, an amendment moved by the Attorney-General was passed to provide, as we have now, that the form of the certificate should be determined by regulation. I thought at that time that the regulation would show some of the history of the matter—that there had been a reassignment and that some procedure

had been carried out. For the sake of completeness, regulation 6 (5) provides:

> The Registrar may, on the application of—
> *(a)* the person whose sex has been reassigned;
> *(b)* in the case of a child whose sex has been reassigned—the guardian of the child;
> or
> *(c)* a person acting under the authority of an order of the Supreme Court,
> issue a copy of, or extract from, a register or index that shows an alteration pursuant to section (9) (1) *(b)* of the Act.

That would be only where the person whose sex has been reassigned, or the parent or guardian, or a person acting under the authority of an order of the Supreme Court does it. There are no criteria for the orders of the Supreme Court.

In the example that I have given, the person who has been born and registered as a male and whose sex through these procedures has been reassigned to female would have that fact recorded in the register of reassignment of sex and the certificate or extract would show that that person was, and always had been, a female.

I said that I feel a great deal of compassion for people who find themselves in that situation. Some practical issues have been raised. One related to the driver's licence. The older form of licence showed the sex. I have been told that persons with a female appearance who have been stopped by the police for one reason or another and have produced a driver's licence showing that they were male have felt threatened and, on some occasions, been hassled by the police. Be that as it may, the new driver's licence, which I am carrying and which I looked at during the committee hearing, does not show sex. Therefore, that practical problem no longer applies.

Another practical question which has been raised relates to passports. It is embarrassing for a person whose sex has been reassigned to have a passport with a photograph showing a female appearance but with the sex shown as male. As I said in the debate on the Bill, that was fixed some time ago in a way of which I entirely approve. Now, where there is medical evidence of the procedure having been carried out and of there having been a change of name, the passport is issued, following my example, in a female name and with a female photograph. Therefore, there is no problem. Also, a letter is issued to the applicant for the passport saying that the passport has been issued showing the gender as female. That does not indicate any policy stance on the part of the Commonwealth Government. It is issued in this way to save embarrassment to travellers. That is compassionate and it does not pose any problems. It means that there are not the practical problems which have been talked about.

The Hon. G.L. Bruce referred to the giving of evidence by the Registrar relating to the form of certification on the birth certificate. He said that that was no longer a stumbling block. The birth certificate certifies that it is a true copy of the register issued on such and such a date, with the volume and folio reference. However, it is not a true copy. The Hon. G.L. Bruce has correctly pointed out that the regulations do not say that that may not be changed. The committee caused a letter to be sent to the Attorney-General suggesting that the form be changed. However, that was not the stumbling block for me, although it may have been for the Hon. G.L. Bruce. As far as I was concerned, the stumbling block is that the certificate tells a lie; it does not tell the truth.

The Hon. G.L. Bruce: It does not tell a lie.

The Hon. J.C. BURDETT: It does tell a lie, and that is the public record. It is contrary to our community good that public records and copies of or extracts therefrom should contain statements of fact which are false, especially if they are known to be false. If the regulations were to require known false statements of fact to appear in official public birth, marriage or death records, a most harmful legislative precedent would be established. The regulations would educate all in the community, including medical, nursing, Government and other officials, towards accepting that the giving and reproducing of known false information for and from official public records is not objectionable.

The other part of the regulations to which I object is in regard to the access to reassignment records under regulation 7. It sets out the persons who may have access to those records. The Hon. Gordon Bruce referred to this matter and there is no point in my relating from *(a)* to *(m)* the persons who may have access, but they do not include Commonwealth marriage celebrants. The Family Law Act 1975, section 43 of the Commonwealth Parliament, requires the Family Court, in exercising its jurisdiction under that Act, to have regard to (*inter alia*) 'the need to preserve and protect the institution of marriage as the union of a man and a woman to the exclusion of all others voluntarily entered into for life'. The Marriage Act 1961, section 46 (1) of the Commonwealth Parliament contains this reference:

> Marriage, according to law in Australia, is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life.

The Marriage Act, section 42 (1), requires the production to the proposed celebrant of an official certificate, or an official extract of an entry in an official register, showing the date and place of birth of the party. If a birth certificate were to be altered in accordance with a recognition certificate, the altered certificate would not tell the truth about the sex of the person named in the certificate, the proposed celebrant may well be misled and, in that event, if the ceremony were to take place, the purported marriage would be void because it would not be a union of a man and a woman.

It is true that under the Act there is an obligation on a person who uses such a certificate, where other issues may arise such as marriage, to bring it to the notice of the persons concerned and it is true that the Registrar intends to issue a letter to this effect. Nonetheless, a situation exists where under, the Commonwealth Act, marriage is a union of a man and a woman to the exclusion of all others. There is a current judicial determination saying that sex change procedures do not alter this situation. The marriage celebrant is not allowed to know or to have access, and has no means of knowing whether or not he is marrying two people who, for the purposes of Commonwealth law, are men. For those reasons I support the motion moved by the Hon. Trevor Griffin.

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

COORONG AND LAKES NETTING

The Hon. PETER DUNN: I move:

> That the regulations under the Fisheries Act 1982, concerning Coorong and Lakes netting, made on 8 December 1988 and laid on the table of this Council on 14 February 1989, be disallowed.

I seek the disallowance of this regulation because it is a repetition of what came into this place some time ago, at which time it was disallowed. There was and there is a minor adjustment to that regulation and it has been represented to the Subordinate Legislation Committee for approval. I do not believe that the regulation is fair. The Minister has stated that there needs to be a restriction on the fishing of mulloway in the Coorong and Lakes areas

and everyone would agree that there needs to be a sensible fishing attitude and policy for that area.

In the second paper presented to the Subordinate Legislation Committee, the Director (Mr R.K. Lewis), in presenting his case, states:

Since the regulations were gazetted, the Department of Fisheries has received a number of submissions from recreational interests particularly regarding the requirement that a net be set from the water's edge. The basis for the majority of these submissions is that, due to the nature of the bed of the waters and shoreline, this provision has effectively imposed greater restrictions on the activity of recreational netters than was intended when the regulations were gazetted.

In other words, the Director is backing off from what he originally planned. I suggest that he has not quite got it right for the professional fishermen either. His restrictions were a little heavy handed. I know that he is acting in what he believes to be the best interests of the fishing stock, but I believe that he is destroying an industry and a recreational activity which is important.

Not a great number of people go fishing for mulloway. Mulloway are large fish, particularly as they get older. They live in the sea and eventually migrate into the Coorong through the Murray mouth, and they spawn in the Murray River. I believe they are known to spawn in only two places, namely, west of Ceduna and in the Coorong. Some happen to get into the other Lakes areas and it is in those areas that the recreational fishermen catch them because of the confined spaces. There is not a great abuse in the catching of mulloway. Although the stock have reduced, it is probably because they are being caught at the wrong time of the year, such as when they are spawning.

In the disallowance of this regulation, I request that the Director get together with the recreational fishermen, as they have approached me and asked about the restriction of having to sit next to your net. The present regulation has allowed the net to be set away from the shore because when it was set next to the shore the fish, when caught, were under attack from crabs, cormorants and other species of animals. They were destroyed rather than used. The regulation allowing the net to be set out from the shore is a sensible one. I commend the Director for recommending that. Point 3.2 of the Director's submission states:

... it is proposed that the attendance provision in relation to the waters of the Lakes and Coorong be retained, as it maintains a consistent approach to this issue throughout the State.

I am aware that people are supposed to sit next to their net on the foreshore, but in this case it is not a sensible idea. I would have thought that it would be a more sensible approach to say that they could set their nets for only three or four hours. To say that they have to sit on the shore and watch the net is unreasonable—it may be pouring with rain. Professional fishermen are allowed to set their nets and come back once every hour. The same arrangement ought to be provided for the amateur fisherman.

I see nothing wrong with that. If it is necessary to have a restriction, then put it on the size of the net or on the time during which the net can be set, but a restriction which requires one to sit by a net is not wise. Many people may have a building, a shack or a caravan in which they live on the shore of the lake, but their fishing is done farther away. It is not sensible that they should have to go away and sit by a net in all sorts of weather. They will not continue to fish. I do not think such a restriction is called for and I ask the Director to have another look at the matter in conjunction with professional fishermen, who also complain that the restrictions placed on them are unrealistic and burdensome.

According to my observations, recreational fishermen have the greatest restriction, and I think they should be allowed to attend their nets on an hourly basis in accordance with similar constraints placed upon professional fishermen. When talking about consultation the Director says:

The commercial fishing sector has had to make substantial adjustments as a result of the package of measures introduced to provide increased protection for mulloway.

I say that this protection is greater than is necessary for the good of the industry. Evidence has been received by the Subordinate Legislation Committee which suggests that it is too easy to catch fish in the shallow water of the Murray Mouth where mulloway swim into the Coorong, and that perhaps banning of fishing in that area at certain times of the year would allow more fish into the Coorong and more fish to spawn. In the long term there would therefore be an increase in fish stock.

These restrictions are rather aggressive, they insult recreational and professional fishermen, and it would be wise if they were disallowed at this stage and reintroduced after the Director has resolved these issues with those fishermen. For those reasons I move the disallowance.

The Hon. G.L. BRUCE secured the adjournment of the debate.

TRAFFIC INFRINGEMENT NOTICES

Adjourned debate on motion of Hon. K.T. Griffin:

That the regulations made under the Summary Offences Act 1953 concerning traffic infringement notices, made on 12 January 1989, and laid on the table of this Council on 14 February 1989, be disallowed.

(Continued from 22 February. Page 2034.)

The Hon. T. CROTHERS: The Government is of the view that the disallowance of regulations moved by the Hon. Mr Griffin would be irresponsible and would shirk the Government's responsibilities relating to road safety.

In speaking to the Council on 22 February this year, the Hon. Mr Griffin peddled the following misconceptions. They are only two of many which were contained in his contribution, but as they were in the first paragraph of what he had to say I will now deal with them. For the benefit of the Council, I quote directly from *Hansard*. The Hon. Mr Griffin said:

I move for the disallowance of these regulations because it is time to make a number of important points with respect to the Government's constant increase in traffic expiation fees and the extending use of expiation fees to raise revenue.

This is all good stuff from the Opposition's point of view in respect of its recent frantic and frenetic efforts to portray itself as the saviour of the South Australian electorate in the oncoming elections. But take it from me—and I say this for the advice of the Hon. Mr Griffin—it will not work. In the past, South Australians have shown that they prefer truthful and responsible government and not aspirants who seek to stampede them into a position which might advantage the current Opposition.

However, to get away from the real reason for Mr Griffin's speech and address myself to its content, such as it is, I draw the attention of the Council to his use of the words 'constant' and 'extending'. I believe that I have quoted enough of the verbiage surrounding those words so that the reader of, and the listener to, my contribution will not get them out of context—and the way in which Mr Griffin chose to use them.

The facts of the matter are that the last increase for traffic offences occurred on 1 February 1987. So much for Mr Griffin's posturing on his ill-chosen use of the word 'constant'. I point out that the new scale of expiation fees was

due to come into effect on 1 February this year. Following the increases to which I have referred, which occurred in February 1987, the Police Department conducted a review of the rate of traffic offences occurring in South Australia. Based on the findings of this review, the Police Commissioner advised the Government as follows:

1. The number of reported offences have increased markedly.
2. The current fee levels have not had any significant effect on deterring speed violators.

I believe that the Council should take note of the use of the word 'current' in the Commissioner's advice. The Commissioner went on to say:

3. Speeding contiunues to be a major contributing factor in road deaths.

So much for Mr Griffin's use of the word 'extending' in the context of—and it is worth quoting again—'the extending use of expiation fees to raise revenue'. Surely even the Hon. Mr Griffin must realise the implications for the Government stemming from the Police Commissioner's advice, particularly when it is considered that speeding is still one of the most prevalent of all road traffic offences. Speeding offences, in one form or another, to my knowledge, constitute more than half of all offences contained in the Road Traffic Act. It should be noted that speeding offences in the main have attracted the higher level of fee increases.

South Australia has a very enviable record in its innovatory way of dealing with problems which confront road users. Those endeavours are still continuing. In order to put them into place, however, it must be clearly understood by all that it costs money. Indeed, the better we get at doing it, the more it costs.

Traffic offences are avoidable, and that point is worth making. The majority of responsible people in our community expect road traffic abusers to be heavily penalised and, indeed, the responsible majority are entitled to all the protection that any South Australian Government can devise and give to them when they use our roads. I appeal to all members in this Council (and I hope that it will not fall on deaf ears) to consider the Government's proposals which, after all, emanated from advice given to it by the Police Commissioner. I believe that this issue is vital in maintaining South Australia's track record as a caring community in the prevention of road accidents. We oppose the disallowance.

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

EQUAL OPPORTUNIY ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 22 February. Page 2042.)

The Hon. CAROLYN PICKLES: I oppose the Bill introduced by the Hon. Ms Laidlaw. First, I want to make it quite clear that this Government has a strong commitment to ensuring that all members of the community are protected from discrimination on the basis of their age. Yesterday, a ministerial statement was made by the Attorney-General which confirmed that in the next session of Parliament the Government intends to introduce legislation to amend the Equal Opportunity Act to protect all South Australians from discrimination on the basis of age, and protection will be afforded to people of all ages.

The Government also has a strong commitment to the elderly and mature aged in our community. It is of the view that people have a right to be judged on their merits, regardless of their age, and not on the basis of a conception or steroe-type of an age group. Many issues in the ageing arena have come onto the political agenda recently, and we have seen earlier this year a proliferation of groups claiming to represent elderly people and all expressing demands for their members.

Long before the grey power movement came to the fore, the Government, recognising the valuable contribution that elderly people make to our community, passed the Commissioner for the Ageing Act in 1984. For the past four years the Commissioner has communicated the interests of elderly people to Ministers and coordinated a Governmental response to the many issues that affect elderly people.

The Labor Government has members who have pursued the discrimination issue relentlessly. Ms June Appleby, an honourable member in another place, since her election has taken on the issue of age discrimination and pursued it vigorously. The Minister of Community Welfare is another who has been active in this area. The Government has understood and responded.

In June 1987, well before the private member's Bill presently before the Council, a task force was established by the Minister of Employment and Further Education to monitor age discrimination in employment. The membership of this task force was Glen Edwards, Director, Office of Employment and Training; Josephine Tiddy, Commissioner for Equal Opportunity; and Adam Graycar, Commissioner for the Ageing.

This task force on aged discrimination is a task force of officials and should not, of course, be confused with the Government's task force on ageing, which is chaired by Ms June Appleby and of which I am a member. That task force, among other things, will examine the age discrimination issue.

The role of the former task force has been to monitor, for a 12-month period, age discrimination in the areas of employment, finance, advertising and accommodation. The purpose of this was to enable an assessment to be made of the extent of age discrimination practices upon which determinations could be made as to the need for Government action and whether measures could be implemented to modify practices in this area.

The task force also focused on an examination of age barriers in existing legislation, and how the current Equal Opportunity Act 1984 might be amended. Recommendations have been made in the report which is now before Cabinet. Given that age is used as a basis for considerable legislation and that much of this reflects community standards (for example, age of consent), a key issue that the task force had to address was the interaction of any proposed amendments to the Equal Opportunity Act and references to age already contained in other legislation.

For this purpose a survey was undertaken by the task force of all South Australian Acts to summarise age-related provisions so that a structure could be proposed which would identify those references which should remain, which should be reviewed and those which should be removed. The task force has prepared a comprehensive report which focuses on the complexity of discrimination on the ground of age and proposes a systematic, thorough, and comprehensive attack on this complex issue.

While I support the basic principles underlying the private member's Bill, three main inadequacies in the Bill demonstrate a lack of commitment to the area and make the Bill unworkable and ineffective. The Government opposes the Laidlaw Bill for three reasons. First, the general derogation clause will serve only to legally perpetuate the discrimination on the basis of age as it is presently entrenched in existing legislation. This Bill allows discrimination on the ground of age to stand wherever age is mentioned in any

legislation, regardless of whether the age requirement can be justified.

It is clear that the implications of the non-derogation clause have not been properly considered in the private member's Bill. The task force considered this to be a major area to be addressed in order to make legislation to prohibit discrimination on the ground of age effective. It is the intention of this Government to introduce legislation which will permanently exempt particular legislation and allow an appropriate framework to implement and manage other exemptions which may be necessary as recommended by the task force.

It is clear that many areas covered by legislation are largely accepted by society in general and should be retained. It is also clear that there are many more areas which are unnecessary or have no sound basis for being exempted. The Laidlaw Bill has made no attempt to define what exemptions may be necessary but merely seeks to perpetuate discrimination in existing legislation for all time. This is unacceptable in any serious attempt to make the proposed amendment workable and suggests that the Liberals are not prepared to bite the bullet but, rather, take the soft option.

Secondly, the transitional provisions in Clause 8 of the Laidlaw Bill, with respect to the proposed phasing-in of the legislation until 1991 as it relates to employment, will make the private member's Bill a legal vehicle for employers to discriminate on the ground of age for the next two years. This is counter-productive to the spirit and intent of the Equal Opportunity Act 1984, as well as the Federal Government's affirmative action legislation. While phasing-in may have been appropriate for the Commonwealth affirmative action legislation, this has no relevance to employers' obligations under the Equal Opportunity Act as it relates to age.

I do not believe that it is an 'unrealistic burden or expense' for business not to discriminate on the ground of age in employment during the next two years because, if businesses are selecting, employing and promoting their employees on merit, then there should be very little change necessary to their employment practices. I assume that they would wish to employ the best people available for employment, regardless of their age, sex, or disability.

For the private member's Bill to condone that situation suggests that the Opposition is not serious about eliminating discrimination on the ground of age in the major area of employment. It seems ironic that right now, with an election in the offing, it is grand-standing on this issue, yet the implementation is left until some future date.

The Hon. Diana Laidlaw: You have been silent for two years.

The Hon. CAROLYN PICKLES: If the Hon. Ms Laidlaw does get her wish and does get a look—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: —at the task force report, she will find out what we propose.

The Hon. Diana Laidlaw: I can't get a copy.

The Hon. CAROLYN PICKLES: You're not a member of the Government—that's why.

The PRESIDENT: Order!

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! Repeated interjections are out of order. The Hon. Ms Pickles.

The Hon. Diana Laidlaw: So the Government members—

The PRESIDENT: Order!

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. Diana Laidlaw: It's outrageous.

The PRESIDENT: It is outrageous that you keep interjecting when I call you to order. I ask you to cease your interjections, or I shall be forced to name you. The Hon. Ms Pickles.

The Hon. CAROLYN PICKLES: My third reason relates to clause 6 of the private member's Bill. The effect of this clause would be that an order for compensation can be made against any litigant who is unsuccessful in a hearing before the tribunal.

The reason for clause 6 of the Bill, according to the honourable member, is that there has been a 300 per cent increase in unfair dismissal claims in the Industrial Commission in the past 10 years and that, consequently, there is a concern by some employers that some employees may bring frivolous or vexatious complaints. Clause 6, in my view, is an extremely harsh provision. There is already provision in the present Equal Opportunity Act for the tribunal to award costs in any proceedings which in the opinion of the Equal Opportunity Tribunal are frivolous or vexatious or where, in the opinion of the tribunal, the proceedings have been instituted or prosecuted for the purpose of delay or obstruction. I refer to section 26 of the Equal Opportunity Act, which reads:

> 26. (1) The tribunal may make an order for costs in any proceedings in accordance with the scale prescribed for that purpose:
> *(a)* where, in the opinion of the tribunal, the proceedings are frivolous or vexatious;
> or
> *(b)* where, in the opinion of the tribunal, the proceedings have been instituted or prosecuted for the purpose of delay or obstruction.
>
> (2) Where a party to proceedings before the tribunal applies for an adjournment of the hearing of those proceedings, the tribunal may grant that application upon such terms as it considers just, and may make an order for costs in accordance with a scale prescribed for the purpose against the applicant for the adjournment in favour of any other party to the proceedings.
>
> (3) Costs awarded by the tribunal under this section may be recovered by the person in whose favour they were awarded as a debt due to him from the person against whom the order was made.

It seems to me, Ms President, that that clause needs some non-sexist language. In my view, clause 6 of the Bill extends the protection against vexatious or frivolous complaints presently existing in the equal opportunity jurisdiction and other jurisdictions to the case where persons who are unsuccessful in their litigation for any reason whatsoever may have compensation awarded against them for attempting to pursue their rights. This, therefore, places a complainant at far greater legal risk in the equal opportunity jurisdiction than any other jurisdiction. Again, this demonstrates that the Opposition is not serious about eliminating age discrimination.

However, because this Government is concerned not to place onerous burdens on employers, it is prepared to look at and review the mechanisms in the existing legislation with a view to addressing in an appropriate manner the method by which complaints which have been declined by the Commissioner for Equal Opportunity can be brought before the tribunal in such a manner that will not make it almost impossible for people to properly pursue their legal rights. It would seem that, at best, the Laidlaw Bill is inadequate and overlooks the important role which legislation has to play in setting standards for achieving equal opportunity, and at worst is an attempt at shallow tokenism because the effect of these three clauses makes the proposed amendment ineffective.

This is not to say that the Government is not vitally concerned about age discrimination. This is not to say that the Government is not concerned about the rightful place of elderly people and young people in the community. It is, unfortunately, true that young and old are sometimes treated

unfairly on the basis of age, and that is not tolerable. The reason for not supporting the Bill is that the Government believes this is a 'quick fix' option, and it has now indicated that it will legislate on this matter, providing a more thorough and more comprehensive approach to this very important issue. The Government hopes that it can look forward to support from the Opposition at this time. For these reasons, I oppose the private member's Bill.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

CHILD PROTECTION POLICIES

Adjourned debate on motion of Hon. Diana Laidlaw:

1. That a select committee of the Legislative Council be established to consider and report on child protection policies, practices and procedures in South Australia, with particular reference to—
   (a) provisions for mandatory notification of suspected abuse;
   (b) assessment procedures and services;
   (c) practices and procedures for interviewing alleged victims;
   (d) the recording and presentation of evidence of children and the availability and effectiveness of child support systems;
   (e) treatment and counselling programs for victims, offenders and non-offending parents;
   (f) programs and practices to reunite the child victim within their natural family environment;
   (g) policies, practices and procedures applied by the Department for Community Welfare in implementing guardianship and control orders; and
   (h) such other matters as may be incidental to the above.
2. 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.
3. That this Council permits 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 8 March. Page 2233.)

The Hon. CAROLYN PICKLES: I oppose the motion moved by the Hon. Ms Laidlaw to set up a select committee to consider and report on child protection policies, practices and procedures. Whilst I acknowledge that the protection of children, the most vulnerable members of our society, is an important issue, I believe that such a committee is unnecessary and unwarranted. In the past four years, great improvements have been made in the child protection system, and I believe that in the next few years we will see the best child protection strategies in place. My colleague the Hon. Terry Roberts has already referred to the role of the Government in the area of child protection and its achievements to date. In adding to this debate I believe that it is essential to place child protection in a historical context.

The history of abuse of children is well documented in literature and is not a new phenomenon. Child abuse has been a problem throughout history. Drs Henry and Ruth Kempe from the Department of Paediatrics at the University of Colorado Medical Centre (1978), stated:

> Historically, society has not been troubled by the maltreatment of children. Where children were not wanted, mortality ran high. In nineteenth century London, for example, 80 per cent of the illegitimate children who were put out to nurse died; unscrupulous nurses collected their fees and then promptly did away with the babies. When a profit could be made, adults sometimes sold children into slavery or used them as a source of cheap labour. This is not to say that the individual parents did not care about their children, but persuasive values sanctioned many practices that we now call abusive, and even caring parents were under their influence.

Behaviours may have been defined as normal in one period of history and later, as attitudes towards children changed, have become unacceptable and even labelled criminal. Abuse of children has lasted virtually unchallenged well into the late part of the twentieth century due to a combination of factors which include ignorance of the physical and emotional needs of children; the belief that children were their parents' property and as such could be treated in whatever manner the parents wished; and the belief that severe physical punishment was necessary to maintain discipline, transmit educational decisions and expel evil spirits.

Child protection as we know it today is a relatively new phenomenon which has been influenced world wide by some significant historical events which I will briefly outline. In 1897, in New York, an eight-year-old child called Mary Ellen Wilson was subjected to severe abuse by her foster parents. Concerned neighbours and church workers took the case to court but nothing could be done because child abuse was not against the law. Her case was taken up by the Society for the Prevention of Cruelty to Animals, on the grounds that a child should have rights at least equivalent to an animal's. She was taken to court wearing a horse blanket, and it was argued that as a member of the animal kingdom her case could be included under the laws against animal cruelty. The case was not successful but the result was that for the first time it was recognised that legislation was needed to protect children in the United States.

As a result of the plight of Mary Ellen, the Society for the Prevention of Cruelty to Children was established in New York. It was not long after that similar societies were established in Britain and Australia. At this time any protection of children consisted of the rescuing of children from their parents once family breakdown had occurred. Most of these children were initially placed in institutions. Later in Australia, during the 1930s, these children were sent to the country to provide landlords with cheap and compliant labour.

Despite the establishment of these protective societies, little was known or understood about child abuse until the 1940s when, in the United States, the use of radiology led to the discovery of unexplained fractures in children brought into hospitals. One of the radiologists, F. Silverman, in 1953, suggested that such injuries may have been inflicted intentionally by parents. Dr Henry Kempe and colleagues published an article in 1962 that used the term 'the battered child syndrome', and suggested that doctors were often unwilling to recognise child abuse. Professor Boss, formerly from the Monash University School of Social Work, states:

> There then followed a series of books and reports, and we may say that from that date on child abuse was rediscovered. It took a further 13 years before the American Federal Government passed its first, special piece of legislation in 1974 which, by dint of offering financial grants to the 50 states, ensured that there should be a network of minimum level services in the country.
>
> Prior to the 1970s in Australia, child welfare services consisted primarily of coercive-type interventions, which took the form of rescuing children after family circumstances had completely broken down. Very little energy or thought went into supporting and preventing families from disintegrating in this way. Very little regard was paid to the need or desirability of returning children to their natural families. Families subject to such intervention were frequently characterised as poor or deviant and often the grounds for removal were quite questionable.

Aboriginal children were moved almost as a matter of course, and files were routinely kept on illegitimate children. During the 1970s, widespread change in social awareness, and a whole new understanding of child welfare brought about sweeping reforms. Major changes occurred in both the community's perceptions of child abuse and in agencies' responses and methods of child protection.

South Australia was the first state to take initiatives in responding to child abuse. In 1968 the South Australian Social Welfare Advisory Council made a report to the South

Australian Minister of Social Welfare following an investigation into child abuse in the State. From this report the first legislation for the compulsory notification of child abuse cases by medical practitioners was included in the Children's Protection Act 1969. This requirement did not work particularly well, as between 1972 and 1974 only approximately 20 cases of child abuse a year were reported.

In 1976 a further report was made to the Minister of Community Welfare by the Community Welfare Advisory Committee into Non-accidental Injury to Children. Professor Boss, in an article entitled 'The History of Child Abuse in Australia', said:

> The report formed an important document, since it sought to unravel the intricate skein of social, economic, and individual origins of the child abuse problem, thus getting away from the uni-causal theories of child abuse that had featured in the early American literature.

This report formed the basis for the amendments to the Community Welfare Act, which were brought into effect in 1977. A much wider range of professionals were legally required to report child abuse. Mandatory notification was seen to be crucial if the Government was serious about protecting children. At the same time, child protection panels were established as an initial step to bring together professionals from a range of agencies to review notifications of abuse, and to give advice on co-ordinated case management.

In 1983 the Government established the Children's Interests Bureau to empahsise the importance of the rights of children. This service is unique in Australia and can be seen to support the principles involved in valuing the children of today as the adults of tomorrow. In 1984-85 the Department for Community Welfare first introduced standard procedures for child protection. Prior to this period, workers had the discretion not to formally report details of case where they could find no evidence of abuse. Many cases were investigated and not formally reported. These procedures did not specify in any great detail how a worker might investigate and assess a child protection notification.

Review of these procedures began in 1986. New and more specific standard procedures were introduced in July 1988. These procedures introduced concepts of rating the urgency of notifications, the importance of accuracy and professional judgment in intake work and the importance of across agency case conferences to make better informed decisions for children and families.

Child sexual abuse rose to prominence as a social problem in this State in the late seventies and early eighties. David Finkelhor, an American psychiatrist, attributes this to the concerted action of two lobby groups: the child protection lobby and concerned women's organisations. It should be noted that the child protection lobby has consisted of the concerted and combined effort of concerned parents, church groups and a range of professionals. According to the child sexual abuse task force report the increased attention paid to the sexual abuse of children has come about largely through the endeavours of workers in victim oriented programs for adult women who have been raped or sexually assaulted as children.

Child sexual abuse is an emotive subject and as such has drawn a plethora of responses from both professionals, the community, politicians and families involved. As with physical abuse in the 40's there has been resistance from many quarters to accepting that it in fact does occur. No-one wants to believe that a family friend, relative or esteemed community member would rape, sexually abuse or expose himself or herself to a child.

In October 1984 the Minister of Health requested that Cabinet approve the establishment of a task force to examine the problems associated with the existing law and services to sexually abused children and their families. The need for such a task force was argued in the 1984 report of the Adelaide Rape Crisis Centre called 'child sexual abuse' which outlined the need for legal reform and improved services for child victims and adult survivors.

The task force presented its findings to the Government in October 1986 after two years—and I ask members to note that two years work. The report contained 102 recommendations and stated that:

> In relation to the problem of child sexual abuse, it is the proper responsibility of government to establish clear social policies whereby better protection can be provided (to children and families) and which through time may serve to reduce the occurrence of these offences.
>
> The task force was of the view that the recommendations in the report provided a starting point for concerted action for the alleviation and prevention of child sexual abuse.

As a result of the task force, the government established the South Australian Child Protection Council to take responsibility for implementing the program for the alleviation and prevention of child sexual abuse as set out in the recommendations of the task force report.

The task force looked at a wide range of issues relating to the handling of child sexual abuse cases in both the child protection system and in the criminal justice system. It was noted that there would be no improvement to the problem of child sexual abuse without a strong commitment to develop a comprehensive and co-ordinated approach involving all levels of Government and non-government agencies.

In November 1985 the then Minister of Community Welfare commissioned a lawyer, Ian Bidmeade, to review Part III of the Children's Protection and Young Offenders Act 1979 which deals with the procedures to protect children in need of care. Following the release of this report the Government has initiated a number of legal reforms to improve the 'in need of care proceedings' and to establish a child advocacy unit with the Children's Interests Bureau. These changes have been operational since September 1988 and place emphasis on planning and assessment work prior to cases going to court. A pre-'in need of care of protection' conference has been introduced resulting in clear and well informed decision making and a high standard of evidence submitted to court. These changes are part of the ongoing determination to ensure fairness and a high quality of practice in child protection matters in court. Ongoing evaluation of such procedures is part of this process and will determine the future changes should they be necessary.

In looking at this brief overview of the history of child protection generally and within this State it is clear that it is only recently that professionals have recognised the problems of, first, physical abuse and neglect and, more recently, sexual abuse. Emotional abuse of children is an area still under investigation in efforts to better determine the long term negative impact on children's development.

The past few years in particular have seen an escalation in community recognition of child protection as a major societal issue. This has been a world-wide trend and changes are happening world-wide. The problems arising from systems designed to protect children from abuse, and the apparent threats to human rights and family life posed by these systems, is not confined to South Australia. The problem is receiving attention all over the world and a vast amount of research has been carried out—in legal, medical, welfare, sociological and psychiatric disciplines.

I note with interest that, in the context of all the work that has recently and is currently being done to review, evaluate and reform child protection practices in this State, the Hon. Ms Laidlaw wishes to establish a select committee which would appear in the main to be repetitious and a

waste of valuable resources. As I have said earlier, it was only in October 1986 that the Sexual Abuse Task Force report, with 102 recommendations was tabled in this parliament after two years work. The ramifications of the implementation of this report are still occurring.

I would put it to members that the money involved in the establishment of such a committee would be better spent in continuing to implement the recommendations of the task force, in supporting current multi-agency working parties considering child protection matters, or indeed in expanding treatment services available to victims, families and offenders.

The Hon. Ms Laidlaw has levelled a number of accusations at the Department for Community Welfare. The honourable member claims:

> Increased awareness and mandatory recruitments, and the zeal of some field workers are prompting some over-enthusiastic people to suspect that every bruise and behavioural problem is a case of child abuse and it is reported as such, in case—and I repeat—in case child abuse has occurred.

It is true that DCW is enthusiastic. It is an organisation that clearly puts the safety of children first. I would put it to honourable members that the wide range of professionals mandated to report child abuse signifies that South Australia views child protection as the responsibility of the wider community and not just the Department for Community Welfare. To avoid understandable confusion about what constitutes a notifiable and reasonable suspicion of abuse, a comprehensive training program for mandated notifiers has been introduced. This will be ongoing and carefully monitored by the South Australian Child Protection Council which sponsors the program. Two training officers have been appointed and a complete training kit has been designed specifically for this purpose. Further, in July 1988 revised standard procedures relating to child protection were introduced. Rigorous screening of calls is undertaken in order to maintain the department's high standard in child protection intervention. The Hon. Ms Laidlaw has stated that the Government must:

> ... address DCW procedures for gathering evidence, as it is vital to the interests of children that the department is credible in all cases where protection is deemed appropriate.

I would like to stress that, while DCW may initiate an investigation in child protection matters, the department does rely on other experts to help present its case. These experts are drawn from a number of fields, including the medical, legal and psychiatric professions. Is the Hon. Ms Laidlaw suggesting that Crown Law is not rigorous enough in the preparation and presentation of evidence for court? I will reiterate for the benefit of honourable members opposite that it is the Children's Court and not DCW that determines whether a child is in need of protection. The Hon. Ms Laidlaw has suggested that DCW 'failed to insist that the reporting and response procedures are above reproach'.

In looking at this issue I think it is important to refer to comments made in Dr Lesley Cooper's report. Dr Cooper is a lecturer in Social Administration at Flinders University. He said:

> There are a number of valid organisational and managerial reasons to develop procedures. Procedures are important to an organisation for beginning workers and inexperienced workers. Procedures structure their practice, they tell the worker how to begin and engage in departmental activities. Procedures can offer increased protection to clients and to workers by specifying areas of shared responsibility, and by specifying the organisational requirements of practitioners.
>
> It does not seem possible to fragment community welfare work in the area of child protection into the simplest, routine and unskilled elements. The nature of child welfare work is complex and uncertain. Clients, especially adolescent parents who are the subject of this inquiry, are not predictable in their behaviour. It is not therefore possible to write procedures to cover all contingencies. Nor is it possible to write procedures which are worker-proof, that is, procedures which ensure that errors of judgment do not occur.

Is the Hon. Ms Laidlaw seriously suggesting that procedures are more important than professional judgment, backed by intensive supervision, and case management in child protection work?

I note the Hon. Ms Laidlaw has suggested that the Government and senior management of DCW have taken steps to 'transform the Department for Community Welfare into an agency focusing on crisis intervention rather than preventive intervention.' The Opposition should be reminded here that intervention in most instances is prevention in that it stops the horror of child abuse recurring.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: If you listen you might find out. Further, regular community education programs and the availability of literature, alongside community self-help groups (such as 'friends of abused children task force' (FACT) and 'parents against child sexual abuse' (PACSA)) actively funded by the department, are some of the many prevention measures which have been undertaken.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: You would have a shock in the unlikely event of your ever reaching that position, because you would have no cooperation whatsoever from the department.

The Hon. Diana Laidlaw interjecting:

The Hon. CAROLYN PICKLES: You have no credibility whatsoever in that department.

The Hon. Diana Laidlaw: You are in a dream world.

The ACTING PRESIDENT: Order!

The Hon. CAROLYN PICKLES: The rapid rise in child abuse notifications is not unique to South Australia, but parallels figures in the rest of Australia. The phenomenon of child abuse is obviously widespread throughout the Australian community. As the agency designated to receive the notifications and to act upon them, DCW deserves support for its effort and not harassment from a Party out to make political mileage based on the concerns of a few disgruntled adults who have been called to account.

The department has implemented clear systems to handle the rise in notifications with an ongoing reallocation of resources to match the demand. This has included a 31 per cent increase in grants to the non-government welfare sector which incorporates, firstly, a rise in the number of family support workers; secondly, the sponsoring of the Government's social justice program; and, thirdly, a community development model to handle the adolescents at risk program. In tandem with the above measures, DCW supports the Education Department in the introduction of the protective behaviours program to schools across the State.

Lastly, may I remind honourable members that family and community protection has been, and always will be, a major focus of the department's work, and this includes the protection of children. The allegation that children assessed at risk of neglect or ongoing abuse has not been attended to is misleading and deserves comment. There are cases where children do not need excessive State intervention and in these situations families are referred to other helping agencies for general assistance.

However, I am wondering at this point whether the honourable member is confused. On the one hand, she advocates limited intervention and claims the department to be 'obsessed' with crisis intervention at the expense of preventive work, and, on the other hand, advocates that the department is not intervening in families enough. Is the Hon. Ms Laidlaw more interested in making headlines than in pro-

tecting children? The Government is clear on the matter. The department will continue to protect the children of South Australia.

Yet the harassment continues. The Hon. Ms Laidlaw insists that families are not using DCW or are frightened that their children will be 'whisked away'. This is a spurious allegation, and I put it to honourable members that departmental staff are yet to enjoy quiet periods during their normal days and, indeed, nights. The Hon. Ms Laidlaw has raised the spectre of unnecessary fear in the minds of the community and serves to make the work of a very busy department more difficult than ever. Of the 4 000 or so notifications of child abuse in South Australia last year, 94 per cent did not enter the court system. This is hardly a cause for concern.

The honourable member suggests that DCW focuses on children rather than families, groups and communities. DCW unashamedly accepts part of the community responsibility to protect abused children. In doing so, DCW funds an enormous number of programs designed specifically for families in need of support counselling and other assistance. This, in turn, assists children and parents of families in need. However, some families will not and have not protected children, no matter what is tried, and this is when DCW must intervene. I refer again to an important comment from the Cooper report which highlights the complexity and importance of this issue. I quote:

> The current wisdom of some workers in the department is that the child is the client. When workers refer to the client in this way, they mean the child is the primary beneficiary of the departmental service. The use of the term child as client was to avoid the apparent trap where workers solved the mother's marital problems before attending to the safety and protection of the child. The notion of 'who is the client?' is very complex, and it can be a difficult technical issue to discuss and debate. Oversimplification of this issue should be avoided and workers should be guided by the central purpose of departmental involvement, that is, the protection and safety of the child.

The Hon. Ms Laidlaw has raised a number of issues in relation to child abuse statistics. Before the honourable member makes comparisons about substantiation rates it is important that she views these figures in their historical and appropriate context.

Over the past 10 years there have been a number of procedural and practice changes in the child protection area. These automatically affect the collection and recording of data. Two significant points of change have occurred in 1984-85 and 1987-88. Prior to 1984-85 individual workers had discretion in recording child abuse cases, particularly where there was no absolute evidence of abuse. Thus the total figures for 'notification' do not reflect all reports of suspected child abuse made to the department but rather reflect only in the main substantiated cases.

During 1984-85 standard procedures were introduced stipulating that workers must formally report all allegations of suspected abuse. In addition, the department's annual report gave figures relating to individual children for the first time. As a result of these initiatives there were marked differences in the statistics obtained and presented for the periods 1984-85, 1985-86 and 1986-87. In these years the recording of outcome data was such that because a certain percentage of cases were recorded as 'confirmed', it does not automatically follow that the remainder of the total had no substance to the allegations. For example, some families moved interstate or could not be located.

In 1987-88 practice procedures have been refined so that all child protection notifications will be statistically registered if a child is considered to have been abused. The criteria for this is found in the department's standard procedure. It can be seen that the area of child protection has undergone a number of changes in the past 10 years which have necessitated changes in procedures and recording of data as knowledge of the issues involved has increased. It is therefore important to concentrate on the more recent data in discussions about what is happening to the children of South Australia.

Once again, I note the Hon. Ms Laidlaw has made assumptions based on limited information. She states that South Australia is the only State to list so many professionals as mandated reporters. South Australia has a proven tradition of leading the nation in social legislation and takes seriously the notion that child protection is the responsibility of the entire community. In particular, our professional colleagues have been encouraged to share that responsibility as an ongoing objective. South Australia falls in the middle of the range of people required to notify. For example, the Northern Territory requires all citizens to notify and Queensland also has very broad requirements. South Australia only requires professionals and people working with children to report.

It is interesting that the honourable member advocates on the one hand that she sees 'abuse of children as a vile, odious act that must be pursued with diligence, care and commitment to protect children and to redress the actions of offenders' and on the other hand does not support the reporting of abuse as depicted in her statements about mandatory reporting. In fact the Hon. Ms Laidlaw refers a number of times to the situation in Victoria. Is she aware of the most recent article on the subject in Melbourne's *Age* (17 Febuary 1989) where it was reported that Justice Fogarty of the Family Court claims that Victoria has the worst child protection service in Australia? The report states that the Victorian Community Services Department spends most of its time dealing with the least serious child abuse cases. The Hon. Ms Laidlaw will remember that Victoria does not have mandatory reporting of child abuse and has a system where cases are lost. Is the honourable member advocating that South Australia should move in the direction of Victoria and made children less safe? I believe there is a moral and legal obligation on the community to report child abuse if it is occurring.

The number of notifications is not dependent on who is mandated to notify but rather relates to community awareness of the problem and the extent of the problem. Mandatory reporting does not solve the problem of child protection alone: it needs to be complemented by training, good medical assessment and improved legal protection for children and the development of family suspport services. Attention is being paid to all of these in South Australia. The benefits of mandatory reporting can be summarised as follows:

- it emphasises the primacy of the child's rights to protection over the right of the parent to freedom from interference, and protects the child from further abuse.
- it facilitates reporting, since without legislative sanction many will not report.
- it demonstrates a determination by Government and the community to attack the problem of child abuse.
- it secures consistency in the management of the disclosure of child abuse.
- it enables better assessment of the nature, incidence and location of child abuse which, in turn, leads to better provision of services and a better follow-up of victims through case registers.
- it allows professionals to maintain the trust of clients they are reporting, since they can argue that the matter is beyond their control as they are legally obliged to report.

- it provides for shared responsibility in managing cases by relieving professionals of the sole obligation to make case management decisions.
- it provides immunity from civil liability for reporting.

The Hon. Ms Laidlaw is again in error when she claims that the department has embarked on a major child sexual abuse awarness campaign. It is true that child sexual abuse has gathered a lot of publicity in recent months. In fact, the department is not aware of a major campaign. There has been much press on the topic, mainly sponsored by a few disgruntled individuals and the Hon. Ms Laidlaw. Child sexual abuse is a major social health issue. The release of the child sexual abuse task force report has led to important reforms in the area. These have happened thoughtfully, with a considered approach that has taken into account community concern. There are no quick or simple solutions for the extremely complex area of child sexual abuse.

'South Australia should have the best child protection strategy' claims the Hon. Ms Laidlaw. I agree wholeheartedly and the Government will continue to ensure that this is the case. Because South Australia has proudly led the way in this field, other States are seeking assistance to improve their services, based on the South Australian experience.

Let us now move to the *4 Corners* program shown on Monday 13 February which the honourable member is using as a vehicle to again cast aspertions on child protection in this State. It should be obvious to even the most casual observer that the program was extremely one-sided. The entire program focused on only four cases, two of which were given a minimum of attention. The focus of complaint rests mainly on medical and legal issues with respect to evidence. The program intimated that it is DCW that removes children on a suspicion of child abuse. This is not the case. It is the Children's Court that makes final decisions on whether or not a child is in need of care and protection. The Chidren's Court in South Australia is of the highest order and most demanding in its application to child protection matters. There is no power vested in any one individual to remove a child from its family in this State. It should also be emphasised that *4 Corners* was briefed thoroughly for 16 hours by senior staff of the department, but only after they had spent three weeks in Adelaide establishing a fixed view in relation to only the cases involved. May I remind honourable members that the Hon. Ms Laidlaw, like *4 Corners*, can avail herself of a thorough briefing from senior staff of the department.

It should be noted that, as far as I am aware, she has consistently refused to take up this offer to enable her to ascertain the true nature of child protection matters in South Australia. I assure the honourable member that the invitation still stands.

The Hon. Diana Laidlaw: What have I been offered?

The Hon. CAROLYN PICKLES: You can read *Hansard* and find out. It has also been suggested 'that the State Government seems to assume that no-one is entitled to make any critical analysis or scrutiny of child protection in South Australia'. What utter nonsense! The department is a very accountable one. If the department is not open to public scrutiny then it begs the following questions. Why did the then Minister of Community Welfare commission the Cooper report into under-age parents in May 1987? Is the Hon. Ms Laidlaw not aware that child protection panels have scrutinised the work of the department for a number of years?

Why does the department direct that community representatives from a wide range of Government and non-government organisations sit on review panels and critique the department's work? What is the role of the South Australian Child Protection Council if it is not to overview child protection issues in this State, including the work of the department? Are the members aware that through case conferencing and judgments from the courts on the work undertaken by the department it is constantly scrutinised?

It should also be noted that the Police Department and the Health Commission are given ample opportunity for input into child protection matters. There are also a number of avenues through which individual members of the community can maintain scrutiny of work practices. For example, the Senior Planner, Consumer Advocacy and Community Participation, is at liberty to challenge the department on such matters. Likewise, the Children's Interests Bureau represents the rights of children.

In relation to the use of video and audio recording of interviews with child abuse victims, it has been tempting—the enormous cost aside—to view such practices as the easy answer to a complex situation. The current working party involving many agencies debating the issue is considered and thorough in its approach to determining the best method of investigation. The working party is aware of some of the difficulties in using video and audio tapes in the collection of evidence and how in the United States this has, at times, resulted in confusion for the child victims and the courts. The department does not propose to perpetrate the use of this technology until all issues have been exhaustively studied. An interim report on these issues will be provided to the Minister of Community Welfare shortly.

The Hon. Ms Laidlaw boldly asserts that doctors at the Sexual Abuse Referral Clinic, the Queen Elizabeth Hospital and the Adelaide Children's Hospital routinely use the sign of reflex anal dilation as a definitive test for child sexual abuse. This is not the case. Furthermore, she cites Dr Kieran Moran of the Prince of Wales Hospital in Sydney, who agreed on *Four Corners*, which I previously mentioned, that it was an indicator of child sexual abuse, but, as with any indicator, was not diagnostic on its own. All doctors in South Australia who are involved in the examination of children who may have been sexually abused are in accord with Dr Moran and indeed meet regularly with him and other doctors around Australia.

Is the honourable member suggesting that this is the only indicator used to determine the existence of child sexual abuse? I assume that the Hon. Ms Laidlaw would know that, in any medical examination for child sexual abuse, a doctor who did not examine the anus of a child could be found to be negligent. However, to assume that it would be the only sign used by the Sexual Assault Referral Centre, the Adelaide Children's Hospital or any other child protection service to diagnose child sexual abuse is naive, to say the least.

Community Welfare Department workers must focus on the child as the primary client if they are to ensure the ongoing safety and protection of children the subject of child abuse notifications. However, in considering the best interests of the child, it is clear that any child's interests are best served by remaining with their natural parents, unless it is quite clear that those parents will not or cannot protect them from harm. Then and only then is it considered vital to remove the child and place him or her in a protected environment.

The Hon. Diana Laidlaw: And you think that is what is happening in practice but not in theory?

The Hon. CAROLYN PICKLES: I am about to tell you what the practice is. The practice of the department is to focus on the child in the context of the family. In focusing on the child in the context of the family, the Government sees the role of the department to encourage and promote,

through whatever strategies can be devised and with whatever resources are available, the ability of families to care for and protect their children.

When abuse or neglect have occurred, the department frequently becomes involved in working with families in an ongoing way to ensure that families stay together and abuse or neglect does not recur. Families may be supported by referral for treatment from a health professional, either for individual members or the family as a whole, or may be visited by a CAFHS nurse or family support worker to help manage any difficulties within the home. Extra support may be given through child care or financial assistance. The department may remain involved with a family for a number of years in an effort to keep the family together. In these circumstances there are frequent meetings of the various professionals with the family in order to coordinate services and intervene in the best way possible for that family.

Dr Lesley Cooper in her report comments on the intricacies of child protection work, as follows:

> Investigating allegations of abuse is an exceptionally demanding task for workers. This involves not only dealing with the sensitivities and hostilities of those accused or responsible for the abuse, but also demands the capacity to make detailed observations, a detailed knowledge of human development, an understanding of factors which contribute to risk, an appreciation of the complexities of human behaviour and the wisdom of Solomon.

On those occasions when children have had to be removed from their parents, some members of the community are under the assumption that time heals bad parenting. Often this is not so, and it would be remiss of the department to return children to situations that remained unchanged. The passage of time is not the sole criterion for reuniting children with non-protective parents. Despite this, the department takes a very strong stance wherever possible on maintaining parental contact, access or reunification. Further complexity is added when workers must consider the purpose of access, dependent on circumstances affecting the well-being of the child.

It is worth remembering that the department recommended Dr Cooper to the former Minister of Health, the Hon. Dr Cornwall, to undertake the study on children of under-age parents because the department recognised the need to extend its services. Every recommendation of the report has been evaluated and has been considered for implementation. For example, a Quality Assurance Officer has been appointed and a manual of core standards of practice has been developed. A comprehensive training program for managers, welfare services and senior community welfare workers is under way to ensure that their supervision skills maintain the high standards expected in child protection. According to departmental standards 85 per cent of workers are qualified. It is also important to note that Dr Cooper actually criticised the department for not intervening often enough and using its statutory powers where children were thought to be at risk.

I would like to place firmly on the record this Government's commitment to child protection. The Minister for Community Welfare, at a recent Social Welfare Ministers Conference, was unanimously supported when she called for a national child protection campaign which will concentrate on a positive approach and emphasise the care of children. A Commonwealth-State working party will be set up to develop a Government position in relation to a national child protection campaign. It is expected that the working party will report in October.

In summary, then, it is clear that the department and the Government take very seriously the responsibility for the protection of the children of South Australia. The staff of the Department for Community Welfare work under a great deal of pressure. Their work is open to the scrutiny of a large number of different professions. As outlined earlier the unfounded accusations of the honourable member do not make their job any easier. Finally, may I say that the Department for Community Welfare is a department which gets on with the job, a job which is tough, demanding and at times unpleasant. Someone must have the courage to do this most difficult work, and the Department for Community Welfare is proud to head the team of professionals involved in this unenviable task. I oppose the motion.

The Hon. M.S. FELEPPA secured the adjournment of the debate.

ASBESTOS REMOVAL

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

> That regulations made under the Occupational Health, Safety and Welfare Act 1986 concerning licence for asbestos removal, made on 17 November 1988 and laid on the table of this Council on 29 November 1988, be disallowed.

This motion reflects a motion which was moved in the other place by my colleague, the member for Mitcham (Mr Stephen Baker), but in that place the Government used its numbers to defeat the motion very quickly and, therefore, the motion was given rather short shrift. It is important to proceed with it in this Council, particularly because we have so little sitting time left. While the issue of asbestos removal is an emotive one, and one might at first view believe that the regulations provide some service to the community at large as well as to the building industry, closer examination of the reasons for the licences proposed in the regulations and for the enactment of the regulations does not provide substance for such a *prima facie* view.

The February edition of the Sacon report states:

> The Asbestos Liaison Unit has, at the direction of Government, taken over the functions and responsibilities previously managed by the Department of Labour. The unit is now responsible for approval, inspection and monitoring of asbestos-related issues in all public and private buildings.

My colleague in another place, the member for Mitcham (Mr Stephen Baker), drew attention to the fact that this Sacon report suggests that those persons in the liaison unit have caused a great deal of distress to a variety of contractors in South Australia without justification and that this unit has been given the task of administering the regulations, because it is very closely knit and has the capacity to exercise great influence and power.

My colleague, Mr Stephen Baker, made the claim (with which I agree) that these regulations were promulgated without consultation with the industry at large and have been promulgated to give control of asbestos removal to a limited group of people—the Builders Labourers Federation and several building contractors. The licence fee is quite exceptional—$2 750—and a number of persons are required to be licensed, particularly those who are engaged in asbestos removal.

The requirement of licensing is not an obligation which is recommended by the national commission that has a responsibility for occupational health, safety and welfare. Rather, it has been imposed by a Government which sees regulation, and licensing in particular, as an appropriate way to exert its influence over this industry. In the other place Mr Stephen Baker said that there are really three interests within the asbestos removal industry that are affected by these regulations. There are those members who belong to the Asbestos Control Association, which has a very strong BLF influence, and within that group two com-

panies seem to dominate the industry in South Australia. Outside the Asbestos Control Association there is another group of very adequate asbestos removal contractors who are not in any way associated with the BLF or other building unions. In fact, they have a metal trades bias and they are contractors who are continually being harassed by the building unions, even though they have good relations with the unions in their own area of activity.

In the other place Mr Stephen Baker asked the Minister questions which the Minister did not bother to answer. He asked whether the Minister could explain why contractors using workers involved in unions other than the BLF have been continually harassed by the jackboot brigade of the BLF. He also asked if the Minister could explain why certain members of the BLF seem to have advance notice of work starting on certain sites where such persons are employed. He asked whether the Minister could explain why Department of Labour inspectors happen to arrive at particular sites after an earlier visit by a BLF representative has been unsuccessful. He also asked whether the Minister could explain why certain key persons in Sacon keep changing the conditions of contract for those successful contractors who do not form part of a select group, so that in fact losses are incurred by those contractors.

He also asked whether the Minister could explain with respect to State Government contracts why invitations to tender circulated only on a very limited list and why certain removal firms which tender higher prices are given the contracts in preference to competent removalists who tender at lower prices. The question was raised as to why two South Australian companies dominate the State Government contract system.

The questions raised by my colleague are serious. They suggest that there is collusion and that it may even border on corruption in the way in which the whole area of asbestos removal and contracts relating to it are administered, particularly in the Government area. I think that the questions which he raised and which were not answered by the Minister need to be addressed.

The other matter which does cause some concern is that there are amendments to the regulations that seek to provide for licensing in circumstances where, in respect of fibrocement products, the area involved exceeds 200 square metres. Quite rightly, those who have an interest in this area question why, if it is dangerous at 200 square metres, it is not equally dangerous at 195 square metres where a licence is not required. Conversely, they ask why, if it is safe at 195 square metres, it is not also safe at 200 square metres.

The concern is that the asbestos removal regulations are extended to fibrocement which, according to all research and information, is not anywhere near as dangerous as the blue asbestos for which appropriate working standards must be set. The industry is concerned that, by promulgating these regulations, the Government seeks to exercise a control for revenue raising purposes and to tie up a part of the industry for the Government's mates by preferring certain operators to others. I am concerned about the way in which the regulations will be used, and for that reason I have moved for their disallowance.

The Hon. G.L. BRUCE secured the adjournment of the debate.

ATMOSPHERE PROTECTION BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to reduce the emission of gases that are likely to modify the thermal retention properties of the atmosphere. Read a first time.

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

That this Bill be now read a second time.

Some two years ago I introduced a Bill to protect the ozone layer. The Government some two years later introduced a Bill in similar terms. We may be about to go through a similar routine, whereby I am now introducing a Bill to attempt to protect the atmosphere from certain gases that cause heat to be retained and cause what is known as the greenhouse effect. To many people, the greenhouse effect is a recent phenomenon, and there is now some understanding of it within the community—although there is also still a great deal of misunderstanding.

The greenhouse effect is not new. Within the atmosphere are certain gases which have the capacity to reduce the loss of, particularly, infra-red radiation from the atmosphere and cause the earth to warm up. We have solar radiation arriving, putting energy into the system, and we have equal amounts of energy escaping. With the increase in the gases which retain infra-red heat, the losses are fewer than the energy coming in, and this causes the earth to warm up. It will eventually reach a new equilibrium as long as the amounts of those gases which retain heat do not increase.

Before the arrival of humanity, the earth was at something of an equilibrium. Of course, there are fluctuations for geological reasons: carbon dioxide, for instance, being put out from volcanoes. A long time ago, the atmosphere contained large quantities of methane, which is also a greenhouse gas. Scientists have been aware that the greenhouse effect was likely to occur. There have been significant increases in a number of gases due to the activities of humanity, and this has been predicted for some time.

Realisation at a world level (and not just by scientists) came following a conference at Villach in Austria in October 1985. That conference came to three conclusions, which I would like to read into *Hansard*:

1. Many important economic and social decisions are being made today on long-term projects—major water resource management activities such as irrigation and hydro-power, drought relief, agricultural land use, structural designs and coastal engineering projects and energy planning—all based on the assumption that past climatic data, without modification, are a reliable guide to the future. This is no longer a good assumption since the increasing concentrations of greenhouse gases are expected to cause a significant warming of the global climate in the next century. It is a matter of urgency to refine estimates of future climate conditions to improve these decisions.

2. Climate changes and sea level rises due to greenhouse gases are closely linked with other major environmental issues, such as acid deposition and threats to the earth's ozone shield, mostly due to changes in the composition of the atmosphere by man's activities. Reduction of coal and oil use and energy conservation undertaken to reduce acid deposition will also reduce emissions of greenhouses gases, a reduction in the release of chlorofluorocarbons (CFCs) will help protect the ozone layer and will also slow the rate of climate change.

3. While some warming of climate now appears inevitable due to past actions, the rate and degree of future warming could be profoundly affected by governmental policies on energy conservation, use of fossil fuels, and the emission of some greenhouse gases.

That conference, sponsored by the United Nations and other bodies, was attended by eminent scientists from 29 developed and developing countries, and that was their conclusion—not mine. I have said that the greenhouse effect is caused by gases. It is worthwhile looking at what those gases are, as it is important in terms of the implications for this legislation. Approximately 50 per cent of the greenhouse effect is expected to be caused by carbon dioxide. Something like one quarter will be caused by chlorofluorocarbons (CFCs) and a smaller amount of around 8 per cent by methane,

nitrous oxide and ozone, and a very small amount by other trace gases.

Thankfully, the question of CFCs is being addressed, although, unfortunately, far too slowly in our State as well as everywhere else. But that is something which can be removed from the atmosphere, although it will take 50 or more years for the current CFCs to break down and for the effect of those present gases to go away.

Unfortunately, the carbon dioxide and other gases we are putting up are there more or less for the next couple of hundred thousand years. So we have no way of turning back the clock in terms of the damage that we have already done with those gases.

The concentration of carbon dioxide in the atmosphere has increased from about 275 parts per million before the Industrial Revolution to 348 parts per million today. In other words, it has gone up about 50 per cent since the beginning of the Industrial Revolution. Currently, it is increasing by about half a per cent each year. The destruction of forests is also contributing to the increase of carbon dioxide. It is anticipated that the input of carbon dioxide into the atmosphere between now and the end of the century will probably be as great as that of the hundred years from 1850 to 1950. We are involved at the moment in a process which is accelerating; it is an exponential effect.

Methane is another major contributor. The concentration of methane has increased from about 750 parts per million 200 years ago to 1 650 parts per million today. In other words, it has more than doubled in the past 200 years and is increasing by 1 per cent a year. The increase in methane is linked to the world's increasing need for food. Ruminant animals and rice paddies both contribute to the increasing levels of methane. Unfortunately, some gas companies (not in Australia, I believe, but certainly overseas) often have surplus gas which they either release or flare off. So either CH_4 (methane) or carbon dioxide is going into the atmosphere from these processes.

Chlorofluorocarbons (otherwise known as CFCs) is the gas linked with the ozone layer depletion. (This is a separate effect, but some people get the two confused. There is a common causative agent.) In the lower atmosphere, CFCs contribute to greenhouse warming. Currently, CFCs are increasing by 5 to 10 per cent a year and that is why people are condemning the sorts of steps being taken at present. The CFCs that have been released in the past four or five years have not even reached the upper atmosphere, where they will wreak their destruction. In other words, probably half the CFCs ever made by humanity have not reached the ozone layer as yet. And we talk about slow phase-outs! However, in terms of the greenhouse effect, the CFCs have just as much effect in the lower atmosphere as in the upper. One CFC molecule has the same greenhouse effect as 10 000 molecules of carbon dioxide. So they are very potent greenhouse gases. Nitrous oxide appears to be increasing at about 0.3 per cent yearly and this is due primarily to fossil fuel and bio-mass burning, along with the increasing use of fertilisers.

By world standards, Australian society is highly dependent on energy. In 1984 we ranked thirteenth in the world on a per capita basis, consuming 1.1 per cent of the world's commercially based fuels. Despite a small population of 0.3 per cent of the global total, at present we contribute 1.6 per cent of the carbon dioxide emissions in the atmosphere, so Australia is one of the world's greatest polluters in this sense. It is impossible to go asking the other nations to do anything if we, as one of the worst offenders in the world per capita, are unwilling to address our own problems first. It is a global problem, but we are the world's worst.

[*Sitting suspended from 5.45 to 7.45 p.m.*]

The Hon. M.J. ELLIOTT: Before the break, I was looking at the causes of the greenhouse effect. The next important consideration is: what are the consequences of the greenhouse effect? In the simplest of terms, the greenhouse effect leads to an increase in atmospheric temperature. It has been suggested that this increase will be somewhere between two and four degrees Celsius by the year 2020. The year 2020 has been used merely as a point in the future. Some people seem to be under the impression that at that point the greenhouse effect stops. Nothing could be further from the truth. The fact that our production of greenhouse gases is increasing exponentially means that, in the following 30 years after that, increases in temperature will be far more rapid. As a consequence of the increases in temperature other things will happen. The oceans are predicted to rise between 20 and 80 centimetres. That rising in the water levels is simply due to thermal expansion of water and does not relate to melting of ice caps, which is not expected to occur until somewhere during the middle of the next century.

First, the Antarctic ice shelf will be expected to break up and then there will be quite a dramatic rise in the water level. Not only will we see the sea level rising, but another direct consequence of the increase in temperature is a change in climatic distributions. It is not just a matter of the world getting warmer. The increase in temperature will be much less at the Equator than towards the poles. It is the difference in temperature between those two zones which is, in part, a driving force of the weather systems. It is anticipated that the weather bands will expand towards the poles. In particular, the tropical zone will move further north and south. The temperate zone in the Southern Hemisphere will move further south, and, likewise, in the Northern Hemisphere will move further north. In Australia, what is predicted is that northern Australia, which is probably best described as being sub-tropical, will become increasingly tropical, and that the incidence of high summer rains will move further south.

In South Australia on best estimates we would expect that the weather of the pastoral lands will now move further into the Mallee areas, with a decrease in winter rainfall in the northern Eyre Peninsula and the Mallee areas, and possibly an increase in the summer rainfall. For instance, that would not be particularly conducive for the wheat farmers who rely upon the late winter rains and early spring rains for their crops; summer rains are of no use, particularly since an increase in temperature will mean an increase in evaporation. The cyclone belt is predicted to move south to below Brisbane.

The rise in sea levels can have a dramatic impact. In Adelaide, during storm events, when we have higher sea levels, if they coincide with a high tide, Port Adelaide, for example, will be affected. If we have a storm surge at the same time as heavy rainfall, severe flooding will occur in areas like that, probably through West Lakes and other low-lying areas. Stormwater drains cannot empty into a high tide, particularly if it is another metre higher.

We shall see rising water tables near the sea. That could cause problems in the South-East where the water tables now are very close to ground level. It is only in the past 50 years that much of that land has been recovered from waterlogging by intensive drainage works. That may again become wet. There is a real danger of an invasion of salt water into the water tables, particularly where there is heavy use of water from those water tables.

For those who are keen on snow skiing, it is predicted that the snowline will rise another 100 metres. The snowline is already very close to the tops of our mountains now, so the consequences will be obvious.

I have spoken briefly, but I could go on at length about the effects in South Australia and Australia generally. On an international level, some countries which are heavily populated due to favourable climates may find that their climates become less favourable, whilst in neighbouring countries the opposite may happen. The implications could easily be seen from studying history. There could be quite dramatic international impacts.

Most of the impacts are clearly economic, but there can be more profound environmental impacts. Most of our species are confined to isolated pockets. We set up national parks for that purpose. If the climate of a national park changes over 30 years, it will no longer suit many of the species there. First, there will be an invasion of pest plants and animals. What is important is that there is nowhere else for those species to escape. While some insect species are fairly mobile, larger mammals and trees cannot move another 100 miles further south to find conditions which suit them best. The environmental consequences will be profound.

I suppose the big question is: that is all hypothesis, but is it occurring? The consensus of the great majority of oceanographers and meteorologists is that it is occurring. They can already find indications, by using past records of both climate and sea levels, that there has been a steady increase in sea levels during this century and in temperatures. At this stage it is not profound, but it is real. I note that even the Minister for Environment and Planning, Dr Hopgood, has been quoted in the *Sunday Mail* of 1 March 1987 as saying that he was expecting sea levels in South Australia to rise by as much as 80 cm. Therefore, two years ago the Minister was conceding that there was a problem. Indeed, in the *Advertiser* of 16 July 1988, he was talking about changing the planning laws to counter an expected rise in sea levels.

We can consider the predictions of the greenhouse effect and see whether these things are happening. It is not proof, but it is a consideration. Looking at the things that I have talked about—the increase in rainfall in northern and central Australia—that sort of thing has occurred. There has been an increased frequency of storm events. Another prediction has been taking place not just in Australia, but in other parts of the world. For example, the large wind storms that shot through the United Kingdom last year were the strongest on record.

There have been a few recordings around the world of extreme events. Six of the hottest years this century have been during this decade. That must be seen as a possible indicator. Of course, it is not proof. As any doubting Thomas can point out, climate has gone through fluctuations from decade to decade, from century to century and from millenium to millenium. Therefore, the fluctuations in the direction expected cannot be seen as proof. However, the fact that we can find a great deal of support in what has happened during the past decade or two lends credence to the postulate that we are already feeling the early effects. Of course, we have not felt the more profound effects which we shall get due to the exponential increase in the causative agents.

The earth will be rather slow to respond, because the oceans act as a heat sink. The oceans are capable of absorbing a great deal of heat. I do not think that anyone really knows how much heat water is capable of holding. The greenhouse effect, or the holding of heat into the earth, can be going on for some time before the response is measurable in large increases in atmospheric temperature. The balance of scientific evidence suggests that the greenhouse is and will be a reality. It would be extremely dangerous for us to ignore the evidence.

There are two ways in which we can react. We can plan for what is already inevitable—for example, rising sea levels. There are some indications that the Minister for Environment and Planning, by his instruction to change the planning laws, is starting to look along those lines. We are preparing to react to the changes and we must do so.

There have been a few conferences on this topic attended by representatives of insurance companies which need to react to changing risks in different areas. Engineers need to prepare their structures to withstand different wind forces. Drainage systems may have to be changed to cope with events occurring not once in 100 years, but once in 20 years. Such conferences are taking place, so much anticipation work is occurring.

What is most worrying is that we have not reacted in another important way. We cannot avoid the greenhouse effect, but we can slow it down. We can reduce the future impact. I am talking about the need to reduce the production of greenhouse gases. This implies the need for energy conservation, the need to look at alternative energy sources and banning CFCs, which is on the way, but unfortunately is coming very slowly. The Adelaide Greenhouse 1988 Conference carried a few resolutions. Among the most important was:

> While the conference acknowledges the uncertainties in scientific data and numerical models regarding the greenhouse warming, these uncertainties do not negate any effort to limit the emissions of greenhouse gases.

Another resolution reads:

> That the Federal and State Governments should seek to cost into conventional energy forms (for example, coal-based electricity) the external costs (for example, environmental) that are traditionally ignored. These costs should be used as a basis for subsidising non-polluting forms of energy.

It is a fallacy that it costs so much per unit to produce electricity from solar energy and coal. If we have to pay later to change our drainage systems, or due to changes in agriculture and other things, they are costs and they are not being taken into account at present. Therefore, our present economics are indeed fallacious. A further resolution was as follows:

> Fuel efficiency standards must be introduced for new motor vehicles manufactured in Australia, with specific consumption targets to be met.

A mandatory minimum performance standard must be set for electricity and gas appliances. Mandatory thermal performance standards must be set for new buildings. Electricity and gas utilities must be required to develop aggressive programs to encourage the more efficient use of energy by consumers and, where appropriate, the combined generation of heat and power, that is, co-generation. A greater encouragement must be given to recycling waste products. Encouragement must be given to the utilisation of land fill gases, methane, and the generation of electricity and other means.

Some people have looked at alternative energies and suggested nuclear energy. I want to address that point in passing. The suggestion that nuclear energy will help us overcome the greenhouse effect is fallacious and dangerous. Only 50 per cent of the greenhouse effect is caused by carbon dioxide. Nuclear energy is used to produce only electricity. It is the only form of usable energy that we get from it. Electricity comprises only about 10 to 15 per cent of the world's total energy consumption. If we combine those three alone, we will find that nuclear energy has the capacity at best to have

an impact of about 3 or 4 per cent on greenhouse. There is one other dangerous factor in all of this: even if we use nuclear power to drive the presses making motor cars, if the steel is still being made using coal, the option to go to nuclear power does not address the more basic problem—the level of production that we are seeking to achieve. That is the real problem. It is the 'growth for its own sake' economy which needs to be looked at seriously.

Nuclear power is far too expensive for the Third World. The Third World will be seeking to mimic our standard of living—God only knows why. Nuclear power is massively expensive and it would take a building program of over 100 years even to start to replace conventional electricity. For a host of reasons, not getting into the nuclear argument itself, any suggestion that nuclear power can solve our problems in terms of the greenhouse is fallacious and, due to its failure to address the real problems, is highly dangerous. We have heard quite a few suggestions of what we can do to reduce our energy usage and some of them make good economic sense on their own grounds and not just for the reasons of the greenhouse effect.

To take one example, we have what is known as co-generation. The concept of co-generation can work within one building which, rather than buying electricity, buys gas and produces its own electricity. That building or group of buildings can then produce their own lighting and operate their own electrically operated apparatus. The surplus heat generated can be used for heating the building. Under the current model the power station produces the electricity and the surplus heat on Torrens Island goes down the drain—in fact, it becomes an environmental pollutant. Co-generation is a far more efficient way of providing energy.

There is also the possibility that some companies involved in co-generation may have surplus electricity that they can put back into the grid. It is unfortunately true that in South Australia the Electricity Trust is offering ridiculously low rates for that electricity and making it unattractive as an option. ETSA stands condemned for its attitude. Co-generation is an option. It makes good economic sense.

The Hon. Diana Laidlaw: ETSA is not too keen on it.

The Hon. M.J. ELLIOTT: No, and it stands condemned for that. As an example of one place overseas that has gone into this: Texas City installed a 430 megawatt gas turbine and a steam co-generator. The co-generator generates up to 135 000 kilograms of steam an hour from waste energy. It is being sold to an adjacent Union Carbide plant. If conventional logic had prevailed, the way we tend to run things in South Australia, then the Union Carbide plant would have obtained its own boilers to generate its own steam, creating a further burden on the nation's energy needs. It would have demanded 84.6 megawatts of power to boil the water that it needed. Indeed, a great efficiency advantage is to be had from co-generation.

It is unfortunate that ETSA has had real problems in the conservation area. It has tended to see itself as a producer of electricity and has not and does not see itself as an energy manager. This means that if there is a drop in electricity consumption ETSA feels it is failing in its job. It is perhaps worthwhile looking at achievements overseas. I refer to Davis in California. In 1973 it introduced a new planning guide aimed at energy conservation. It has a climate similar to Adelaide's. The guide was based on six items: an energy building code; a building code workbook; a retrofit guide for home owners; an energy education guide; passive solar designs for low income housing; and, a guide to energy efficient community planning. With these easy to implement guidelines in force there was a drop in the electricity demand of 20.5 per cent between 1973 and 1982, even though there was an increase in premises connected from 9 500 up to 15 000. There was something like a 60 per cent increase in population but a 20 per cent reduction in electrical demand over nine years.

Anybody who argues that we cannot achieve significant conservation is simply talking from ignorance. Individual industries during the oil crisis had massive savings in energy. In 1973 Lockheed's Los Angeles factory complex cut its energy use by 59 per cent in five years. Western Electric cut its energy use by 38 per cent in five years and Exxon's refineries made cuts of 21 per cent in five years. These savings were being achieved at almost no cost.

The Gas and Fuel Corporation of Victoria to its credit has put out a policy statement on the greenhouse effect. I have not seen any such thing come from any public body here in South Australia. It has a firm recognition of the need for a policy in this area. It says that a carefully orchestrated campaign to combat the greenhouse effect must be conducted. In this campaign the role of the Gas and Fuel Corporation (in fact, the Australian gas industry) must be equally as dominant and innovative as it has been in every important sphere of energy management. The corporation acknowledged that the provision and utilisation of natural gas and LPG does create greenhouse gases in significant quantities. It is established that natural gas has many advantages over other fuels; nevertheless the degree to which the burning of fossil fuel contributes to the greenhouse effect is not completely understood and considerable time and money would need to be spent to achieve meaningful measurement.

The corporation recognised that the potential economic and social costs of waiting for such measurement could be high. That is a concern I had in this State, namely, that our Government wants to take a 'wait and see' approach to find out how serious it is before acting. The continued development of fuel conservation and appliance efficiency programs has been identified by the corporation as being central to controlling the greenhouse effect. The development of energy efficient appliances and informative labelling of such has and will continue to be of particular importance. Equally important will be the maintenance of the corporation's leadership in efficient energy management and the conduct of effective community education.

This document cited a number of significant examples of the sorts of savings that can be achieved. For instance, if we choose to produce domestic hot water from gas heat rather than electricity, the saving in carbon dioxide emissions is approximately 77 per cent. If we promote co-generation projects in both large and medium sized industrial and commercial applications, the carbon dioxide emission reductions would vary between 60 per cent and 80 per cent. If we used gas stoves rather than electric stoves, the saving in carbon dioxide emissions would be about 70 per cent. Savings of approximate 68 per cent are achievable if gas is used for area heating rather than electric slab heating or other direct electrical heating methods.

With the specific application of co-generation products for commercial air-conditioning, whereby waste heat could be used for winter heating and summer cooling using an absorption chiller, a possible reduction in greenhouse gas emission would include a reduction in the leakage of replaced CFC refrigerants. Use of natural gas rather than alternative energy forms for industrial heating applications could reduce carbon dioxide emissions by 25 per cent to 50 per cent depending on the processing temperature. The use of natural gas in vehicle fleets should achieve carbon dioxide emission reductions of up to 20 per cent. The list goes on and on, but quite clearly it demonstrates that Victoria has done a great deal of thinking. It also indicates the level of conser-

vation that can occur with the reduction in carbon dioxide emissions that can be achieved.

We now come to the question: what are we doing about this problem in South Australia? We are looking at changing our planning laws in anticipation of rising sea levels and we have some committees studying the likely effects on agriculture. However, as far as tackling the more basic issue of what we can do to reduce future impacts, to reduce the greenhouse effect in the future and set an example for other nations who are not as wasteful with energy as we are, we are doing nothing.

I can give examples of the sorts of things which we are doing but which we should not be doing. We are looking at using very low grade coal at either Sedan or Lochiel. In terms of carbon dioxide production per unit of energy, oil is the most efficient. It gives more energy for less carbon dioxide; then comes gas, black coal and brown coal. For our future energy production we are looking towards very low grade coal. In other words, we will be putting out massive amounts of carbon dioxide.

This is the direction in which ETSA is currently moving. The Bolivar sewage works produces massive amounts of methane in its digestors. I am sure that it would come as no surprise that methane is being emitted from that place. It has its own electrical generation plant. All the power needs of the Bolivar sewage works are generated on site. It has so much methane that it offered to generate more electricity and sell it to ETSA. As usual, ETSA had the same reaction as it had to co-generation and offered a ludicrously low price.

An honourable member: And wind power.

The Hon. M.J. ELLIOTT: And wind power. ETSA offered a ludicrously low price because it could have produced the power on peak if necessary. The potential is there to store gas and supply it at peak times. It could supply the most valuable electricity in terms of ETSA. It can reduce the need to burn coal, but, as far as ETSA is concerned, it was no go.

Last year I had an opportunity to visit the Energy Information Centre, where I looked at many things. I spoke to one of the employees who said that it was possible to walk through a small business, take a few notes and, on the basis of that, guarantee a 10 per cent energy saving on the spot by simple changes in practice. He said that this service is not advertised because they do not have enough staff. If they started advertising they could be swamped.

When one looks at the fact that small business is the major employer in South Australia (unfortunately, small business people do not have the time to look at things like this) one sees that an improvement of this service alone could have a massive effect upon energy consumption in South Australia and, therefore, indirectly on the production of carbon dioxide.

At this stage Sagasco is not offering the sort of advice that it should offer to the home owner. Some time ago I went to Sagasco to buy a gas heater. At that time I had a very old and inefficient heater and I thought that I would do the right thing and buy a new, efficient one. When I told the people at Sagasco what area I wanted to heat and how high the ceilings were, I was told 'This is the heater for you.'

The Hon. C.J. Sumner: Why don't you just wear a jumper?

The Hon. M.J. ELLIOTT: I do a lot of the time. The heater is very rarely on, but nevertheless it is used sometimes.

An honourable member: Do you have a gas heater, Mr Sumner?

The Hon. M.J. ELLIOTT: He probably uses electricity. He would probably be even worse. During my visit to the Energy Information Centre I looked at a display of gas heaters and asked a question about a little attachment that one can get for gas heaters. I said, 'What is that?'

An honourable member: It is an attachment for gas heaters.

The Hon. M.J. ELLIOTT: Yes, it is an attachment for gas heaters. I was told that it was a counter flow device whereby, as hot flue gases left, cool air entering the room would pass it, as a result of which the loss of heat outside the house was less. Apparently it increased the efficiency of the gas heater by 30 per cent. I said, 'Why did Sagasco not tell me that these things exist?' They said, 'They have to operate on a heater which is on an outside wall.' I said, 'I have one of those.' The question I ask is: why is Sagasco not giving simple advice about a device which would enable the heater I bought to work with an increased efficiency of 30 per cent for a very low investment?

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I will ask that question as I develop my speech further.

Members interjecting:

The Hon. M.J. ELLIOTT: I have given a few simple examples; another is fluorescent lighting compared to incandescent lighting. Fluorescent lighting uses about 20 per cent of the electricity used by incandescent lighting. It is more expensive to install, but the globes have such an increased lifetime that they are more economical in terms of electricity costs and the cost of the globes themselves than other forms of lighting.

The unfortunate fact is that at this stage I believe most of them are imported, and we are paying a much higher price than that paid overseas. One would have thought that if Australians were better educated on this matter and the volumes were increased, the price would come down significantly.

The Hon. Diana Laidlaw: And more attractive designs.

The Hon. M.J. ELLIOTT: I am sure that those sorts of things can be achieved. I now come to the body of the Bill. This is a first step, and I suppose that it will take some years for the Government to react, as it did with the ozone Bill. This Bill is fairly simple in its effect. Its intention is to give the Government the power to set efficiency standards for devices such as electrical equipment or any other machines operated by electricity, coal, oil or gas in South Australia.

We have only recently introduced a star system for refrigerators. You can now buy a one, two, three, four or five star fridge. If the greenhouse effect is to be treated seriously why are we allowing people to buy one or two star fridges? They are not necessarily any cheaper but are certainly gobbling up more energy. I think that the liberty to buy an inefficient machine is probably taking liberty a bit too far in the light of the possible consequences. I must say that, while I will fight for new liberties, the liberty to use an inefficient machine is not anywhere near the top of my list.

I would like the Government to set efficient standards. For instance, it might say that cars shall be permitted to travel so many kilometres on so many litres of fuel. It should be able to say that heaters should be able to give out so many British thermal units of heat for the consumption of so many units of electricity or gas. In the metropolitan area I see no reason why we should not use gas entirely for purposes such as household heating and cooking, heating of water or at least boosting solar electricity heating. I think that it may be a matter of achieving these

things by degree, but it is a question of being willing to take those first steps.

Clause 8 requires all Government agencies (and I am putting no requirement on private industry in the first instance) as far as practicable to take measures to reduce consumption of electricity, coal, oil and gas. It would be a specific instruction to all departments that they do all that is reasonable, consistent with their particular area and consistent with safety and the like, to reduce their consumption of energy. That is a reasonable demand which in fact also saves money.

Finally, there is also a requirement that each agency that prepares an annual report must include in that report a statement setting out the measures that they have taken in compliance with this clause during the period to which the report relates. So, their annual report is to detail what, as an agency, they have done to achieve energy savings and, in particular, to reduce production of carbon dioxide. I do not think that is an unreasonable requirement to expect of such agencies. I hope that the example which would be set by Government agencies would then be picked up by the private sector. In fact, once the private sector saw the sort of savings that could be achieved, and with the Government leading by example, I believe that it would take only a very short time before many large companies followed suit, because they would find that it saved them money.

In fact, it will save them money in another significant way. If the State as a whole uses less power, we will not need to build our next power station for a long time. That then means that we do not have to borrow money, so there would be no interest payments. That means that real energy costs can be reduced. It also means that our gas fields will have a longer life. That makes good economic sense also. Aside from those reasons relating to the greenhouse effect, there is a host of good economic reasons for carrying out these energy conservation measures. I implore all members of this Council to consider the Bill seriously and to support it.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

PRIVACY COMMISSION BILL

Adjourned debate on second reading.

(Continued from 22 February. Page 2042.)

The Hon. K.T. GRIFFIN: This Bill seeks to establish a Privacy Commission comprising a judge of the Supreme Court, a person nominated by the South Australian Council for Civil Liberties, and two persons nominated by the Attorney-General, one of whom is a member of the public and one of whom is a member of the Public Service. The Bill focuses upon a public sector database in respect of so-called privacy matters. A 'public sector database' means those databases kept by the State Government, local government councils, and other prescribed persons or bodies which keep records of personal information. The Bill seeks to require each organisation covered by the Bill to file an annual report with the Privacy Commission as to its compliance with information protection guidelines which are gazetted by the commission and in relation to compliance with OECD guidelines in the operation of public and private sector databases.

Those guidelines are not the subject of disallowance, which means that this body makes law without any parliamentary control or accountability. The Bill extends to police records, the sale of lists for mailing purposes, and investigation of alleged breaches and publicity of those breaches. If the Bill were passed and implemented, it would have some wide-ranging repercussions for the Government as well as the private sector. The private sector can be included by regulation, but that creates difficulties because interstate and international operations of the private sector are not likely to be caught by South Australian law and, quite obviously, would raise significant constitutional questions.

The Bill is also likely to have serious repercussions for reasonable and responsible police work because of the way it allows an outside statutory body, which is not accountable to the Parliament other than through reports, to make decisions about the way in which information will be collected, maintained and disclosed.

I suppose that in passing one also should observe that it establishes yet another statutory body. The Bill does address a matter of concern to many people, and that is the question of privacy of information on databases. However, I suggest that it seeks to introduce controls in a cumbersome and authoritarian way.

The concept of the Bill tends to follow the action which was taken some years ago in the United Kingdom and, at least so far as it relates to a statutory body, the recommendations of a report which was issued some years ago by the Law Reform Committee. I do not believe that there is any easy answer to this matter. Some codes of conduct are needed, but I submit that they must be established by Government only after consultation with the private sector, if the private sector is to be affected by them, and with those who are sensitive both to privacy questions and to the legitimate keeping of personal information acting together.

Privacy questions are raised in a number of areas and the Justice Information System is one that has been the subject of questions by the Opposition during the Estimates Committee and in the other place, because there are important questions about the extent to which the privacy or security of the data in the system (and its accessibility) is to be protected.

I suppose that one can conclude from my remarks that the Opposition is not comfortable with this Bill and therefore is not prepared to support the second reading, but in saying that I want to reiterate that we believe that some higher profile attention needs to be given to data protection issues than has been given by the Government.

I will now make a number of observations about specific clauses of the Bill. Clause 5 establishes the Privacy Commission. It will not in any way be accountable to the Parliament except through annual reports. I believe that it is most unwise to establish by statute any body that has the very wide powers of investigation which this body will have without applying fairly stringent guidelines to its operation and without making it ultimately accountable to Parliament.

The Hon. M.J. Elliott interjecting:

The Hon. K.T. GRIFFIN: It is certainly not similar to the operation of the Ombudsman. The honourable member may have intended that, but the Bill does not convey it. It is not in any way subject to direction by the Parliament. Under the provisions of clause 6, the commission has a number of functions: to promote compliance with the OECD guidelines in the operation of public and private sector databases; to monitor and undertake research into the application of technological advances in the storage and retrieval of information; to publish information protection guidelines for the operation of each public sector database and to monitor compliance with those guidelines in accordance with this Act; and to investigate complaints concerning the

operation of public or private databases in accordance with the Act.

With respect to the OECD guidelines, this means that some outside body in which the South Australian Government and Parliament do not have any membership or influence at all will set guidelines which will be the standard this commission is to apply.

The Hon. M.J. Elliott: Those guidelines already exist.

The Hon. K.T. GRIFFIN: They may exist, but they can be varied by an agency which is not governmental in nature and which is not accountable to anyone. Those guidelines would automatically flow through to this commission as part of its basis of responsibility for monitoring and promoting compliance with guidelines.

The Hon. M.J. Elliott: That's not the intention.

The Hon. K.T. GRIFFIN: That is what it does. The commission is to publish information protection guidelines and to monitor compliance with those guidelines, which are guidelines promulgated by this commission, not by way of regulation but by notice in the *Gazette*, and they are binding on agencies which are subject to this Act. They may be agencies which are in the private as much as in the public sector. The difficulty with that is that this body is making law yet the agency is not accountable to Parliament for that. The Parliament has no say in what those guidelines might be.

The statutory body has power to investigate the compliance with the OECD guidelines, in particular, under clause 15 and can make an investigation of both the public sector database and a private sector database. This body will have fairly wide-ranging power to get into the systems and records of both public and private sector agencies. If there is to be such a body it should be established only after the most careful consideration by the Parliament and after wide consultation with both the public and private sector and persons who have an interest in this matter.

Clause 22 provides power for the commission or any person authorised by the commission to enter any premise or place occupied by the holder of the database concerned and inspect anything in or on those premises or in that place. The officers can enter the premises at any time of the day or night. They may be domestic premises. No notice or warrant is required and, if it is a body corporate, for example, access may be gained by the commission to any place occupied by the holder of the database.

It does not matter whether or not there is a database there, but it is any premises occupied. So, to take an example of a private sector company with offices in more than one place, BHP, even though it kept its database at one location, under this clause would be liable to have its premises entered without notice, without a warrant at any time of the day or night, seven days a week anywhere that it carries on business in this State.

The commission must send a report to the Attorney-General, in the case of a public sector database, or to the Minister of Consumer Affairs, in the case of a private sector database. The ultimate is for copies of the report to the Speaker of the House of Assembly and the President of the Legislative Council with a request that they be laid before the respective Houses. So, what we have is inspection, report, and no guarantee of an opportunity for the body which is the subject of the investigation to make representations even to challenge the validity of the conclusion the commission reaches, and then to suffer the public criticism which would follow the report being tabled in the Parliament—where, again, the body would have no redress, curiously, at the end of the Bill is tagged on a provision relating to mailing lists. That seems to be out of context in respect of the Bill.

The other area I would address is that the Bill, by virtue of its operation, would prevent reasonable records being kept by police on individuals in respect of criminal or potential criminal acts. It could well create a lot of concern among law enforcement agencies that it would have an overriding right to get into those sorts of records which might prejudice the conduct of inquiries and, ultimately, bringing offenders to justice.

So, I have a number of concerns about the Bill specifically in addition to the general concerns to which I have referred. My view is that there needs to be some development of standards involving all of those in the community who have an interest in this area and that they ought to be more carefully and fully debated before any step is taken to have them incorporated in legislation.

The Hon. M.J. Elliott: Are you saying we need legislation and not administrative guidelines?

The Hon. K.T. GRIFFIN: The only way that they will be ultimately enforceable is through legislation, but one only moves to the stage of legislation when one is satisfied as a community that what we are proposing is reasonable and will not in itself create a bureaucratic nightmare and intrusions into privacy which cannot be justified. It is a very difficult question I confess. I appreciate the opportunity to flag some of the issues as a result of the Hon. Mr Elliott's Bill. I am far from convinced that this model is the appropriate way in which to deal with the matter. For that reason, the Opposition is not prepared to support the Bill.

The Hon. M.J. ELLIOTT: Can I further adjourn this matter?

The PRESIDENT: The honourable member has already spoken on the Bill. He has the right of reply and can seek leave to conclude his remarks, but he cannot further adjourn the matter.

The Hon. M.J. ELLIOTT: Then, I will speak briefly at this stage. A number of matters were raised by the Hon. Mr Griffin, where either he was wrong or it was a matter of interpretation, in which case matters could have been addressed more properly by way of amendment. However, as I would like a chance to look further at his comments, I seek to conclude my remarks later.

Leave granted; debate adjourned.

EDUCATION POLICY

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

That this Council expresses its grave concern at the Minister of Education's handling of his portfolio and in particular—

1. His failure to adequately consult school communities, that is, parents, students and staff, before amalgamation and closure of schools.
2. His proposed school staffing formula for 1989.
3. His proposal to gag school principals and teachers.

(Continued from 30 November. Page 1740.)

The Hon. M.J. ELLIOTT: I will make my contributions very brief at this stage. The fact is that the arguments that I have raised when first moving this motion still apply. It is certainly true that the third of those, the proposal to gag school principals and teachers, no longer applies. Nevertheless, the proposal came from the Government and, for that reason, it should still stand condemned.

In relation to the second matter, the proposed school staffing formula, a great deal of distress has been experienced in many schools this year over what has happened. It was only three or four weeks ago that I gave an example

in this place of the first matter; consultation with school communities over amalgamations and closures of schools. The example I gave was that of the amalgamation of the Fulham Gardens and Henley Beach Primary Schools. I had been talking with parents before that amalgamation occurred. They warned that certain things would happen. They said that they had given the information to the Education Department in particular. They said that most students from Fulham Gardens school would not go to the Henley Beach school. As it turned out, 80 per cent of them did not go. The parents warned that, while their school was fairly new, the Henley Beach school needed a great deal of work to be done. It is about to have $180 000 spent on air-conditioning. A number of other things also need doing.

The parents gave quite clear warning of quite a few matters. This shows just how good the consultation process was, because that information did not get through. They and others involved in other amalgamation proposals complained bitterly, but the process was set up. Meetings were set up, but those meetings could not be called consultation. This Government thinks that holding a meeting where a few boffins sit up the front and nod their heads is consulting. That is not consultation at all. Consultation is a two-way process: where you give information; where you get information; where you ask questions; where they ask questions; and where things are worked through. That is not what has happened with many of these school amalgamations, particularly in the western suburbs.

For that, the Minister and his Government stand condemned in all three matters. Nothing has come up during this debate to require any alteration in this motion. It stands correct.

The Council divided on the motion:

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

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

Pair—Aye—The Hon. M.B. Cameron. No—The Hon. Barbara Wiese.

Majority of 3 for the Ayes.

Motion thus carried.

BUILDERS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 November 1988. Page 1557.)

The Hon. R.I. LUCAS: This is an important Bill which raises a number of matters in relation to the Builders Licensing Board, and related problem areas in the building and construction industry generally. I want to refer to a number of matters in relation to the activities of the Builders Licensing Board and some of the problems in that area. In particular, I will refer to clause 3.

I want to refer to the documents tabled yesterday relating to the activities in the building industry of a Mr Terry Cameron and indirectly to the Premier's reaction to them. Yesterday, the Premier said that as a result of the tabling of these documents Mr Cameron has now been exonerated. In fact, that is not correct. The Premier had to say this because on 14 February this year, when he was asked why there had been no Government action following the original questions asked about Mr Cameron a year ago, he replied, 'There is no basis for the allegations that were made.'

At the time that the Premier made this assertion, he had no basis for making such a claim because the Government had not even ensured a full investigation into those original allegations which were based on statutory declarations and other evidence.

The Government has a report, but the Premier has still tried to sweep the matter under the carpet. He excuses the activities of a man who, on any fair and objective analysis, has been a rogue in the building industry, a man who deliberately flouted an Act introduced by a former Labor Government to protect home buyers and the reputation of the building industry. It is certain that had Mr Cameron not been the State Secretary of the Labor Party, had he not been crucially maintaining the Premier's power base in his own faction of his own political Party and had the Premier not been forced to cover up the Government's incompetence—

The Hon. C.J. SUMNER: On a point of order. This has nothing to do with the Bill. The honourable member is abusing the Standing Orders of the Council.

The Hon. R.I. Lucas: You don't want to hear this, do you?

The Hon. C.J. SUMNER: The allegations that you made are absolutely baseless. They are similar to the allegations that you in particular insist on making in this Council and Parliament generally under privilege, because you are that sort of person. The reality is that if honourable members want to move a motion making these allegations, they should have the gumption to move it in a substantive motion which honourable members can address. The reality, as the Hon. Mr Lucas knows, because he has only just been put on the Notice Paper as far as the Bill is concerned, because he was not there this morning—

The Hon. R.I. Lucas: I was there since 2 o'clock today.

The Hon. C.J. SUMNER: You were not.

The Hon. R.I. Lucas: I was so.

The Hon. C.J. SUMNER: You were just put on there.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The point of order that I am making is that if this coward wants to come into this Parliament—

The Hon. M.B. CAMERON: On a point of order.

The Hon. C.J. SUMNER: — and make these sorts of allegations—

The Hon. M.B. CAMERON: On a point of order.

The PRESIDENT: Order! I am hearing a point of order.

The Hon. M.B. Cameron: It is not a point of order.

The Hon. C.J. SUMNER: It is, and if you will hear me out—

The Hon. M.B. Cameron: Do not use unparliamentary language.

The Hon. C.J. SUMNER: If he wants to come into Parliament and make allegations of this kind about anyone—

The Hon. M.B. CAMERON: On a point of order, in relation to the language of the Attorney-General, it is not appropriate to call any member of this House a coward. I would ask him to withdraw and apologise.

The PRESIDENT: I am not quite sure whether 'coward' is classed as unparliamentary.

The Hon. M.B. Cameron: In the context in which it is used.

The PRESIDENT: It is the word that is classed as unparliamentary, as 'lie' is definitely classed as unparliamentary in all treatises on what is parliamentary and non-parliamentary. I can ask the Attorney whether he will withdraw that comment or word.

The Hon. C.J. SUMNER: He is well known in this House as a person who is totally unscrupulous.

The PRESIDENT: I am asking the Attorney whether he will—

The Hon. C.J. SUMNER: He is a person who is totally unscrupulous and dishonest, but I am happy to withdraw the word 'coward' if that will make you happy.

The Hon. K.T. GRIFFIN: That is an unparliamentary comment. It is an assertion and it is objectionable language. I ask the Attorney-General to withdraw and apologise. He said he is unscrupulous.

The PRESIDENT: Order! 'Unscrupulous' is not classed as unparliamentary.

The Hon. K.T. Griffin: Dishonest.

The PRESIDENT: 'Unscrupulous' is not classed as unparliamentary.

The Hon. K.T. Griffin: Dishonest.

The PRESIDENT: Will you cease interjecting? The point of order that was taken with me was whether the Attorney would withdraw the word 'unscrupulous'.

The Hon. K.T. Griffin: And dishonest.

The PRESIDENT: 'Unscrupulous' was the word that the Hon. Mr Griffin used, as I am sure *Hansard* will tomorrow record. I will not ask the Attorney to withdraw the word 'unscrupulous'. It is not unparliamentary language.

The Hon. M.B. CAMERON: On a point of order. I would add the words 'and dishonest'—'unscrupulous and dishonest'—and ask you to ask the Attorney to withdraw that.

The PRESIDENT: I certainly will not ask the Attorney to withdraw the word 'unscrupulous' because that is not unparliamentary language. I think perhaps the word 'dishonest' is unparliamentary. I would ask the Attorney to withdraw it.

The Hon. C.J. SUMNER: The honourable member is well known for his tactics and antics in this House. He has an appalling reputation as an individual and he is unscrupulous, but if you want me to withdraw the words 'coward' and 'dishonest' I will.

The Hon. M.B. CAMERON: On a point of order. I do not understand this point of order that the Attorney-General is making a speech about. If every time we have a point of order we have a 10-minute speech, this House will be held up considerably. I should like to ask the Attorney-General whether he has a specific point of order or whether he is going to make a 20-minute speech.

The PRESIDENT: Order! I ask the Hon. Mr Cameron to resume his seat. That is not a point of order. The Attorney is putting the point of order that the remarks being made by the Hon. Mr Lucas are not relevant to the Bill, which is the matter under discussion, and I agree with that proposal. I would ask the Hon. Mr Lucas to confine his remarks to the Bill which is currently being debated, which is an Act to amend the Builders Licensing Act, and deals with money being paid into special accounts.

The Hon. R.I. LUCAS: Thank you for that, Ms President, because that is what I will be addressing—a Bill in relation to the Builders Licensing Board.

The PRESIDENT: The Builders Licensing Act.

The Hon. R.I. LUCAS: The Builders Licensing Act.

The PRESIDENT: It has nothing to do with the Builders Licensing Board; it is the Builders Licensing Act.

The Hon. R.I. LUCAS: Well, the Builders Licensing Act. In relation to the second reading contribution from the mover of the motion and the second reading contribution from the Attorney-General, if I could direct your attention to those matters, the Attorney, in his second reading contribution, talked about problems between builders and subcontractors. The Hon. Mr Gilfillan talked about problems that had arisen and referred to an amount of $30 000. In my contribution I shall be raising a number of similar and related problems that were raised in the report in relation to Mr Terry Cameron and allegations about unpaid amounts between builders and subcontractors and related people. There will be a series of related comments to the matter at hand.

The PRESIDENT: I am completely in agreement that relationships between builders and subcontractors are very much concerned with the Bill that is before us, but whether Mr Terry Cameron is Secretary of the ALP, or which faction he may or may not belong to, seems totally irrelevant to questions relating to matters between builders and subcontractors. I ask the honourable member—

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! I call the Attorney to order.

The Hon. C.J. Sumner: He is not prepared to move a motion to give us a chance to reply. Members opposite know that as well as I do, and he knows it.

The PRESIDENT: Order! I also know the Standing Orders of this House, which say that a contribution to the second reading debate must be relevant to the Bill before the Chamber.

The Hon. C.J. Sumner: It has not been so far.

The PRESIDENT: I call the Hon. Mr Lucas and ask him to make his remarks relevant to the Bill before the Chamber.

The Hon. R.I. LUCAS: What I have been trying to argue, and the Attorney does not agree, is that the Premier is guilty of trying to protect his little mate in this matter.

The PRESIDENT: Order! That has nothing to do with relationships between builders and subcontractors.

The Hon. C.J. SUMNER: On a point of order. The point of order is that if the Hon. Mr Lucas wants to get involved in this sort of behaviour, to which he has become increasingly prone in this House—because he is that sort of person—he will use the House for whatever purposes he likes and he has done that since he came into this place. He has used it to smear and attack people.

The PRESIDENT: Order! What is the point of order?

The Hon. C.J. SUMNER: The point is that if he wants to do that, let him do it in the proper way and not use a Bill such as this. This Bill has nothing to do with the Premier or Mr Terry Cameron or the report that was tabled. What he is doing, knowing that I have spoken in the debate already and have no chance of speaking again in this debate, is coming in and using this vehicle, this Bill, to debate an issue and to make assertions about the Premier—

The Hon. I. GILFILLAN: On a point of order—

The Hon. C.J. SUMNER: I am in the middle of explaining a point of order. He is using that as a vehicle to make these allegations about the Premier, knowing full well that I have spoken in the debate and therefore have no right to reply.

The Hon. M.J. Elliott: That's not a point of order.

The Hon. C.J. SUMNER: It is; I have no right to reply on the part of the Government. The point of order simply is that if he wants to make those sorts of allegations, if he wants to debate that issue, he has a forum for doing so in the proper way which will enable us to respond.

The PRESIDENT: I ask the Attorney to resume his seat.

The Hon. C.J. SUMNER: The point of order is simply that it is not relevant to the Bill.

The PRESIDENT: I ask the Attorney to resume his seat. Most of what he said was not on a point of order. I have already stated that any contribution must be relevant to the debate and that the Premier and various allegations that have been made are not relevant to the debate. If the Hon. Mr Lucas persists in using matter which is irrelevant to the

Bill before the Council, I will cease to recognise his right to speak. The Hon. Mr Lucas has the call.

The Hon. R.I. LUCAS: Thank you, Ms President. Individuals in the building industry have been criticised and condemned in the Parliament by members of the Labor Party (I hope I am allowed to say that) for far less than Mr Cameron is now exposed for. Mr Cameron has admitted himself—

The Hon. C.J. SUMNER: On a point of order, Ms President, this is not relevant to the Bill. The Hon. Mr Lucas knows that it is not relevant to the Bill. He is trying to use a vehicle, this Bill, which has been on the Notice Paper now for several weeks, if not months, and deals with an issue of principle. He is trying to canvass, through this Bill in this debate, issues that have been raised in another context in this place. They are not relevant. He has a forum available to him in this Chamber. It is an outrageous abuse of the Standing Orders, but of course it is the sort of thing that we have become accustomed to from the Hon. Mr Lucas.

The Hon. R.I. LUCAS: As I indicated to you, Ms President, the Attorney himself in his second reading contribution talked about the relations of contractors and subcontractors. The mover of the motion, the Hon. Ian Gilfillan, referred to questions of unpaid amounts of money between contractors and subcontractors. If the Attorney, because of some view that he, the Premier and the Government obviously have of wanting to prevent me from speaking on this Bill—

The Hon. C.J. Sumner: Rubbish!

The Hon. R.I. LUCAS: You are trying to prevent me from speaking on this Bill.

The PRESIDENT: Order! I ask that all interjections cease. I ask that the Hon. Mr Lucas likewise cease interjecting and address his remarks through the Chair.

The Hon. R.I. Lucas: I was not interjecting.

The PRESIDENT: You interjected while I was on my feet, which is completely contrary to Standing Orders. Any remarks are to be addressed through the Chair and not be made by casual remark across the Chamber. I ask that Mr Lucas strictly stick to the topic of the debate or I will withdraw your right to speak.

The Hon. R.I. LUCAS: Thank you, Ms President. I am simply saying that I am being prevented or attempted to be prevented by the attitude of the Attorney-General and his ceaseless interjections and inane points of order. Obviously a decision has been taken not only by the Attorney but also by the Bannon Government, of which he is a senior member to prevent me raising in this Bill serious matters and allegations that are clearly covered by the Bill before us because other members in this Chamber—the Hon. Mr Gilfillan and the Hon. Mr Sumner—have referred to these matters in their second reading contributions.

The Hon. C.J. Sumner: I have not—don't be ridiculous.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: You have. I will quote your contribution.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: He referred to matters in relation to contractors and subcontractors. I will quote the words of the Attorney-General.

The PRESIDENT: You do not have to convince me.

The Hon. R.I. LUCAS: I am speaking through the Chair—do you want me to address the Chair?

The PRESIDENT: I have already said that this Bill is concerned about relations between builders and subcontractors and any remarks relating to that are in order with the Bill.

The Hon. R.I. LUCAS: Thank you, Ms President. I am saying in my second reading contribution, which on your ruling is clearly in order, that the Attorney-General, one Hon. C.J. Sumner, on 12 October 1988 referred to problems and relations between builders and subcontractors and wanting to control a quite different relationship. He talked about builders and owners. I am quoting the Attorney-General. I wish to address the same matters, but because they happen to relate to a mate of his, Mr Cameron, he seeks to prevent me from referring to those matters. When the Hon. Mr Gilfillan, in moving this motion, raised questions and problems about a Mr Carroll (and I presume that he is not a member of the same faction or group with which the Premier and the Attorney-General are involved), a BWIU member—

The Hon. C.J. Sumner: You are abusing the Standing Orders.

The Hon. R.I. LUCAS: You are interjecting out of order.

The PRESIDENT: It is my job to keep order, not yours.

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: He has lost control. The mover of the motion, the Hon. I. Gilfillan, referred to the Assistant Secretary of the Building Workers Industrial Union, Mr Terry Carroll, and stated that he was told on Friday by a BWIU member, a ceiling fixer subcontract member, that he was owed $30 000. He further states, 'We will be making sure that any money owed to subcontractors will be forthcoming'. That was stated by the mover of the Bill before us today, the Hon. Mr Gilfillan, in talking about this matter.

However, because he refers to Mr Carroll, who is not a mate of the Attorney or the Premier, we have no problems from the Attorney-General. We had no ceaseless interjections and points of order from the Attorney. He does not try to prevent debate on the second reading of the Bill in regard to Mr Carroll. Allegations can be made in relation to such people, but because I as a member of this Chamber want to raise questions on the very matter of contractor and subcontractor relationships and because the person involved is a mate of the Attorney and the Premier, he tries to prevent me from putting my point of view on this matter by referring to documents tabled in this Chamber and another place and interpreted in a deliberate campaign of misinformation by the Premier and the Attorney and exonerating Mr Cameron when that is not correct. I wish to raise those issues, but the Attorney seeks to prevent me from doing that.

The Hon. C.J. Sumner: Rubbish!

The Hon. R.I. LUCAS: You did! You sought to prevent me from doing that and you are still trying to do it.

The Hon. I. GILFILLAN: Ms President, I seek your authority in this Chamber to protect us from the constant inane argument across the Chamber as to what and whose right it is to speak on certain matters. Will you please control the debate?

The PRESIDENT: That is not a point of order. I have repeatedly asked that there be no interjections and that there be no remarks across the Chamber, that all contributions are to be addressed through me.

The Hon. C.J. SUMNER: On a point of order, the Hon. Mr Lucas has just made a speech. I am not sure whether it was a speech that had anything to do with the Bill, whether it was part of his speech or whether he was speaking to the point of order. The only point I make, and I make again, is—

The Hon. R.I. Lucas: What is the point of order?

The Hon. C.J. SUMNER: The point of order is simply this: that speeches on the Bill in this place must be relevant to the Bill. Clearly, as I am sure that you have already agreed, Ms President, starting off on a tirade about the Premier, about cover-ups and the rest is not relevant to this Bill. You have made that ruling, Madam President.

I do not want to stop debate on this matter. However, what I do want is the right to respond if the honourable member wants to make scurrilous allegations. I cannot get that opportunity to respond through the medium of this Bill because I have already spoken. The Hon. Mr Lucas knows this, but my substantial point of order is simply that it is irrelevant.

The PRESIDENT: I have already ruled that any contribution must be relevant to the Bill. In case members would like documentation, I rely on Standing Order 186 under which I can draw attention to the conduct of a member who persists in continued irrelevance, prolaxity or tedious repetition. I can direct such a member to discontinue his speech. I ask the Hon. Mr Lucas to give his speech relating to the second reading of this Bill without irrelevance, preferably without prolaxity, and I hope without tedious repetition.

The Hon. R.I. LUCAS: Ms President, thank you for your protection on this matter. I am delighted to continue if I am not interrupted by points of order and ceaseless interjections. I refer to some of the allegations that have been made and the documentation tabled in this Chamber and in another place by the Attorney-General and the Premier respectively about the activities of Mr Terry Cameron, not in his role as Secretary of the Labor Party but as someone involved in the building industry. In doing that I want first to—

The Hon. G.L. Bruce interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: All I am doing is referring to the report. I want to address the report to the Minister of Consumer Affairs from the Commissioner for Consumer Affairs, Mr Colin Neave. In doing so I want to quote from Mr Neaves' covering letter to the Minister, in which he says:

> From the evidence available to me, however, it appears Mr Cameron never actually carried on the business of a builder.

In my view that statement is clearly and demonstrably false. I want to refer—

The Hon. C.J. SUMNER: On a point of order, Ms President. This is an outrageous abuse of Standing Orders by the honourable member. He knows it, but he is trying to pull a political stunt. The Bill is before the Council.

The PRESIDENT: You do not need to expand on this. The Bill refers to the relationship between builders and subcontractors. Whether Mr Terry Cameron was ever involved as a builder seems to me to be totally irrelevant to the relationship between builders and subcontractors. I ask Mr Lucas not to pursue that argument, which is irrelevant to the Bill.

The Hon. R.I. LUCAS: Ms President, I thank you for that ruling. I will continue the argument, as I was trying to put before the point of order, and raise the question of contractors and suppliers hired by Mr Cameron not being paid on time. I am sure that even you, Madam President, will have to concede that that is clearly within the provisions of relevance to this Bill, as indeed have been all the other matters with which I have been trying to deal.

The PRESIDENT: I hope your comment about 'even you' is not a reflection on the Chair. If it is, I ask you to withdraw it.

The Hon. R.I. LUCAS: In no way would I seek to reflect on your performance in the Chair. If in any way my comments might be interpreted to that end, I would certainly not wish that to be the case. I will continue to explore the matter of contractors and suppliers hired by Mr Cameron not being paid on time because serious allegations in relation to this matter are referred to in documentation tabled in the Council. I refer to a memorandum to the Commissioner for Consumer Affairs from the Assistant Director of Consumer Affairs on the subject of Mr Terry Gordon Cameron. I refer to page 2 of this document and the allegation made some time previously in another place (and I am summarising this document) that Mr Cameron had failed to pay some contractors for work allegedly done on his behalf. This matter relates to the questions raised by the Hon. Mr Gilfillan in his second reading contribution about the failure to pay contractors or subcontractors. The report states:

> Mr Cameron admits that some contractors and suppliers were not paid on time, especially when Mr Cameron was experiencing financial difficulties, but he asserts that such people were eventually paid. He also asserts that the quality of some work done was not deserving of the price quoted. However, there is a disputed amount of $400 allegedly still owed by Mr Cameron, (who believes the matter was finalised), to Ark Electrical Pty Ltd. This is a civil dispute, not a breach of the Builders Licensing Act.

The next allegation referred to is that Mr Cameron told a contractor something, but I will not refer to that matter, Madam President, because I am sure that you would rule it out of order.

The PRESIDENT: If it does not relate to the Bill I certainly would.

The Hon. R.I. LUCAS: Even though the allegation emanated from a statutory declaration by Mr Ben Carslake, a person whom you probably know quite well. I refer to page 3 of the documentation which contains a reference to an allegation that a bricklayer who took legal action after the refusal by Mr Cameron to pay was given a judgment by Mr Cameron—

The Hon. T.G. ROBERTS: On a point of order, Ms President. I understand that the Bill before us refers to protection of subcontractors—and I think that the Hon. Mr Gilfillan is remarkably silent on this matter—when contractors or principal builders collapse. The protection of payments to subcontractors is referred to in the Bill, and the people who have spoken to the Hon. Mr Gilfillan referred directly to the collapse of principal contractors, not to the items referred to by the Hon. Mr Lucas. I think that the Hon. Mr Lucas is taking us down a track which has no relevance to the Bill itself. If the honourable member moves some amendments that may give added protection to subcontractors, I am prepared to debate them in this Chamber later. However, the matter before us relates not to the points raised by the Hon. Mr Lucas but to matters that were brought before the Council via some of the individuals raised by the Hon. Mr Lucas in consultation, I understand, with the Hon. Mr Gilfillan. The general intention of the Bill is through the collapse of building companies—

The PRESIDENT: Order! Whatever the intention of the Bill, it relates to payments between builders and subcontractors assuring payment thereof. While it may be designed to cover the collapse of builders, it is not stated as part of the Bill that that is the only thing to which it applies. I think it is relevant to discuss relationships between builders and subcontractors during a speech on this Bill. I hope that the Hon. Mr Lucas's remarks will lead to a point where he will show how enactment of this Bill will remedy some of the situations to which he refers. However, in the past few minutes what he has said is relevant to the Bill.

The Hon. R.I. LUCAS: I think you prejudge contributions on the second reading. With due respect to your view, Ms President, I do not think it is my responsibility to argue that the Bill will seek to remedy these matters. I think it is quite within my right as a member of Parliament to raise problems and concerns and perhaps take the view that this Bill will not do anything about them.

The PRESIDENT: I agree.

The Hon. R.I. LUCAS: I think your inference was incorrect, if I might be so bold to suggest, and I submit that it is quite within my rights under the Standing Orders to argue in the second reading debate a view that is quite different from the view that you have just put from the Chair.

The PRESIDENT: I am not disputing that. What I implied (and I am sorry if my meaning was not clear) was that I hoped that the particular case or cases would then be related to the Bill and that you would show that either the Bill if enacted would solve the problems, or that the Bill if enacted would not solve the problems and would need amendment to be able to do so.

The Hon. R.I. Lucas: Or, indeed, perhaps opposed.

The PRESIDENT: Or even opposed as being not relevant to problems between builders and subcontractors. However, I take it that your remarks are leading up as illustrations to your comments on the particular clauses of the Bill?

The Hon. R.I. LUCAS: I thank you for clarifying that slight misunderstanding about my contribution, because I will lead up to a particular view, as of course I must, in relation to this legislation. The report quotes a particular allegation which was made about Mr Cameron. Page 3 of the report states:

> That a bricklayer who took legal action after refusal by Mr Cameron to pay was given a judgment against Mr Cameron and paid $1 200 which was outstanding.

The report notes:

> Mr Carslake [the same Mr Carslake] was also unable to name the bricklayer. Mr Cameron has some recollection of a dispute with a bricklayer for an amount of about $1 000, but believes that this was settled out of court.

The view that I am putting, which is contrary to the view you, Ms President, referred to earlier, is that a couple of sections of this report (and, indeed, a number of others which for the sake of brevity I will not refer to in great detail) raise a whole series of concerns about the relationship between contractors and subcontractors.

It is certainly my view, and I suppose the view of many of my colleagues, that the problems which have been raised about Mr Cameron will not be solved by this Bill. I will now conclude what would otherwise have been a brief contribution of no more than 10 minutes. Having raised those concerns and problems about the activities of Mr Cameron that obviously exist in the building industry (and I have used those instances as an example of some of the concerns which exist in the building construction industry), I believe that this legislation will not resolve the sorts of problems to which I have referred.

The Hon. I. GILFILLAN: I leap to my feet on the off-chance that somebody else may want to contribute to this debate. I want to stall their efforts, because I do not think we will get very far if the present tone of the debate continues. I am not using this legislation hypocritically as a vehicle for other political purposes, but we will support the second reading so that perhaps some substantial amendments can be made during the Committee stage. If the legislation is unsatisfactory in its present form, perhaps some persuasive arguments can be presented when those amendments are moved so that the legislation will end up in a form which is satisfactory to all members.

I hope that the Hon. Mr Lucas is leaving the Chamber so as to instruct Parliamentary Counsel right now. I am very impressed by his enthusiasm to contribute to the debate on this Bill. I hope that he will be prepared to work on it. Members may want to add some constructive contribution to a Bill, which I think you, Ms President, fairly identified is a genuine attempt to seek to overcome a problem which does exist in the building industry.

No-one has suggested a viable alternative. Certain sections of the building industry are frightened by this Bill, because they realise that it may restrict some of what I would describe as freedom, if not abuse, of building owners' funds by some unscrupulous builders. In the hope that this measure will be treated seriously and perhaps amended and then finally passed, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

NATIVE VEGETATION

Adjourned debate of motion of Hon. I. Gilfillan:

That in view of the actions by Mr Caj Amadio, a principal of Gumeracha Vineyards Ltd, in destroying several large, old and valuable gum trees in the Gumeracha area in order to more easily establish a vineyard, and in view of the failure of the Native Vegetation Unit to prosecute Mr Amadio or Gumeracha Vineyards for the destruction of the trees, the Council urges the Government to undertake immediately the revision of regulations under the Native Vegetation Management Act 1985, to prevent any further loss of valuable trees and to enable successful prosecution of offenders.

(Continued from 8 March. Page 2236.)

The Hon. T. CROTHERS: When the Hon. Mr Gilfillan spoke to his motion, he made two points which I suppose at the end of the day may determine the direction which members of this Council will take. One point relates to the failure of the Department of Environment and Planning to prosecute Mr Caj Amadio, or Gumeracha Vinyards as the case may be, for the destruction of seven gum trees which were situated on land being purchased by the company and, secondly, he urged the Government to undertake, as soon as possible, a revision of regulations under the Native Vegetation Management Act 1985.

I believe that before the Council passes judgment on this motion members are entitled to hear my chronological recitation of the facts as given to me by officers from the Department of Environment and Planning. I believe that the information would have also been made available to the Hon. Mr Gilfillan had he requested it. In fairness to the honourable member, I must say that I do not know whether or not he did request that information.

The facts as I understand them are as follows. The first indication that the Native Vegetation Branch officers had of the removal of the trees was when it was brought to their notice by a local resident and that was followed soon after by advice from the District Council of Gumeracha. A subsequent on-the-spot investigation by officers from the branch revealed that the trees had already been cut down to ground level and that only the stumps of five trees remained, whilst only the trunks remained of the other two trees. The matter was considered by the Native Vegetation Authority at its meeting which was held in early October 1988. Acting on a direction from the Native Vegetation Authority, departmental officers then contacted the council, because at that stage it was believed that the council had a responsibility to determine whether or not it believed the removal of the trees affected the amenity and landscape quality of the area in question.

The authority believed that at that stage the council's view about this matter was critical for a successful prosecution. However, the council did not support the opinion about the amenity or landscape quality. Indeed, I do not believe it would be unfair to say that the council believed that no prosecution should take place and that a more appropriate course of action might involve the granting of a conditional approval to remove the trees, provided that a replanting scheme was carried out by either Mr Caj Amadio, or by his company, Gumeracha Vineyards.

Up to this stage, the Department of Environment and Planning had not received any application from Mr Amadio to remove the gum trees in question. Even though this was the case, had the department launched a prosecution, the court could have—and, indeed, experience shows probably would have—asked what the likely response of the authority would have been if an application had been received from the landholder. Given that there was no support from the council, that the bulk of the gum trees had already been removed, and that the scientific officers strongly believed there was very little hope of satisfactory regeneration of the remnant stumps, the authority gave conditional consent for the trees and the stumps to be removed subject to the institution of a replanting program.

I add that as a condition of his first approval Mr Amadio was required and has now agreed to replant at his own expense and on his own land 50 seedlings of the same species as the trees removed. I have been assured by officers of the department that they will be carefully monitoring progress. In other words, for the foregoing reasons, the departmental officers made a value judgment that a prosecution could not succeed. Lest the people in this Chamber or elsewhere should say that there is a reluctance by the department to prosecute where breaches of the Act do occur, I place on record that the department is currently prosecuting three parties in the South-East near Penola for the removal last year of 140 gum trees without permission.

I now turn to the second matter contained in the Hon. Mr Gilfillan's motion, the matter of the revision of certain regulations under the Native Vegetation Management Act. The Government, like the Hon. Mr Gilfillan, believes that it is appropriate for those regulations to be reviewed. It is apparent to the Government that the exemption provisions of the Act have been used to short circuit the vegetation clearance controls and are resulting in the destruction of vegetation which forms part of this State's heritage. Such a practice, in the eyes of the Government, does not accord with the intent of the Act and regulations.

Indeed, the original rationale behind the exemption clause was to allow farmers, particularly those in mallee areas, to cut single stems from mallee species for fence posts. This was a genuine attempt by the Government to provide a sensible approach to day-to-day farm management issues without creating an over-bureaucratic system. In light of that, I reiterate that this Government is very concerned about the removal of large old gum trees which contribute significantly, in the Government's belief, to the landscape quality of regions within this State.

It is the Government's view that removal of the trees for fence posts is inappropriate when other materials are readily available. I give this Council the assurance that the Government is reviewing the regulations referred to by the Hon. Mr Gilfillan with a view to amending them where it has been found by experience that the intention of the Act has been and is being thwarted. I further assure the Hon. Mr Gilfillan that, whilst this Government remains in office, it will continue to take a balanced and caring approach to environmental matters.

Finally, my political Party as a matter of principle believes that environmental matters are too important to the welfare of this and succeeding generations for them to be a matter of concern of any one individual or any one political Party. Indeed, such is the importance the Government attaches to environmental matters that it is our earnest hope that they are never, ever made a political or electoral football. Rather would we on this side of the Council hope that all Parties in the South Australian Parliament would act at all times collectively for the better welfare of the environmental health of this State and for the people of this State, both of this and subsequent generations.

I am sorry to have had to take up so much time of the Council this evening, but the question was fairly asked and I felt that it had to be fairly and comprehensively answered for the sake of the questioner, the Hon. Mr Gilfillan. In conclusion, the Government supports the motion as laid down by the Hon. Mr Gilfillan, with some qualification. Whist we have no difficulty in agreeing with all words commencing on the fourth last line with 'the Council urges the Government', we think that the wording of all words before that cannot be viewed entirely with support by the Government.

However, having said that, because the Government is currently and has been for some time addressing the revision of the regulations under the Native Vegetation Management Act, we are as one with the Hon. Mr Gilfillan and support the proposition, although we stress that we qualify some of the assumptions contained in the first five lines. I hope that some of the explanation I have been able to give to the Council and to the Hon. Mr Gilfillan will ameliorate any problems he might have and that he will understand the reasons why we have added that rider of minor qualification in respect of his proposition. We support the Hon. Mr Gilfillan's proposition.

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition does not intend to oppose this motion. I was not going to speak until the Hon. Mr Crothers spoke, and he has put forward a proposition that indicates that the Government has commenced revision of the regulations under the Native Vegetation Management Act. There was a very lengthy select committee—in fact, I believe that there were two committees—in relation to this matter. I was a member of the select committee on both occasions.

The Hon. T. Crothers: Is that where you lost your hair?

The Hon. M.B. CAMERON: Yes, and you would have lost your hair if you had seen the treatment of some farmers by some of the over-enthusiastic youthful members of the Native Vegetation Authority of that time. If the Hon. Mr Crothers wants to know some of the things that occurred, I suggest that he talks to some members of his own Party who became very concerned at the way in which those people were being treated. It was virtually a take-over of farming land by certain officers of the department, with no rights whatever for the local farmers. It became a matter of grave concern.

As a result, the select committee came to some unanimous decisions, although agreement was reached in the end between the farmer organisations and the Department of Environment and Planning. If change is to be made to those regulations, I suggest to the Government that in order that we do not get into the same bind as we got into last time those regulations are carefully discussed with the farmer organisations and agreement is reached once again, because the agreement that was reached has laid to rest many of the problems that were occurring and that would have continued to occur. I suggest that no-one on this side of the

Council would agree with the removal of large gum trees or large native trees from land to which they add considerable value and add great colour. There is much concern about some of the incidents which have occurred, although I am not specifying any of them.

If there is a need for the regulations to be tightened up to ensure that that does not occur in areas of the State where trees add to the quality of the landscape, that should be done. However, that has to be carefully monitored to ensure that we do not get back to the original situation where a farmer was virtually banned from using any material at all on his or her land where that material is in abundance and is needed for normal farming operations, where it clearly is part of the value of the land to the farmer and where its use does not damage the overall native vegetation. This is because quite often the removal of that vegetation in fact enhances the land. We have plenty of evidence of that from the select committee. If the Hon. Mr Crothers wishes to further his education on that matter, I suggest that he read the abundance of material that was offered at that time by experts, by farmers and by others. I am sure it would add greatly to his education if he did that.

As I said at the beginning, the Opposition does not intend to divide on this matter. However, we do give forewarning that we will not give a blank cheque to such changes, particularly if they are not fully discussed and agreed to by the same people (including farmers' organisations and the department) who agreed to the Native Vegetation Act. Perhaps this warning will cause some hesitation on the part of those people who are drawing up fresh regulations or revising regulations.

That is very important because, if the farmers are not on side, it does not matter how many regulations are in force: native vegetation will be lost. In the end, they will be the people who ensure its survival, because there are plenty of ways in which native vegetation can be destroyed other than just by the normal method of a bulldozer. I give that fair warning. Those people have to be on side; otherwise, the battle to save native vegetation will be lost. With those few words, I indicate that this motion will pass unopposed, but that does not—

The Hon. I. Gilfillan interjecting:

The Hon. M.B. CAMERON: Well, I indicate that this does not mean that we will support everything that may arise in the future from any revision of the regulations.

The Hon. I. GILFILLAN: I thank members for their indications of support for the measure, and I acknowledge that they have made some comments which are relevant to the flow-on, rather than to the substance of the motion, as occurred with the Leader of the Opposition in particular, and I will refer to those comments. Let that not dilute the impact of the motion, which is clear and condemnatory of Mr Caj Amadio's action, of the Native Vegetation Unit's failure to take action, and of the ineffectiveness of the current regulations to protect precious and irreplaceable gums in South Australia, which are virtually our heritage.

The Hon. M.B. Cameron: You have cleared some scrub.

The Hon. I. GILFILLAN: The issue of replacing the destroyed trees with 50 planted trees is an absolute farce, because members will know (although I know they are overworked) that, unfortunately, most of the critical remarks made by the Leader of the Opposition would have been shown to be ill-founded had he been able to read my moving speech, when I went through a lot of the comments that he raised. However, he may refer to them in hindsight.

The point I want to make, and I do not want to be distracted by irrelevant comments, is that the so-called replanting, which is a sop—a sop made by this weak-kneed vegetation unit—is a farce, because the same regulations stipulate quite clearly that hand planted trees can be destroyed. They can be felled. There is no legislative protection for these 50 trees. They are in fact exempt from the regulations which protect the other vegetation. It is therefore a ridiculous argument to say that Mr Amadio is compensating for having irresponsibly destroyed these priceless and irreplaceable gums by planting 50 more and, what is more, for the cavalier way in which he intends to go on destroying more gums.

The Hon. L.H. Davis: How old are these gums?

The Hon. I. GILFILLAN: Some are up to 500 years old. The regulations are quite clear. I have legal opinion which, incidentally, was strong enough to reassure the *Advertiser* and, in my opinion, to convince the department itself and the Director that the regulations as they are currently worded would have been satisfactory for a successful legal challenge to what had been done. The argument that Mr Amadio used was that he was felling those trees for the sole purpose of the production of fence posts.

That was patently false. There is absolutely no justification that could have been sustained in law that that was his reason for felling the trees. We would, beyond doubt, have prevented further destruction of gum trees in a similar manner had there been a bit of backbone in this unit. However, it is important that the regulations be amended. It is unfortunate that the Hon. Martin Cameron is not listening to me. I hope that through you, Mr Acting President, I can get his attention. The Hon. Martin Cameron raised the point that any amendments to regulations must be with consultation of the UF&S. I would like to reassure him. If the honourable member reads my earlier speech he will see that I have had detailed discussion with Dennis Slee of the UF&S.

It is clear that for regulations to be effective they must be sympathetic to proper management. Otherwise, by virtue of their impracticality and unfairness, they get abused, and we finish up with a worse situation than we started with. I do not need to be reminded of that. In fact, I am sure that any reform of the regulations—either of the Government or the Opposition, and with the Democrats' support—will get through. If these measures which we are proposing were so obnoxious to the rural community at Gumeracha, how is it that in two afternoons they have got a virtual 100 per cent signature of the local population on a submission (which, in effect, is a petition) to be sent to the Native Vegetation Unit beseeching them to stop this practice that Amadio has been putting into effect in that area. There are 170 signatures on the submission, and I have a copy of those signatures. They have been sent to the Native Vegetation Unit and circulated to all members of the board for their deliberation with an excellent and well prepared submission arguing the case from the local residents' point of view. It involves a mixture of practising farmers, residents in the township and a few people who have retired there as an ideal place to live.

I would like to quote a couple of paragraphs from that submission and recommend to interested members that they have a look at the full text. It states:

> Local land users, including two previous owners of the land acquired by the entrenpreneurs—

that is, Caj Amadio's firm, Gumeracha Vineyards—

> and local residents see the removal of sizeable gum trees, cultivation of hillsides and positioning of vineyards as extremely poor and showing an ignorance of rainfall and land management criteria in this Hills area.
>
> It would seem from the beginning the developers completely under-estimated gradients and Hills rainfall in the first vineyard development, which is on the other side of the Adelaide to

Birdwood Road to the latest proposal. During last year's winter, the area became a fiasco in soil erosion and drainage.

Heavy rains became hillside torrents that swept the top soil from the vineyard and sent it gushing across the road and through the property on the opposite side. The run-off of mud across the Adelaide to Birdwood Road became so severe that it created a traffic hazard and police had to attend the scene to caution approaching traffic. Seven or eight massive gum trees ranging in age up to 500 years old had been removed.

Further on, the point is made that there needs to be a closing of loopholes, and a strengthening of vegetation of the Native Vegetation Act. That had been raised by a local councillor, Mr Michalk, and the Hon. I. Gilfillan in this Chamber. It further states:

Considerable publicity has been given to the developers' resolve in removing from the countryside gum trees up to 500 years in age and in the absence of the Native Vegetation Management Board approval.

In the search for this submission, scepticism over the regulations, the board's power and provision for penalties was expressed. Farmers sympathetic to tree preservation and regeneration were sceptical, in particular, about exemptions, such as felling trees for the making of fence posts or the provision of firewood. New plantings could be termed woodlot trees and felled under the exemptions. They seem to believe there were loopholes open to much abuse.

And, possibly, the seeming indifference to the board and the regulations by this company was reflected in Hills residents' suggestions that they take out a court injunction preventing the removal of any more trees until the board had considered the matter. It was then discovered the board's administration was in conference with the Solicitor-General's Department, considering a similar course of action.

Somewhat belated but very welcome, nonetheless. I am glad that I have actively been involved in raising this issue and getting the Government to take a positive and effective step, at least so far. The submission further on says:

But the principals of Gumeracha Vineyards should be made aware that many local residents were appalled when they learnt of the felling of century-old gum trees in their district. The principals and the Lenswood Research Centre staff should be made aware that leading botanists in this State are describing the initial vine plantings and removal of gums and proposed removal of gums as 'monstrous', and in one case the person holds such a prominent senior Public Service position and will not make his condemnation public in deference to the Minister for Environment, Dr Hopgood.

We submit to the board that the removal of the long-standing river red gum trees—an integral part of Gumeracha's land management and soil composition and aesthetics—is the destruction of a natural heritage. Perhaps Gumeracha Nominees—

that is, another part of the vineyard and Caj Amadio structure—

could confirm or deny to the board that the development is a result of European interests seeking alternative wine-producing resources following the ruination of European vineyards by 'acid rain'. If this is true, then the removal of the massive atmosphere-cleansing gum trees here becomes even more abhorrent and disgraceful.

It is of significance for this Council to realise, as it moves towards passing this motion, that we are putting into legislative effect the heartfelt cry of the vast majority of the population in this area. We are expressing the majority view of all South Australians. We will not tolerate the irresponsible and immoral destruction of a community asset in the trees by people such as Caj Amadio. I hope that the passage of this motion will serve as a caution to him and to others who may consider that they are above the law and can find ways of getting round it. I look forward with great pleasure to what will be a unanimous vote in support of the motion in this Chamber.

Motion carried.

LIBRARIES ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Libraries Act 1982. Read a first time.

The Hon. C.J. SUMNER: 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 proposed amendments to the Libraries Act 1982 are designed to achieve five main aims. First, to increase the size of the Libraries Board from eight to nine members to include an additional member nominated by the Local Government Association of South Australia. In this way, note is taken of greater commitment now being made by local government to the provision of public libraries with 98 per cent of the State's population now served by local public library services. The additional member is to be a public librarian or community information officer to note the broader role libraries and information now play in local government.

Secondly, to remove references to institutes and their governing bodies now that all institutes have been dissolved, or will be dissolved, in favour of public libraries by 30 June 1989. Thirdly, to note the change of name from the South Australian Archives to the Public Record Office of South Australia.

Fourthly, to increase the legal deposit provisions for the Parliamentary Library and the State Library of South Australia to include non-book materials. This is in line with legislation enacted in Queensland and Tasmania and is being considered by the other States.

And finally, at the request of the Astronomical Society of South Australia, to remove its affiliation with the Libraries Board of South Australia. The society no longer meets or has its collection in the State Library of South Australia. I commend the Bill to honourable members.

Clause 1 is formal. Clause 2 provides for the operation of the Act to be by proclamation.

Clause 3 amends section 3, an arrangement provision, of the principal Act. References to the Divisions dealing with the Institutes Standing Committee, the Institutes Association of South Australia and the regulation of institutes have been struck out.

Clause 4 amends section 5 of the principal Act, which is an interpretation section. The definitions of 'the Association', 'institute' and 'the Standing Committee' have been struck out.

Clause 5 amends section 9 of the principal Act and substitutes new subsections (1) and (2). Section 9 deals with the membership of the Libraries Board.

New subsection (1) increases the membership of the board from eight to nine members, appointed by the Governor. Two members must be members or officers of councils, nominated by the Local Government Association of South Australia, one of whom must be a librarian employed in a public library or a community information officer employed by a council. One member must have experience in local government, nominated by the Local Government Association of South Australia. The remaining six members must be nominated by the Minister, one of whom must have experience in local government.

New subsection (2) provides for the appointment by the Governor of one member of the board to be the presiding

member and another member to be the deputy presiding member.

Clause 6 amends section 10 of the principal Act. This deals with the terms and conditions of membership of the board.

New subsection (1) provides for staggered terms of membership of up to a maximum term of four years. New subsection 3 *(d)* removes a cross-reference.

Clause 7 ends section 11 of the principal Act, dealing with proceedings of the board. References to the 'Chairman' and 'Deputy Chairman' of the board have been substituted by 'presiding member' and 'deputy presiding member' respectively.

Clause 8 amends section 14 of the principal Act, which sets out the functions of the board. A reference to 'the Archives' has been substituted by a reference to 'the Public Record Office of South Australia'. Functions related to the Institutes Association of South Australia and the institutes have been struck out.

Clause 9 amends section 21 of the principal Act, which deals with the payment of subsidies to public libraries and public library services. References to the institutes have been struck out. The scope of section 21 has been widened to permit the payment of subsidies, or other assistance, for the establishment, maintenance or extension of community information services.

Clause 10 repeals sections 23 to 30 (inclusive) of the principal Act. These sections deal with the Institutes Standing Committee and the Institutes Association of South Australia.

Clause 11 amends section 35 of the principal Act. This deals with the lodgment of copies of material published in South Australia with the board and the Parliamentary Librarian.

New subsection (5) *(e)* widens the scope of section 35, to include material produced in the form of a record, cassette, film, video or audio tape, disc or other item made available to the public, designed to reproduce visual images, sound or information. However, subsection (5) has been amended to allow prescribed material or material of a prescribed class to be excluded from the lodgment requirements of section 35.

Clause 12 amends section 36 of the principal Act, which deals with societies affiliated with the board. The Astronomical Society of South Australia is disaffiliated by this provision.

Clause 13 amends section 37 of the principal Act. This deals with the vesting of certain gifts or bequests in the board. Future gifts or bequests to the Institutes Association of South Australia or to the institutes will continue to be deemed to be gifts or bequests to the board.

Clause 14 repeals the schedule to the principal Act, which lists the names of the institutes.

Schedule 1 contains a transitional provision providing for the termination of office of existing members of the board, on the commencement of the Act. Such members remain eligible for reappointment.

Schedule 2 provides for the expression of existing penalties in the principal Act in the new form of divisional penalties.

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

FRIENDLY SOCIETIES ACT AMENDMENT BILL

Second reading.

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 purpose of this Bill is to allow friendly societies in South Australia to broaden their investment powers and at the same time to redress some inadequate and inappropriate areas of the Act.

Friendly societies have traditionally been restricted in their investment powers to fixed interest securities which have trustee status purchase of freehold property in South Australia and other investments approved by the committee of management of a society and consented to by the Minister after recommendation from the Public Actuary. Investment in company shares, debentures and notes has been precluded.

These restricted investment powers have probably resulted in lower long-term returns than could have been achieved from a wider range of investments.

Victorian friendly societies now enjoy wider investment powers than their South Australian counterparts and are selling market-linked bonds where funds are invested partly, or wholly, in shares and where bond values rise and fall in line with the market values of the underlying assets. Share investments also have advantages due to the imputation benefits that accrue from franked dividends.

The Bill allows for investment in such shares debentures or other securities as the committee of management of a society may request, but only with the consent of the Minister on the recommendation of the Public Actuary (who is the Registrar of Friendly Societies in South Australia) and subject to such conditions as the Minister may impose.

This broadening of investment powers will allow South Australian societies to provide a spectrum of market-linked investments to their members.

The Bill gives the Public Actuary the authority to have misleading advertising material withdrawn or suitably amended. This will be particularly important if market-linked products are developed by societies in this State, but in any event it redresses a gap in the existing legislation.

The Bill also gives the Public Actuary the authority to allow a society to defer the payment of benefits if he is of the opinion that payment would be prejudicial to the financial stability of the society or to the interests of its members. A similar provision is contained in the Commonwealth Life Insurance Act. It is a provision that hopefully will never be needed but it will be a useful safeguard in the event that there is a run on a friendly society. The term 'Capital Guaranteed' is used almost universally to describe insurance company and friendly society policies and bonds that accrue interest or bonuses on capital that is secured by mainly fixed interest investments. However, without the ability to defer payments this 'guarantee' would be worth very little if interest rates were to rise quickly and there was then a run on a society.

The Bill removes from the Act the section that limits to $1 000 the amount that may be paid by a society to a nominated beneficiary. This section has little or no practical relevance in the current environment of no death or succession duties and its removal will avoid unnecessary delays in payment of benefits.

The remaining parts of the Bill provide for the replacement of the term 'Chief Secretary' by 'Minister' throughout the Act.

Clause 1 is formal. Clause 2 amends section 10 of the principal Act by deleting references to 'Chief Secretary' and substituting 'Minister'.

Clause 3 amends section 12 of the principal Act which sets out how a society's funds are to be invested. The amendment authorises a society to invest, with the consent of the Minister given on the recommendation of the Public Actuary and subject to such conditions (if any) as the Minister may impose, in such shares, debentures or other securities as the committee of management of the society requests.

Clause 4 inserts new section 22a into the principal Act. This provision empowers the Public Actuary, on application by a society, to authorise the society to defer the payment of benefits to its members if the Public Actuary is of the opinion that payment would be prejudicial to the financial stability of the society or the interests of its members. The Public Actuary can determine the period of deferral and impose conditions.

Clause 5 amends section 23 of the principal Act which deals with the payment of money on the death of a member or a spouse or child of a member. The amendment strikes out subsection (3) which provides that the general laws or rules of a society cannot provide for payment to a nominated person of an amount exceeding $1 000.

Clauses 6 to 10 amend sections 27, 27a, 27b, 30 and 30a of the principal Act respectively by deleting references to 'Chief Secretary' and substituting 'Minister'.

Clause 11 inserts new section 35a into the principal Act.

Subsection (1) empowers the Public Actuary to require a society, by notice in writing, to withdraw or cause the withdrawal from publication of, or take other specified remedial action in relation to, an advertisement relating to the society that is, in the opinion of the Public Actuary, false or misleading in a material particular.

Subsection (2) provides that if a society fails to comply with a requirement of a notice the members of the management committee are guilty of an offence. The maximum penalty is $4 000.

Subsection (3) provides that where an offence against subsection (2) is committed by a person by reason of a society's failure to comply with a notice under subsection (1) by which the society is required to do something within a specified time, that offence continues so long as the thing required to be done remains undone after the expiration of the time for compliance and the person is liable, in addition to the maximum penalty of $4 000 for that offence, to a maximum default penalty of $400 for each day for which the offence continues. If the thing required to be done remains undone after the person is convicted of an offence against subsection (2) the person is guilty of a further offence against subsection (2) and liable to a maximum penalty of $4 000 and a maximum default penalty of $400 for each day for which the offence continues.

Clause 12 amends section 37 of the principal Act by deleting the reference to 'Chief Secretary' and substituting 'Minister'.

The Hon. L.H. DAVIS secured the adjournment of the debate.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 2542.)

The Hon. J.F. STEFANI: The Bill has been the subject of lengthy discussions between employer groups and the Government over a period of at least 12 months. Of course, the Opposition has not been privy to these discussions and unfortunately, because the Government placed the representative employer organisation under an embargo of confidentiality, about the measures the Government was proposing to introduce, open discussion and consultation amongst a wider range of employer organisations has not been possible. The net result has been that many employers today are still not aware of what the Government is proposing in this legislation and the far-reaching effect which such measures will have on the industrial relations structures and laws embodied in the Act. The wide view which has been strongly expressed by many practitioners in the industrial relations arena is that many of the amendments are counter-productive and undesirable and should not be pursued.

The Opposition has the view that it is the responsibility of all decision-makers to analyse the individual merit of the proposed amendments and the Government must take into account the appropriate balances required to permit the industrial system to give effect to its objects. It should be clearly understood that the ill-conceived provisions in or amendments to the Act have severe long-term implications on all parties and their industrial working relations. It also means that the participants to the system are left with the responsibility and the problems which such bad laws have on the system until the Parliament can enact remedial legislation.

Whilst any general reform to the Act must recognise the appropriate balance between the interests of employers and employees to enhance their common interests, it should be clearly remembered that the Act sets a foundation upon which industry invests and employs and continues to do so in South Australia. Therefore, the cost impact and employment incentives (or disincentives) to industry resulting from any reform to the Act must be regarded as fundamental issues to be taken into consideration in assessing their individual and collective merit.

It should also be clearly understood that many constructive employer proposals to amend the Act have been ignored by the Government and because many important issues have been raised by the broad employer community with the Opposition we will be proposing a good number of amendments which will address these concerns and issues and which will provide a more realistic balance and approach to the system.

The Liberal Party is opposed to the provisions in the Bill which provide coverage of outworkers within the jurisdiction of the South Australian Court and Commission, particularly where no master/servant relationship exists. Whilst we would generally concede that the issue of outworkers needs to be addressed in some form, by implication the current proposals are too broad in terms of the scope of work proposed to be covered and the particular method of coverage which is proposed under the amending Bill.

In terms of the scope of work, we believe that the provision has the potential to be too broad and to extend to areas not contemplated even by the present Government. Accordingly, our proposed amendments attempt to define outworkers in a particular industry and working from home and to provide the future mechanism to correctly identify and deal with any other appropriate process or outworkers engaged in exploitative work practices beyond the current provisions.

The Opposition has further concern regarding the proposed definition and the inclusion of the body corporate as a potential outworker. This provision is in our view unnecessary, given that the great bulk of persons who form a

body corporate in order to enter into a particular contract would obviously be aware of their legal status following such incorporation and as such would be aware of the nature of their contract.

This provision is open to abuse, whereby an individual in a corporation might deliberately personally perform all or a substantial part of the work undertaken by their body corporate in order to invoke the outworker jurisdiction and, accordingly, breach the agreement that had been entered into in good faith.

The Bill further deals with the extension of time to claim underpayments. Whilst the Federal Industrial Relations Act 1988 contains a jurisdiction for underpayment claims up to six years, this provision is merely a reflection of its predecessor and was not debated on its merits. It should also be understood that there has been no case made as to substantial prejudice being caused by the existing three-year limit, which of itself creates evidentiary difficulties for the parties.

The Bill itself in other sections specifically empowers employees in terms of knowledge as to their entitlements and their payments, and, accordingly, there appears to be no need to extend the period for claiming entitlements beyond the current three years.

The proposal for the Industrial Court to award penalties against an employer, if in the opinion of the inspector the defence of a claim by an employer is not justified, is an absurd provision. This proposal is unnecessary as the circumstances being addressed in the section are exceptional. The penalty provision works from the presumption that employers are major corporations with endless funds that can contest and participate in such proceedings without regard to cost. The reality is that most employers in this situation are small business owner/operators who may well be unrepresented and accordingly should not be penalised for a genuine belief that their objection to the claim is justified.

Should the Government proceed with this amendment, we would request that the words 'in the inspector's opinion' in paragraph *(a)* of (4a) be removed so that the inspector is required to give a judgment in accordance with departmental policy and not merely that inspector's personal belief. We also request that the level of penalty be reviewed as the one proposed is draconian.

We oppose the striking out of subsection (5) of section 31 which removes any opportunity for an employer to argue that a claim has been vexatious and, accordingly, removes any bar to any employee taking and pursuing a claim for nuisance purposes. Since the introduction of section 31, there has been a massive growth in the area of contested dismissals and the number of section 31s currently being taken is quite alarming. The proposal to eliminate any possibility of costs is completely in contrast with the proposals to penalise employers under section 15 and accordingly the creditability of the Government must be questioned on these issues.

The Liberal Party strongly opposes the proposed restriction on the use of legal practitioners in proceedings, as we believe that it is a fundamental right of all parties in society to choose their own form of representation. We also consider that the distinction between the voluntary conference procedure and compulsory conference or arbitral proceedings is sometimes artificial, and, accordingly, we perceive significant administrative problems. We oppose strongly the extension of the Industrial Conciliation and Arbitration Act into independent contractual relationships. The employer community has long held this objection and it is relying on Parliament to keep the independence of parties to a contract.

It is inappropriate to provide for the regulation in any form of independent contractual relationships in the industrial relations setting, which is specifically designed for employers and employees. It should be understood that even the Federal 'Hancock' proposals which were also opposed by employers only contemplated extending the coverage of the Act to cover *de facto* employees and not to regulate independent contractual relationships *per se*. It should also be noted that the Federal Government did not proceed even with this modified form of contractual regulation.

We are specifically concerned with the inclusion of body corporate provisions which are open to abuse and which in our view are unnecessary, given that those persons who have formed a body corporate are obviously business people in their own right and capable of participating in an independent contractual relationship. Whilst the conciliation proposal as contained in section 38 appears to be significantly better than earlier proposals by the Government, we are concerned that the conciliation procedures could be used merely as a forerunner to provide full arbitral award making powers for the commission in this area, and accordingly we oppose it.

The proposal in terms of section 39, the review of harsh, unjust and unconscionable contracts, is strongly opposed by employers. The thrust of this provision is based on 88 *(f)* of the New South Wales Act, which has proven to be an absolute failure in dealing with such issues. We are particularly concerned that the commission, in dealing with this issue, will apply the narrow industrial relations tests which form its current charter and will not consider the different nature of the relationships which will come before it, pursuant to the proposed section 39. We are also particularly concerned that subsection (3) would allow parties, which have no legitimate role in the contracts under review, a right to seek a review of that contract, notwithstanding that the particular parties are happy with the arrangement. Accordingly, subsections (3) *(c)* and (3) *(d)* must be removed to prevent a total abuse of this provision.

In clause 13, relating to section 44 of the Bill, the United Trades and Labor Council is afforded status in terms of the existing Act with respect to Industrial Commisison proceedings. However, the proposed new section 44 is inappropriate, given that it extends its right to the court where matters are taken on an individual basis as against the general representative basis under which commission proceedings are held. It should also be noted that the United Trades and Labor Council would assume power under the proposal well beyond the right of registered organisations which must seek leave to appear and which are not guaranteed the right to make such representations and tender such evidence as they think fit, as is proposed for the UTLC. Accordingly, the proposal is strongly opposed by the Liberal Opposition.

The proposed amendment, dealing with unpaid wages, is an over-reaction to a very small number of cases. The provision is also broad and unnecessary, given the great bulk of inspections and the subsequent dealing of matters arising from those inspections are resolved. It should also be understood that inspectors are only human and accordingly they are sometimes wrong. With the existing proposal the onus will be on the employer to seek a review rather than the onus being on the inspector to take action to invoke the section.

The Hon. G. Weatherill: I don't believe this.

The Hon. J.F. STEFANI: The proposal, particularly as it requires the employer to provide evidence that any amount due in the opinion of the inspector has been paid, is a denial

of natural justice, in that the employer is automatically guilty until proven innocent.

The Liberal Party is totally opposed to the allowance of sick leave during long service leave. Whilst only applying on seven consecutive days it will result in costs to employers, as employees do not always take outstanding entitlements. An additional way in which these entitlements can be accessed will produce additional costs.

It should be understood that long service leave is different in nature from annual leave as annual leave represents a period of working days off, whilst long service leave is an entitlement to a certain period of weeks away from employment obligations. The difference in treatment of public holidays, which in the case of long service leave do not extend the period of leave, is an obvious example of this difference in nature. It should also be understood that with an employee often taking long service leave away from their place of employment or residence the ability for an employer to pursue or follow up on medical certificates is limited, and accordingly the provision may well be open to abuse.

Clause 22 relates to section 108a and industrial agreements. It is strongly opposed as an inappropriate and unnecessary restriction on the discretion of the commission. The proposal is an attack on the ability of unregistered associations to participate and register industrial agreements and in this regard we would refer to the 1985 amendments when a similar proposal was rejected by the Parliament. Since the introduction or confirmation of the ability of unregistered associations to participate in such agreements took place in 1985, there has been no evidence of abuse of such agreements, nor an increase in their number. Accordingly, there is no justification for the proposal in this respect.

We are also opposed to the inference in the provision that the commission may not approve of an agreement merely because one trade union or another is not a party to the proposed registered industrial agreement. This proposal is an intrusion into the normal operation of industrial relations and will of itself create demarcation disputes where none exist at present. Accordingly, we consider the proposal to be totally inappropriate and ill-conceived.

The existing provisions relating to the dismissal of or discrimination against an employee has been widened to include threats or detrimental acts. The Liberal Party will oppose this measure which is totally unworkable and inappropriate.

Finally, the Bill contains some technical amendments with which the Opposition has no problem. It further incorporates a number of other measures which have been collectively contributed by various parties. We have attempted to outline the issues and community concerns and urge the Government to seriously consider the amendments to be moved by the Opposition in Committee.

The Hon. DIANA LAIDLAW: The Hon. Julian Stefani has outlined the Liberal Party's position on this Bill, and I intend this evening to address one aspect: clauses 3 and 4, which deal with the vexed issue of outworkers. During the 6½ years I have been a member of Parliament, I have taken a keen interest in the employment status of women in this State. I am well aware that the issue of outworkers is principally an issue of women and employment and their options to obtain employment.

I indicated earlier that this is a vexed issue, and I suppose I am disappointed at the way in which the Government has addressed this issue because it sees it simply in terms of exploitation. To the Government it is black and white: it is either deemed to be exploitation, or the Bill will limit even further the options for women to seek paid employment.

There is no doubt that there have been some horrific instances of bad employment practices in relation to outworkers. I am well aware of this fact. Instances have been brought to my attention by individual representation, continuous contact with working women's centres, the UTLC from time to time, and also aged groups in this State.

If I was not in this place and did not have my responsibilities I would love to spend more time doing handwork. I love knitting and enjoy tapestry and dressmaking. I know that these are fields of interest for which one would probably never receive on an hourly basis a return equal to the labour put into it. This labour is undertaken for the love of the craft and there are many older people with whom I come in contact who have been trained well in these areas of knitting, handwork, embroidery and tapestry, who love the work and wish to receive a small monetary reward for it without losing their pension benefits.

We have to look at this point in relation to this issue. The fact that we have a system of pension payments and the tapering off of the pension to a level where one could lose the health benefits card means an encouragement of dependency on the pension in this State and nationally. It also provides an incentive which can be and is at times, exploited by retailers who use the skills of these old women in particular to knit garments for retail.

I recently purchased jumpers from the Handknitters Guild of South Australia. If any members have not attended their exhibitions, I thoroughly recommend they do so. The Handknitters Guild of South Australia was established for two principal purposes: first, because of common interest and the love of craft. Members opposite may be interested to know that many men are knitters and are members of the Handknitters Guild of South Australia. These people also joined together because of a renewed interest in handwork and one-off designer created jumpers for which we see an enthusiasm in our shops at present. They felt that in many instances they were being exploited in relation to the reward they received for their creations.

On speaking to various members I received examples of items for which, after the supply of wool, they received payment of only $50 per jumper. Those same jumpers are sold for $400 in city stores. Anyone who does handwork would realise that some of the intricate designs incorporated in these jumpers and jackets take hours, days and weeks of work and $40 is an insult and equates with the vilest sort of exploitation.

People sell jumpers through exhibitions held by handknitters in surburban areas throughout South Australia for $120 to $150, and the money goes to themselves. They display their craft, enjoy it and, through getting together as a guild, receive more adequate but certainly not full recompense for the hours of work which they put into these creations.

The Hon. G. Weatherill: It is a hobby; they are not relying on the money.

The Hon. DIANA LAIDLAW: A lot of pensioners do rely on that money in order to live, because the honourable member would know as well as I do that the basic pension is absolutely inadequate.

The Hon. G. Weatherill interjecting:

The Hon. DIANA LAIDLAW: But a lot of people are outworkers, because they have been selling their handicraft on contract through retail outlets. If the honourable member says that is not outwork, I am not sure what he means. They may do it to top up their income but, because of the current charges, costs and the like in this State, I am not too sure how many people could manage without topping up their pension.

Many other women, often from a non-English speaking background, do not have opportunities to find paid employment on a part-time or full-time basis in the work force as we would recognise the traditional paid type of job with benefits in our community. Those women are also being exploited in many instances. The Indo Chinese-Australian Women's Association, of which I am a member, can recount some hair-raising examples. The Indo Chinese women have come to Australia as refugees in order to make a new life for themselves and for their families, but their skills are only as peasants on the land in Vietnam. This country has such a different type of agricultural system, so that, being desperate to provide a new life, they will take any sort of job that is available. They are also vulnerable. Hopefully, with improved language skills, a longer and more established life in Australia, and with training and support, they can eventually escape that situation.

However, many other women wish to work at home for a variety of reasons. I will not be as judgmental as was the Hon. George Weatherill earlier when he reflected on the reasons why a person may need to 'top up their income', or may need additional income for a washing machine or whatever. I do not really care why they seek paid employment. In fact, I do not think that is our business and it is not appropriate to make distinctions on that basis during this debate. However, for some period in their life, if women have small children, they often decide to look after them on a full-time basis at home. I have letters written by a number of women who have been particularly distressed since the Clothing and Allied Trades Award was amended some months ago. They have since lost the work that they did at home for which they received a rate of $8 an hour. The conditions under the amended award make it unreasonable for them to continue in that employment. The award stipulates that a certain number of hours must be worked each week, but they do not want those stipulations imposed on them.

The reason for their preference for working at home was that it had a degree of flexibility and allowed them to continue to care for their children. It also provided extra income to support and maintain their family and perhaps to help with interest rates and the like. They can also continue to use their skills so that, when the children enter school, they can return to the work force on a full-time basis.

There may be a variety of reasons why women in particular enter into these contracts. Members of the Labor Party may wish to comment on their reasons for making that choice, but the Liberal Party does not. Perhaps that is one of the basic differences between our two philosophies.

Exploitation is a very real concept and experience for many women. I have acknowledged that fact, and the Liberal Party does not condone exploitation in that sense. However, I note that this Bill does not address the reasons for that exploitation. Women may be subjected to 'exploitation' for a whole range of reasons. I ask members to spend more time in looking at some of these reasons in terms of the stereotyped education many women receive, attitudes within the community about the role of women in society, and lack of job opportunities. Even in their better moments, Government members would have to acknowledge that a limited range of job opportunities is available in this State. We have the highest youth and adult unemployment on the mainland.

Women raise *ad nauseam* the lack of child care facilities as a reason why they cannot exercise their options. If we are looking at the issue of exploitation, we are looking at the limitation of options. As I acknowledged earlier, there is no doubt that the manner in which the pension is calculated (and it tapers off in respect of one's entitlement to a health benefit card) also leaves many pensioners dependent and vulnerable to exploitation. When we consider exploitation, we have to be very careful that we do not get too emotive and that we look not only at the results but also at the reasons for that exploitation.

Perhaps it is not proper to acknowledge people who are sitting in the gallery but, without pointing to the individual, I acknowledge that considerable work is being undertaken by the Minister of Employment and Further Education in order to extend training opportunities for women. I believe that he would share my view that much more could and should be done in this field. In fact, if we are to give women the options and remove them from situations where they are likely to be exploited in the labour market (and, in relation to domestic violence, in the home), I challenge the Labor Party, when considering this legislation, to look at the reasons for the exploitation and not just the consequences.

I also challenge them to look at outworkers not just in terms of exploitation, because it is a positive benefit to many women of all ages in providing them with opportunities at a given time in life to earn extra income or to maintain their skills so that, after a short period of time (with the help of measures that we provide in society), they may lift themselves above that area where they are vulnerable to exploitation, and they are in full control of their lives. I do not want to extend my remarks on this Bill. However, I find it difficult to come to terms with the fact that the Government addresses outworkers only in terms of exploitation.

The matter should be addressed in broader terms. The Liberal Party seeks to eliminate the exploitative practices in this regard. We have foreshadowed an amendment in this field, and it is highly desirable that that amendment is supported in this Council, because it narrows down the very broad ambit of the definition that is incorporated in this Bill. I support the second reading.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: The Hon. Mr Griffin raised some points in relation to this Bill. He asked that consideration be given by the Crown to its meeting the cost of an appeal in the case of an appeal by it against success in an abuse of process application. The question of meeting the costs of Crown appeals would need to be considered in each case, just as it is at the present time with respect to other appeals. On occasion, the Crown agrees to meet the costs of Crown appeals, and sometimes, indeed, the costs of defendant appeals where a principle of law needs to be determined.

There is nothing special, however, about an abuse of process appeal as opposed to other appeals, and the matter of costs would need to be considered on a case by case basis. With respect to the honourable member's comment that in new section 352 (1) *(a)* reference to a case stated had been deleted, I refer him to clause 7, which inserts new section 352 (5), where the provision relating to the Full Court determining that a matter can in certain circumstances go up to it as a case stated which was deleted from the existing Act is now contained in the amended section 352 (5).

The honourable member then queried whether, under proposed section 352 (1) *(b)* the provision for the certificate of the judge of the Supreme Court or District Court, certifying that a case is fit for appeal, should be deleted. It is deleted because the trial judge can grant leave to appeal under subsection (3). The granting of leave to appeal has the same effect as certifying that a case is fit for appeal. The honourable member asks who is to give leave to appeal under section 352 (1) *(a)*. It is the trial judge of the Full Court. Subsection (3), which is in the Bill anyhow, provides that it can be either the trial judge or the Full Court.

With respect to the honourable member's comment as to the provision in the Bill which says that no appeal may be brought against a sentence if the sentence is one fixed by law, that does not have any relationship to the Sentencing Act. The Sentencing Act does provide that, in certain circumstances, minimum penalties can be mitigated. However, in relation to the Sentencing Act (although it is the subject of some consideration in the Full Court and the Supreme Court at the moment), the intention of Parliament was to say that, where a specific Act dealing with a specific topic provided for a minimum penalty and made it clear that there was to be a minimum penalty, the Sentencing Act, which could provide for mitigation of that minimum penalty, would not apply.

In any event, that is not relevant to this Bill. The reference to a sentence being fixed by law (which, by the way, is included in the existing Act) does not change the law or, indeed, the wording in that respect. However, that would apply to any sentence that is fixed specifically by law, such as the sentence of life imprisonment for the offence of murder, which is a mandatory sentence fixed by law and, therefore, no appeal against it would be open under the amending Act which we are considering today, and neither is it open under the existing Act.

The Hon. K.T. GRIFFIN: I thank the Attorney-General for his answers. In relation to that last point, I know the words in parentheses referred to in the proposed subsection (1) are in the present Act, but, since the criminal law sentencing legislation became effective, it seemed to me that there may well be some conflict, particularly because that legislation does give a wider range of opportunities to a defendant to seek mitigation of a minimum penalty.

The matter has been considered by the Attorney. I have raised it and it is now a matter which, if it is ever raised, will obviously have to be considered by a court of appeal. My intention was really to draw attention to it, and I am satisfied that that is being done appropriately.

Clause passed.

Remaining clauses (2 to 10) and title passed.

Bill read a third time and passed.

LAW OF PROPERTY ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

COUNTRY FIRES 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 explantion inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Country Fires Act 1976-1986 has been operative since September 1979. It empowers the Country Fire Services Board to regulate and supervise measures to prevent fire, and to organise firefighting resources and the training of personnel throughout the State.

The Country Fire Services itself is the largest volunteer organisation in the State with a current membership in excess of 19 000. These men and women provide an incalculable contribution to the protection of South Australia not only from bushfire and fires generally but increasingly, in the areas of road rescue and dangerous substance incidents.

The service has been involved in major incidents and events which have impacted significantly on this State and its people. The effects of such incidents on the CPS itself is profound.

The impact on the CFS of the Ash Wednesday fires in particular went beyond the immediate physical effects.

Inquiries including a coronial inquiry following Ash Wednesday II identified major organisational and operational deficiencies. The 1988 Mount Remarkable fire and subsequent coroner's report also identified some organisational weaknesses.

The Public Accounts Committee has also had cause to examine the finances and operations of the CFS and as a result has made a number of findings critical of the CFS and put forward recommendations for improvement.

Fire prevention has also been subjected to detailed scrutiny. In 1985 the Working Party Report on Bushfire Prevention and Electricity Distribution, known as the Lewis Report, recommended the adoption of stronger fire prevention measures. The CFS Board has implemented the recommendations of these Reports within the confines of existing legislation. Some changes have been adopted by local communities in an effort to improve their fire suppression and prevention capabilities.

A major step in overcoming the identified problems was the decision of the former Minister the Hon. J.D. Wright to restructure and reduce the size of the board. By doing so he brought to the board, direct volunteer and local government representation together with persons with financial and administrative expertise.

I take this opportunity to commend the work of the Country Fire Services Board since its restructuring in late 1984. The board's commitment to revitalising and strengthening the service does it great credit. The South Australian community can feel well served by the board and the service generally.

The Country Fire Services Board, in its restructured form, has effectively established a framework on which the CFS in South Australia can proceed. The board is hampered in its efforts by the restrictions placed on it by the outdated existing CFS Act. When these problems were identified, a working party consisting of members from the CFS Board, the Local Government Association and the South Australian Volunteer Fire Brigades Association was established to provide a forum to discuss proposed changes to the legislation.

The working party agreed that the changes proposed would improve the efficiency of the CFS organisation. The Bill now before the Parliament has its basis in the work of the working party as well as the findings and recommendations of the various reports referred to earlier.

During the development of the Bill, each stage of drafting has been referred to the representatives of the South Australian Volunteer Fire Brigades Association and the Local

Government Association on the CFS Board. Minor changes which reflect the view of these two bodies have been made and included in the Bill. In addition, this Bill, in its draft form, was circulated to all of the parties with a principal interest in the provisions of the Bill.

A number of submissions were received and carefully considered. As a consequence, some alterations were made to the Bill which reflect the views of these organisations. Input has been sought from Government departments likely to be affected by the provisions incorporated in this Bill.

The Bill as it has emerged from the process of consultation provides an appropriate level of central responsibility for coordination and planning while maintaining a sufficient degree of local decision making. I am not, of course, suggesting that the Bill in its entirety has the universal support of interested parties. Certainly, however, the board, the volunteer association and other emergency services are anxious that the Bill be passed in its present form.

I turn now to a general discussion of the Bill, its objectives and major provisions. The size and composition of the board has altered to include an additional volunteer representative and an additional local government representative. While the Government is anxious to minimise the size of the board the Government has accepted representations from the volunteer and local government organisations that, as principal participants in rural fire prevention and protection, increased representation on the board is justified.

The Bill also requires that one of the Government appointed members of the board have expertise in land management. I point out that one of the existing members appointed by Government has such expertise. The Bill also requires that membership of the board include at least one person of each gender. The Bill overcomes major deficiencies and streamlines the command structure of the operations of the Country Fire Services.

The present Act does not provide for a chain of command. The Bill, before the House, establishes a sound command system from the chief officer through the ranks in a similar manner to that enjoyed by all other fire services. It simply means that those persons whom the community relies upon to attend incidents have the ability to make the necessary operational decisions. In concert with the above, the Bill strengthens the brigade group system to ensure a proper forum for the coordination of fire suppression activities in an area.

The Bill gives formal recognition to the South Australian Volunteer Fire Brigades Association as the body which represents the view of the volunteers. The Bill clarifies the functions of the board which were broadly stated in the 1980 Amending Act. These provisions include the regulation and control of measures necessary for the prevention and suppression of fire and the protection of life and property in case of fire or other emergencies.

The board requires appropriate legislative backing to ensure that all areas of the State under its jurisdiction are provided with the necessary equipment to perform the tasks required. The same powers are required to ensure that the equipment is maintained to a satisfactory level in all areas. Similarly, the responsibility of adequate training programs will be the responsibility of the board. The board has actively pursued the formation of CFS groups to provide efficient, cost effective delivery of service to the country areas of South Australia.

The current provisions relating to the lighting and maintaining of fires during the fire danger season have, to say the least, been confusing to the general public. The board has addressed these problems as best it can within the confines of the present legislation; however, many anomalies still remain. This Bill clearly establishes the parameters within which the board will be able to regulate the use of fires during the fire danger season.

Considerable public confusion has existed over the terminology used to publicise days of 'Total Fire Ban'—or days of extreme fire danger—and thus the import of such days can be lost. In future, the broadcast of such warning will use the words, 'Total Fire Ban Day', thereby increasing its impact on the public.

The Bill does not alter the existing method of funding the service through a combination of a state government contribution and an insurance industry contribution. It is proposed however to strengthen this system of funding by providing some disincentives for those who fail to insure, under insure or insure with companies which fail to make a contribution to the CFS.

The Bill provides for a major restructuring of fire prevention responsibilities throughout the State. The bushfire prevention council which currently operates on a non-legislative basis will be formally established by statute. To support the work of the Council Regional and District Fire Prevention Committees are provided for under the Bill. These bodies will ensure the co-ordination of fire prevention activities.

These provisions, with the co-operation of all participants, will go a long way to reducing the danger to life and property from wild fire. Membership of such committees will be representative of local land users who will formulate fire protection plans at district and regional level. The powers of local government will be strengthened to ensure that local communities have improved fire protection as recommended by such committees.

In conclusion, the Bill represents a blue print for the efficient and effective delivery of fire protection and prevention services in South Australia's country areas. The adoption of the Bill will require local government to relinquish a modest amount of control in the interests of a clear chain of command and the better coordination of resources. I believe such a small sacrifice is warranted in the interests of the community's protection. I commend the Bill to the House.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 deals with various preliminary matters. Subsection (1) sets out the various definitions required for the purposes of the Act. Subsection (2) relates to bushfire prevention. Subsection (3) provides that the CFS and bushfire prevention organisations must have due regard to the impact of their actions on the environment.

Clause 4 empowers the board to declare any specified part of the State to be a CFS region. A CFS region cannot comprise any part of a metropolitan fire service district.

Clause 5 provides that the Act will not derogate from the Native Vegetation Management Act, or other Acts relating to fire prevention or safety.

Clause 6 establishes the Country Fire Service. The CFS is to be a body corporate.

Clause 7 provides that the CFS consists of the board, all CFS organisations, and all officers, employees and voluntary workers of the CFS.

Clause 8 provides that the CFS is responsible for the prevention, control and suppression of fires in the country and the protection of life and property in other emergencies in the country.

Clause 9 establishes the Country Fire Service board. The board will have seven members, six members being appointed by the Governor and the other being the Chief

Executive Officer of the board. The Chief Executive Officer will be appointed by the Minister on a full-time basis. One of the members of the board will be appointed by the Governor as the presiding member of the board.

Clause 10 provides that the board has the administration and control of the CFS. Various specific responsibilities are also set out. The board will be required to ensure that the CFS carries out its responsibilities effectively and efficiently. It will promote the formation of CFS organisations. The board will be responsible to the Minister for the administration of the Act.

Clause 11 allows the board and the Chief Executive Officer to delegate powers and functions under the Act.

Clause 12 relates to the establishment of CFS organisations. The board will be able to constitute CFS regional associations, CFS groups (made up of two or more brigades) and CFS brigades. Each CFS organisation is to have a constitution. The board will be able to dissolve a CFS brigade by notice in the *Gazette*.

Clause 13 provides that the mutual relationship of CFS organisations and their obligations to each other will, subject to the Act, be defined by the board.

Clause 14 provides for the recognition of the South Australian Volunteer Fire Brigades Association. The Association will represent the interests of members of CFS organisations.

Clause 15 relates to the offices of Chief Officer of the Country Fire Service, Deputy Chief Officer and Assistant Chief Officer. The Chief Officer will have the ultimate responsibility for CFS operations and will be able to assume supreme operational command at any time.

Clause 16 provides for the creation of other ranks of the CFS. Persons will be appointed to certain ranks by the board, or elected in accordance with prescribed procedures. The board will establish an appropriate command structure. The board will be able to demote a person in appropriate cases.

Clause 17 establishes the Country Fire Service Fund. The Fund will be applied by the board in the administration of the Act.

Clause 18 will enable the board to determine, on an annual basis, an amount to be contributed by insurers towards the cost of the administration of the Act. A prescribed association of insurers may apply to the Treasurer for a review of the amount.

Clause 19 sets out the method by which an insurer's contribution is to be calculated. The amount of a contribution will depend on the extent to which the insurer receives premium income in respect of the insurance of property in the country.

Clause 20 will allow the board to require an insurer to provide the board with such information as it may require to assess the insurer's contribution. An authorised officer will be entitled to visit an insurer's premises and obtain information relevant to the assessment.

Clause 21 provides that the board must keep proper accounts of the financial affairs of the CFS.

Clause 22 provides that a rural council (as defined) is responsible for providing adequate equipment for fire-fighting within its area.

Clause 23 provides that a council may extend any portion of its revenue in defraying its costs under this Act, contributing to CFS activities in its area, and purchasing equipment by land owners for use by the CFS.

Clause 24 will allow the board to make grants to any council or CFS organisation for the purpose of defraying the cost of equipment reasonably required for the purposes of the CFS, or to purchase any such equipment.

Clause 25 provides that a council or CFS organisation must not sell or dispose of any building or equipment constructed or purchased with the assistance of a grant from the board, or sell or dispose of any equipment provided by the board, without the consent of the board.

Clause 26 grants CFS organisations exemptions from local government rates, water and sewerage rates, and land tax.

Clause 27 will enable the CFS to recover costs from an owner of property in the country if the person is not insured (or is not adequately insured) against loss or damage caused by a fire at which a CFS brigade attends.

Clause 28 is designed to enable the board to recover amounts from persons who insure with an insurer located outside the State where the insurer does not pay the appropriate contribution to the Fund.

Clause 29 establishes the South Australian Bushfire Prevention Council.

Clause 30 sets out the functions of the Council, which include to advise the Minister on bushfire prevention in the country and to provide a forum for discussion of issues relating to bushfire prevention.

Clause 31 provides that the board may establish a regional bushfire prevention committee in relation to a CFS region.

Clause 32 provides that the functions of such a committee include assessing the extent of fire hazards within its region, preparing plans, and making recommendations, in relation to major bushfire prevention work, and coordinating fire prevention planning in its region.

Clause 33 provides that the board may establish a district bushfire prevention committee in relation to the area or areas of one or more rural councils.

Clause 34 provides that the functions of such a committee include assessing the extent of fire hazards in its area, preparing bushfire preparation plans, and providing advice to the board, the Council, and any relevant regional committee.

Clause 35 will require each rural council to appoint a suitably qualified fire prevention officer. The board will be able to exempt a council from this requirement in appropriate cases.

Clause 36 authorises the board to fix a fire danger season in relation to the whole, or any part, of the State.

Clause 37 regulates the lighting and maintaining of fires in the open air during the fire danger season.

Clause 38 authorises the board to impose a total fire ban for any purpose on a specified day or days, or during a specified part or parts of a day or days, in the State or a part of the State. The ban must be broadcast from a broadcasting station in the State.

Clause 39 relates to permits authorising persons to light or maintain a fire in circumstances that would otherwise constitute a breach of the Act.

Clause 40 empowers a CFS officer to control a fire that has been lit contrary to the Act, or that is burning out of control or is likely to burn out of control. The CFS officer will also be able to prohibit the lighting of a fire in conditions where the fire could get out of control.

Clause 41 provides that it is the duty of the owner of private land in the country to take reasonable steps to protect his or her property from fire and to prevent the outbreak of fire on the land, or the spread of fire through the land. An owner who fails to do so may, by notice in writing, be required to take action to comply with the section. The provision sets out a right of appeal against such a notice.

Clause 42 places a responsibility on a rural council to protect land in its care or control from fire.

Clause 43 places a responsibility on a Minister, agency or instrumentality of the Crown to protect land in its care or control from fire.

Clause 44 will empower an authorised officer, in relation to premises of a prescribed kind, to require the owner of the premises to protect them from fire.

Clause 45 will allow the board or a council to control the removal of debris from any work left on or in the vicinity of a road.

Clause 46 will make it an offence to use a caravan unless an appropriate fire extinguisher is carried in the caravan.

Clause 47 will allow the regulation of the use of certain prescribed engines, vehicles, appliances or materials during the fire danger season.

Clause 48 creates various offences relating to the release of burning objects and material in the country.

Clause 49 requires a person who finds an unattended fire on land in the country to take reasonable steps to report the fire to an appropriate authority.

Clause 50 will allow a council to delegate any power or function in relation to fire prevention to its fire prevention officer.

Clause 51 empowers the board to take action if it considers that a council has failed to exercise or discharge its powers or functions under the Act in relation to fire prevention. The board will (if necessary) be able to recommend to the Minister that the relevant powers or functions be withdrawn from the council and vested in an officer of the CFS.

Clause 52 will allow a CFS brigade to enter into an agreement to clear flammable material from land. Money received under such an agreement will, after deducting expenses, be used by the brigade for the purpose of providing fire fighting services in its area.

Clause 53 will make it an offence to light a fire in circumstances where the fire endangers, or is likely to endanger, the life or property of another. It will be a defence to a charge of an offence against this section to prove that the fire was lit on land owned or occupied by the defendant, or at the direction of such a person, or that the danger was caused by unforeseen weather conditions, and that the defendant took all reasonable precautions to prevent the spread of the fire.

Clause 54 will empower a member of the CFS to take control of a fire or other emergency in the metropolitan area until a metropolitan fire brigade arrives. It will also provide that all persons at the scene of a fire or other emergency in the country will be subject to the control of the most senior member of the CFS in attendance.

Clause 55 sets out powers of a CFS officer in relation to fire-fighting or for the purpose of protecting life or property in any other emergency. A CFS officer will be required to consult (where practicable) with the owner or occupier of any land in relation to which a power is to be exercised. If a fire or other emergency is on land in, or in the vicinity of, a government reserve, or is likely to threaten a government reserve, the CFS officer must consult with the person who is in charge of the reserve. The powers of a CFS officer under this provision will be able to be exercised, in the absence of any such officer, by any other member of the CFS.

Clause 56 relates to the powers of appropriate officers to enter and inspect land for the purpose of determining the cause of a fire or other emergency and to remove and retain any object or material that may tend to prove the cause of a fire or other emergency.

Clause 57 will allow appropriate officers to enter land or premises at any reasonable time to inspect the measures taken in relation to fire prevention or the control of dangerous substances.

Clause 58 will allow appropriate officers who have reasonable cause to believe that a person has committed an offence against the Act to ask the person to state his or her name and address.

Clause 59 will make it an offence to hinder a person in the exercise of a power or function under the Act.

Clause 60 relates to the provision of sirens by a council or CFS organisation.

Clause 61 will make it an offence to interfere with a fire plug or hydrant.

Clause 62 will make it an offence to destroy, damage or interfere with a fire alarm, or to give a false alarm. The CFS will be able to recover the cost of attending at any place in response to a false alarm.

Clause 63 empowers the board to appoint fire control officers for designated areas of the State. These officers will assist in the preparation of fire prevention plans for their particular areas and fight fires or act in other emergencies until a CFS brigade arrives. A fire control officer will, pending the arrival of a CFS brigade, be able to exercise the powers of a CFS officer under the Act.

Clause 64 authorises a member of a recognised interstate fire-fighting organisation fighting a fire in the vicinity of a border of the State to exercise the powers of a CFS officer under the Act.

Clause 65 relates to the liability of officers performing functions under the Act.

Clause 66 will ensure that the board, the South Australian Bushfire Prevention Council, the regional and district committees, and local government councils will not be liable by virtue only of the fact that they have not prepared or implemented bushfire prevention plans under the Act.

Clause 67 prevents the establishment of unauthorised fire brigades in the country.

Clause 68 relates to offences by bodies corporate.

Clause 69 relates to the onus of proof in certain proceedings.

Clause 70 is an evidentiary provision.

Clause 71 provides that an offence against the Act is a summary offence.

Clause 72 relates to minimum penalties.

Clause 73 will allow any fine recovered from a defendant to a charge laid by a council to be paid into the general revenue of the council.

Clause 74 will require an officer of the Engineering and Water Supply Department to attend at the scene of a fire or other emergency and assist in the provision of water.

Clause 75 will empower a CFS officer to direct a competent person to take action to control, remove or shut off any dangerous substance in the vicinity of a fire or other emergency.

Clause 76 relates to regulations under the Act.

Clause 77 provides for the repeal of the Country Fires Act 1976.

Schedule 1 sets out supplementary provisions relating to the board and the South Australian Bushfire Prevention Council.

Schedule 2 sets out supplementary provisions relating to Regional and District Bushfire Prevention Committees.

Schedule 3 sets out various transitional provisions.

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

POLICE REGULATION 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 Police Regulation Act, 1952 was enacted to consolidate statute law relating to the management and internal administration of the police force. When introducing the legislation the then Premier, the Hon. Thomas Playford observed that the law up until that point was based on English law dating back around 120 years and was inadequate or unsuited to conditions of the day.

Although the Act has been amended from time to time there have been no fundamental changes to its framework.

The Bill before the House also leaves the framework of the legislation intact. However this to some extent belies the significance of the changes proposed, many of which are a direct result of changes to the Police Officers Award. The new Award provides a fundamental change to the nature of employment in the police force. Other changes have resulted from policy decisions taken in consultation with the Commissioner of Police and the Police Association of South Australia.

The changes to the Police Award were initiated by the Police Association in August 1985 when it sought a review of the existing rank based salary structure and increases in salaries for officers who performed specialist type functions.

By December 1986 the Police Association and the Department of Personnel and Industrial Relations on behalf of the Government reached substantial agreement on a new classification model. After further negotiation in relation to the details of the proposal an agreement was ratified in March 1988 by the full bench of the Industrial Commission of South Australia.

The new Award is based on the notion that members of the police force would be compensated for the skills and responsibilities required for the positions held and not simply on the basis of rank. In the words of the Commission 'Rank will go with the job not the person'. Prior to the restructuring a member of the police force would, upon attaining a particular rank, be transferred to a position appropriate to that rank. Now, however, a rank together with a skill classification is assigned to each position covered by the Award. A person will hold a particular rank by virtue of attaining a position.

In large measure the changes consequential upon the Award restructuring will be achieved through changes to Regulations. A number of changes are, however, required to the Act. Principally the ranks of First Class Constable and Senior Constable First Grade are to be abolished. Certain protections are provided under the Award for existing personnel holding the rank of Senior Constable First Grade.

In keeping with the changed concept of rank, the Bill modifies all references to appointment to rank in the principal Act. Appointments under the Act will now be to position rather than rank.

As I have already indicated there are a number of changes to the Act other than those necessitated by the Award restructuring. The issue of the powers and authorities of a police member seconded to a position outside the police force has been addressed. A person so seconded will not hold power as a police member unless specifically authorised by the Commissioner. This will ensure that seconded police members retain statutory and common law powers only where appropriate.

In the course of negotiations over the Bill, Union representatives advocated a general right of review of decisions of the Commissioner to transfer members of the force. The Government was not persuaded to this point of view. Essentially the decision to transfer a member is a management decision which should be left to the Commissioner. However the Government has accepted that safeguards should exist so the power is not used, or perceived to be used for the improper of purpose of unauthorised punishment.

Accordingly the Bill provides for a specific appeal to the Police Disciplinary Tribunal against transfer decisions where the member believes that the transfer has been imposed as punishment although there have been no disciplinary charges laid.

Further protection of the interests of members to be transferred will be provided by proposed regulations under the Act. While the Commissioner will retain the power to transfer members in the interests of the efficiency of the police force the Commissioner will be precluded from transferring members to a lower rank unless the transfer to a lower rank is effected as a consequence of disciplinary action taken pursuant to the regulations, or at the request of the member or during a period of probation after promotion.

Agreement has been reached by all parties involved that promotion appeals should be extended to positions of the rank of Senior Constable and Inspector. The Bill establishes, for the first time, appeals against the selection of a person for commissioned rank. This will assist in cementing into legislation the existing policy of selection on the basis of merit for promotion to commissioned rank.

In relation to appeals for Senior Constable positions a transitional provision included in the Bill provides for the withholding of appeal rights pending the expiry of the transitional provision. Appeals against the appointment of Senior Constables will be suspended pending the filling of all Senior Constable positions created as a result of the restructured award. This will facilitate the orderly and efficient filling of a significant number of positions created as a result of the restructuring by avoiding the inevitable rush of contingent appeals which occurs when multiple vacancies arise.

The promotion appeals process itself has been altered. This jurisdiction has been removed from the Police Appeal Board to a Promotions Appeal Board established by the Bill. The Promotions Appeal Board will, in format and procedures, closely resemble the board established under the Government Management and Employment Act to hear appeals. Parties appearing before the Promotions Appeal Board will be entitled to representation other than legal representation.

The Police Appeal Board will continue to determine appeals against decisions of the Commissioner with respect to termination of employment during a term of probation or on account of physical or mental incapacity. Parties before the Police Appeal Board will be entitled to representation by a legal practitioner.

There are a number of amendments included under the schedule to this Bill. These are, in the main, the upgrading penalty provisions and the adoption of plain language and gender neutral terms.

Interestingly the schedule also provides for the deletion of all references to the Chief Secretary and substituting the Minister where such references occurred. The administration of the Act has for some time been committed to the

Minister of Emergency Services who exercises all powers ascribed to the Chief Secretary under the Act. It is seen as sensible therefore to change the Act to reflect the withdrawal of the Chief Secretary from this area of administration. Of course this change will not preclude the administration of the Act being committed to the Chief Secretary at some time in the future without further amendment to the Act.

Finally honourable members would note that the Bill amends the short title of the Act from 'Police Regulation Act' to simply 'Police Act'. The change will assist in avoiding confusion between the Act and Regulations under the Act. With the change of title of the Police Offences Act to the Summary Offences Act the possibility of confusion in this area has been eliminated.

I commend the Bill to members.

The provisons of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 alters the title of the principal Act to the 'Police Act, 1952'.

Clause 4 inserts definitions of the Police Appeal Board (which is to be reconstituted) and the Promotion Appeal Board (which is to be a new board).

Clause 5 revamps section 10 of the principal Act so that it will be consistent with new section 11.

Clause 6 provides for a new section 11 of the principal Act. The significant change is to remove reference to appointments to positions on an acting basis.

Clause 7 repeals section 14 of the principal Act. Proposed new section 41 will require notice to be given when a person has been selected for appointment to a particular position in the police force (being a position that attracts a non-commissioned rank).

Clause 8 recasts section 16 of the principal Act. The section will specifically provide that a person appointed to the police force may take an oath or affirmation on appointment (a provision of general application in the Evidence Act, 1929, allows an affirmation to be taken whenever an oath is prescribed).

Clause 9 revamps section 17 of the principal Act so that it is consistent with the concept of a position being more significant than the rank.

Clause 10 revamps section 18 of the principal Act so that it is consistent with the language of section 17.

Clause 11 amends section 19 of the principal Act to change the passage 'infirmity of mind or body' to 'physical or mental disability or illness'. The present wording is outdated and the new wording provides consistency with the Government Management and Employment Act, 1985.

Clause 12 amends section 19a of the principal Act to change the passage 'physical or mental infirmity' to 'physical or mental disability or illness'.

Clause 13 provides for a new section 19b. In particular, subsection (3) provides that unless the Commissioner otherwise authorises in writing, where a member of the police force is seconded to a position outside the police force, he or she is divested of his or her powers as a member of the police during the period of secondment.

Clause 14 amends section 22 of the principal Act to remove reference to classes or grades of rank (as classes or grades no longer exist), and to refer to the fact that a person who is demoted will be demoted to a position that attracts a lower rank (not simply demoted to a lower rank).

Clause 15 enacts a new section 24a to allow a member of the police to appeal to the Police Disciplinary Tribunal where he or she believes that he or she is being transferred to another position as punishment for particular conduct, although no charge for breach of discipline has been laid. The applicant will have to prove his or her case on the balance of probabilities. It is intended that this be a simple, expeditious way for a member of the police force to test a belief that he or she is being wrongly disciplined for no explicit reason.

Clause 16 provides that a special constable may take an oath or affirmation on appointment.

Clause 17 enacts a new Part V relating to appeals. The Police Appeal Board is to be reconstituted and will hear appeals relating to any proposal to terminate the services of a member of the police force during a period of probation, or on the ground of physical or mental disability or illness. This Board will no longer hear appeals against promotions. The provisions relating to appeals to this Board otherwise remain unchanged in substance. It is also proposed to constitute a Promotion Appeal Board. This Board will hear appeals against proposals to appoint particular members of the police force to positions that attract non-commissioned ranks above the rank of constable, and proposals to nominate particular members of the police force for appointment to the rank of inspector.

Clause 18 inserts a new section 54 of the principal Act to clarify the Commissioner's powers of delegation. The provision is similar to the corresponding provision under the Government Management and Employment Act, 1985.

Clause 19 inserts a schedule into the principal Act relating to the constitution, practices and procedures of the Police Appeal Board and the Promotion Appeal Board. The Police Appeal Board will, in relation to particular proceedings, consist of a District Court Judge, a person appointed by the Commissioner, and a member of the police force chosen from a panel of five nominated by the Police Association. The Promotion Appeal Board will, in relation to particular proceedings, consist of a presiding officer appointed by the Minister, a person appointed by the Commissioner, and a member of the police force chosen from a panel of five nominated by the Police Association. Legal representation will be allowed in proceedings before the Police Appeal Board.

Clause 20 sets out transitional provisions relating to appeals against the selection of persons for appointment to positions that attract the rank of Senior Constable.

Clause 21 and the schedule to the Bill provide for various statute law revision amendments. In particular, the opportunity has been taken to remove references to the 'Chief Secretary' and to replace them with references to 'the Minister'. The penalties under the Act have been revised. Other amendments have been made to bring the Act into conformity with modern standards of drafting. It is proposed to consolidate and reprint the Act in due course.

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

DOG CONTROL ACT AMENDMENT BILL

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

ADJOURNMENT

At 10.49 p.m. the Council adjourned until Thursday 6 April at 2.15 p.m.