LEGISLATIVE COUNCIL

Thursday 6 April 1989

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

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

QUESTIONS

HOSPITAL CONTRACTS COMMITTEES

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about hospital contracts committees.

Leave granted.

The Hon. M.B. CAMERON: Members would probably be aware of the article which appeared on the front page of today's *Advertiser* detailing the Government's endorsement of a scheme which will allow union controlled committees the power to vet all contracts let by Adelaide's seven major hospitals—in fact, the majority of the major health units, including the five major country hospitals, and also Hillcrest and Glenside. Documents handed to my office yesterday detailing a South Australian Health Commission memo of 22 March described the setting up by Friday 14 April of contracts consultative committees at all these institutions. In part, the memo states:

> The South Australian Health Commission, after further talks with the United Trades and Labor Council on Friday 10 February, believes that all tenders and contracts being called or considered by a health unit should be referred to the respective contract consultative committee.

The memo then continues:

> The contracts consultative committee will ensure that contractors use union labour.

People claim that we do not have compulsory unionism in this State. The memo continues—

Members interjecting:

The Hon. M.B. CAMERON: We have heard from members of the Government on plenty of occasions, 'We don't have compulsory unionism.' You can be in or out, but the only thing is that you do not get any work. The memo continues:

> Health unit contracts consultative committees should consider any contract type works being undertaken by their unit, whether that work is a major capital work, divisional funded capital work, or work being funded from their unit's recurrent operational funding allocation.

That means every item that is purchased within a hospital. The memo continues:

> These proposed contracts for works should be considered in the light of and with due regard to the skills of unit personnel and their availability or suitability to carry out the works the proposed contract refers to.

The memo continues:

> This committee shall consist of a maximum of five management and five union nominees as notified to the South Australian Health Commission by the unions.

I am not sure whether that means that the union also selects management people as well. If it does, that is extraordinary. That is the way that the document reads. The memo continues:

> Prior to each monthly meeting, all members will be circulated with the following information, at least one week or five working days prior to the meeting:
>
> *(a)* a full list of all new contracts proposed to be let;
>
> *(b)* details of the asset or location with which the work is associated, so that it can easily be identified by committee members;
>
> *(c)* details of the type of work to be done, and the trades/categories of employees it is likely to involve;
>
> *(d)* the prospective accepted date of tender;
>
> *(e)* the reason for the project going to tender . . .

It later continues:

> The Committee can defer, except under exceptional circumstances, for five working days, consideration of any contracting proposal, to seek further information on it . . .
>
> *(b)* names and credentials of successful tenderers for all contract work;
>
> *(c)* union membership and observation of award wages and conditions of contractors for the workers in their employ;

That is everyone associated with that particular business. It continues:

> *(e)* past performance of contractors where they have done Government work before;
>
> *(f)* any problems associated with particular contractors or contract jobs . . .
>
> Decisions of the committee will be recorded and circulated to committee members within five working days of the meeting. Except in exceptional circumstances no contract shall be let by the SAHC without being considered by this committee. All union delegates to the committee shall have access to appropriate paid time to consider documents and consult with members on matters relating to the work of the committee.

I suggest that some of them will never work again in the health system. It continues:

> Committee members shall be granted leave to attend any recognised trade union training course organised to facilitate their participation in contract committees.

It goes on to say that the union will, in fact, have total control. It appears that this essentially union controlled contracts committee at the Royal Adelaide, for example, will be in control of accepting or rejecting engineering contracts which this year total about $14 million at that hospital alone. This is despite any evidence to date that the present decision making process on contracts is deficient. This committee will also be in charge of making decisions on engineering contracts worth up to $56 million at Adelaide's six other hospitals and contracts worth millions for the purchase of high technology equipment. As members can see, the contracts these committees will be dealing with are hardly chicken feed.

It seems to people who have contacted me that there is always a danger that people with such control over millions of dollars worth of contracts will be open to possible bribes or kickbacks in order to favour one tenderer over another. Back in 1987, information was given to me that a person working at the Royal Adelaide, who was involved with contracts, was receiving kickbacks for giving work to particular companies.

It would have been a very easy thing for me to raise in this Council at that time and cause a major problem for the Government, but I did not do that. In fact, I notified the hospital concerned, and the person involved is no longer working in that area, if working within the hospital at all. That information was given to me by the Chief Executive Officer of the hospital.

Last month a series of advertisements began appearing in South Australian newspapers in which the National Crime Authority was seeking any information about corrupt practices involving the payment of commissions and bribes to public servants and officials by private contractors. The areas of concern that the NCA is investigating include hospitals, roadworks and building rezoning. It seems to people who have contacted me that if the Government is determined to proceed with these union controlled consultative committees it should at least wait until it has received a report from the NCA on its investigations.

My question to the Minister of Health is: will the Government stop the proposed new system of reviewing major hospital contracts until it has a report from the NCA on its investigations into bribes, kickbacks and secret payments in the area of health?

The Hon. C.J. SUMNER: The answer is 'No'. The reference of this matter to the NCA was made by me, because it was an allegation which appeared in the media at one stage during the debate that occurred on a number of issues relating to alleged corruption last year. Despite calls for evidence on this particular allegation of corruption, no evidence has been forthcoming, either to me or to the Police Department, to substantiate any such allegations. However, because the allegations were made publicly in a newspaper in this State, they were referred to the NCA for investigation. To date, the requests for any evidence on those topics have not brought any response. Whether the NCA will find anything in that particular allegation, I cannot say. Certainly, to date no evidence has been forthcoming. Accordingly, there certainly would not be any grounds for stopping this proposal on that basis.

The honourable member made a number of other allegations and assertions in his explanation to which I am not in a position to respond in detail as I am not the Minister responsible for this matter. However, I can say in general that the Government has a policy of preference for unionists in its engagement of labour. It believes that that preference for unionists should apply to those engaged directly by the Government as employees and organisations subcontracted to do work for the Government.

The Government believes that organised labour in the form of unions and also employer organisations are essential for the smooth functioning of industrial relations in this State. The reality, confirmed again in today's media, is that South Australia has the best record of industrial relations in this country. It has the lowest record of industrial disputation, and that is a major plus for the State when selling the advantages of investment in South Australia. That has come about because of our industrial relations system. The Government believes that it has worked well in South Australia and it has achieved benefits regarding industrial disputation. If the Minister of Health wishes to respond to any of the other specific matters that the Hon. Mr Cameron raised, I will provide him with an opportunity to do so by referring the question to him.

The Hon. M.B. CAMERON: I should like to put a supplementary question. In view of the answer, in which the Attorney-General indicated that the Government has a policy of preference to unionists, does he believe that a directive which states that on 7 December 1987 Cabinet approved a redefinition of the method of letting Government contracts for the supply of work or labour to ensure that contractors use unionist labour indicates a policy of preference to unionists; or does he agree that it is an indication of a policy of compulsory unionism, which everybody else believes it to be?

The Hon. C.J. SUMNER: That is not the position. Compulsory unionism involves legislation whereby the Parliament would insist that, in order to be employed, individuals should be members of unions. That has not been the legislation passed by the Parliament. However, the Government has a firm policy of preference for unionists, and the Government is entitled to implement that policy. That is what the directive, to which the honourable member has referred, does.

TOURISM SOUTH AUSTRALIA

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Government, a question on the subject of Tourism South Australia and workers compensation.

Leave granted.

The Hon. L.H. DAVIS: The *Public Service Review*, a monthly publication which enjoys wide circulation, in its April edition, which arrived only two or three days ago, on page 18, under the heading 'Tourism SA and Volunteerism', makes some serious allegations about the lack of cover for people from Tourism South Australia with respect to workers compensation. The article states:

> The PSA has been approached by members employed within Tourism South Australia covering working in a voluntary capacity at weekends and other times. The term volunteerism includes arrangements to work overtime for which you are not paid, and for which you do not claim time off in lieu of time worked.

The article further states:

> The PSA has written to TSA regarding workers compensation coverage for our members working in a voluntary capacity outside of normal hours at departmental request. There seems to be a 'grey area' over whether PSA members are covered for workers compensation when they are working in a voluntary capacity.

From my experience, a large number of dedicated employees in Tourism South Australia work overtime without pay. Many travel from the city to country areas. They are vulnerable to accident. I am alarmed to think that they may not be covered by workers compensation when working in a voluntary capacity outside normal hours at departmental request. Quite clearly the suggestion of the Public Service Association, if correct, could have most serious implications for volunteerism, certainly within the public sector. My questions to the Minister are:

1. Will the Minister advise whether the Public Service Association statement on the position of Tourism South Australia employees is correct regarding the lack of workers compensation cover when working in a voluntary capacity?
2. Will he investigate the matter urgently and bring back a reply?

The Hon. C.J. SUMNER: Without having considered the issue in any depth, I would have thought that individuals in this circumstance employed by Tourism South Australia and working outside of normal hours would be considered to be workers covered by the appropriate legislation for compensation. However, I will refer the question to my colleague, have the matter looked into, and bring back a reply.

MURDERERS' RELEASE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the early release of murderers.

Leave granted.

The Hon. K.T. GRIFFIN: Paul John Wheatman was sentenced on 30 November 1981 to life imprisonment for the murder of a 22-year-old woman near One Tree Hill and given a non-parole period of 12 years under the old parole system. Justice Mitchell in sentencing Wheatman, said:

> On the one hand, this offence has really nothing to mollify it.

In fixing the non-parole period she also said that she:

> wanted to make it quite clear to Wheatman and to the public that a non-parole period did not mean Wheatman would necessarily be paroled at the end of it, merely that he would then be at liberty to apply for it. He would not be paroled until the Parole Board had recommended it, and until the Government had decided that parole was appropriate.

I understand that Wheatman is a psychopath and under the Government's new parole system Wheatman is to be released soon—well before the trial judge ever intended him to be. There is concern about such early release.

Another murderer is likely to be released soon. He is Paul Addabbo. He was sentenced to 9 November 1982 to life imprisonment with hard labour for the murder of a 41-year-old woman at Kersbrook in April 1982. He has so far served only seven years of a life sentence. He was given a non-parole period of 10 years, again under the old parole system. Again it was not a release date, merely the date on which he could apply for parole, but not necessarily be released. These two murderers alone, if released early, will cause concern to the community and reinforce the view that the Government's parole system is grossly inadequate. What steps will the Attorney-General take to ensure that these two murderers are not released prematurely?

The Hon. C.J. SUMNER: Members are aware that changes to the parole system occurred in 1983 to introduce a system whereby prisoners who were sentenced knew precisely where they stood as far as the sentence, the non-parole period and the release date were concerned. Parliament introduced a system involving precision in the sentences to be imposed as opposed to the situation which existed previously and which allowed for discretionary release on parole.

Further amendments made in 1986 ensured that judges, when handing down sentences, were required to take into account the fact that, provided a prisoner was of good behaviour, there could be certain remissions earned while the prisoner was in custody. The combination of those two changes to the law mean that, at present, when a sentencing judge imposes a sentence, he knows precisely how long the prisoner will spend in custody—provided he is of good behaviour—and how long he will spend under parole conditions when released from custody. So, it is a precise system; the sentence is determined by a judge; and the discretion which existed previously no longer exists.

The new legislation allows for its provisions to apply to those persons who were given a non-parole period under the old legislation. Members may recall that that was at the insistence of the Australian Democrats—

An honourable member: Supported by the Labor Party.

The Hon. C.J. SUMNER: At that time, the Australian Democrats insisted. In the discussions—

An honourable member: There are only two of them.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —which led to the passage of the Bill, one of the things on which the Democrats insisted was that the new parole provisions should apply to those persons sentenced under the old legislation. The Hon. Mr Gilfillan nods his head and says that that is right. So, some prisoners who were sentenced under the old system are having their release dealt with under the new system.

A provision was inserted in the legislation whereby an application could be made to the court in certain circumstances for an extension of the non-parole period. I am not aware of the details in respect to two such cases, but I will obtain that information. However, in general terms the new parole system has been welcomed as being precise in the sense that the sentencing court, the prisoner, and the correctional services officers know exactly how long the prisoner will spend in prison at the time of sentencing.

The Hon. M.B. Cameron: Don't worry about the community.

The Hon. C.J. SUMNER: If the honourable member wants to make an interjection of that kind, he should also take into account that, under the system which operated until the changes to the parole laws, the average period of imprisonment for individuals sentenced to life imprisonment for murder was seven to eight years. That is the position.

The Hon. K.T. Griffin: We changed that and you know it.

The Hon. C.J. SUMNER: The Hon. Mr Griffin was a member of—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —a Cabinet which released—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —a murderer after seven or eight years—who had killed some five or six people.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: That is the fact of the matter.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! I ask that interjections cease.

The Hon. C.J. SUMNER: I merely say that, under the discretionary system which operated, the average time spent in prison by a murderer was seven or eight years. Under the new parole system, the average time spent in custody has increased to 13 years.

That is the reality. Furthermore, under the new system, as a result of an appeal taken in relation to the von Einem case, the length of sentences for murder have been increased very substantially. The sentence imposed in that case set almost a record for this State; it was certainly a very severe sentence for a horrendous crime of murder.

On the whole, the length of time spent by prisoners in custody under the new system is higher than the time spent in custody under the old system—13 years, compared with seven or eight years. That is the reality. The advantage of the system is that everyone knows where they stand. The courts know where they stand; the prisoners know where they stand; and the Correctional Services officers know where they stand. A further advantage of the system is that Correctional Services officers in the gaols have some capacity to manage prisoners, because there is a system of remissions, which the judges know about at the time of sentencing, and which can assist in prisoner management within the gaols.

Another advantage of the system is that, on release, the prisoner is subject to parole: that is, there is supervision after the prisoner leaves custody and goes out into the community. The new parole system combines those facets of the sentencing process, all of which, I believe, are desirable.

Some prisoners were sentenced under the old legislation and are being dealt with under the new legislation. That is admitted, and is a result of the compromise that was reached when this legislation was passed by Parliament. On the whole, the legislation has led to higher sentences, precision, certainty and a much better situation in the gaols in South Australia than existed under the previous system, especially that which existed under the previous Government. Prisoners spend a longer time in gaol.

The Hon. M.B. Cameron: Nonsense!

The Hon. C.J. SUMNER: It is not nonsense; that is the fact. They spend longer in gaol, but at least they know when they will get out. That is the important point. The prisoners know where they stand, and now there is not the same discretion that was involved previously in their release. It has led to a much improved situation in the prisons in this State, certainly an improvement over what occurred under the previous Government, when prisons were in uproar and were virtually unmanageable.

The Hon. K.T. GRIFFIN: As supplementary questions, does the Attorney-General agree that these two prisoners, to whom I have referred, had non-parole periods fixed under a system totally different from the Government's existing system? Does he agree that, under the new system, they will be released much earlier than the respective trial judges intended? Finally, does he agree that they should be released so early?

The PRESIDENT: Order! I call on the Attorney-General, but I do not really see that this is a supplementary question arising out of the answer given by the Attorney. However, if he wishes to respond, he is welcome to do so.

The Hon. C.J. SUMNER: The prisoners are being released—if that is in fact what occurs—because of a law passed by this Parliament. That is the reality. It is true that they were sentenced under a different system. I have already said that. It is true that certain prisoners were caught up in the transition from the old system to the new system, but what would happen in the case of prisoners sentenced under the old system was specifically addressed at the time the legislation was passed by Parliament. Parliament decided that the new system should apply.

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

The Hon. C.J. SUMNER: Parliament decided. That is how laws are passed in this country; they are passed by Parliament.

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order! Order, Mr Cameron! You are very great on not having interjections.

The Hon. M.B. Cameron: Who?

The PRESIDENT: You, Mr Cameron.

The Hon. M.B. Cameron: No, I am not. I never take any notice of them.

The PRESIDENT: You were complaining about the number of interjections only three minutes ago.

The Hon. M.B. Cameron: No, I wasn't. I said that he was misbehaving yesterday, and we are allowed to do it today.

The PRESIDENT: The honourable the Attorney.

The Hon. C.J. SUMNER: The honourable member may know that laws in this State are passed by the Parliament. The Parliament agreed that this new law should apply to prisoners sentenced under the old legislation. It was considered specifically by the Parliament, and the Democrats, at the time that the negotiations about this particular Bill's passage was being considered, were insistent that that should occur, and that is what has occurred.

The Hon. M.B. Cameron: And you agree?

The Hon. C.J. SUMNER: Obviously. It is because of that that these prisoners, and, indeed some others, have been caught and sentenced under the old legislation but released under the new legislation. Under the new legislation, the time spent in prison—not just for murder, but for other offences as well—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: It does—has, in fact, increased. The advantage of the new system is that there is certainty in it.

ROXBY DOWNS ORE BODY

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Mines and Energy, a question relating to the Roxby Downs ore body.

The SPEAKER: Is leave granted?

Members interjecting:

The PRESIDENT: Was someone saying, 'No'?

The Hon. I. Gilfillan: They were just mumbling.

The PRESIDENT: I take it that leave is granted, but I would ask that people refrain from making any comment when I ask if leave is granted because, if anyone says 'No', leave is not granted.

Leave granted.

The Hon. I. GILFILLAN: I was surprised to find that my explanation of the subject matter would provoke so much emotion on this side of the Chamber, but that is only an aside.

Earlier this week, I had a conversation with a metallurgist, who had been brought, as a matter of urgency, from Sydney to Roxby Downs by Western Mining for consultation in the extraction of copper from the Roxby Downs ore body. I am not able to give expert information in this place because I am not a metallurgist. However, I understand that there have been complaints from the purchaser of earlier consignments of copper from Roxby Downs, and that it is possible that one of the complaints is uranium contamination in the delivered copper. Although I know that interjections have come from the very learned mining expert, Mr Dunn, on my right, it is a unique mixture of ores that are currently being used to provide a saleable product for the joint venturers by procedures which have not used similar ore bodies before. The opinion of this expert, who is engaged by Western Mining, is that it is a possible contimination that is very difficult to remove.

The other significant factor is that the current production of 50 000 tonnes per year from Roxby Downs is uneconomic, and that it would not stand as a profitable copper mine without satisfactory sale of uranium.

The Hon. Diana Laidlaw: Do you know what the price of it is today?

The Hon. I. GILFILLAN: No, I have not followed it. What is it?

An honourable member interjecting:

The Hon. I. GILFILLAN: I thought the honourable member was going to provide me with the current price of uranium today, but unfortunately she is unable to do so. The problem is that the current joint venturers are faced with a dilemma that they either must increase their copper production and sell it profitably or look for increased uranium sales in a market which everyone in this place knows is a shrinking market and from which it is very difficult to get long term-profitable contracts.

If the Roxby mine venturers do achieve their aims of 150 000 tonnes of contained copper in saleable product per year, three times the amount of uranium will have to be sold. Any calculation will show that, on these bases, no royalty of any consequence will be returned from this mine to South Australia, and that is contrary—

The Hon. Diana Laidlaw: Do you want it closed down?

The Hon. I. GILFILLAN: Yes—to the over-optimistic expectations of the Government and the Opposition that this would be a virtual dollar gold mine for the people of South Australia. In the light of this information, I ask the Attorney-General—

The Hon. L.H. Davis: How many people are living on Roxby Downs?

The Hon. I. GILFILLAN: The Hon. Mr Davis interjected and asked how many people are living at Roxby Downs. I believe that the population would be between 1 500 and 2 000 people. I ask as part of my question whether the honourable member knows how much it costs the taxpayers of South Australia to subsidise each person who lives there. It probably costs the taxpayers five or six times the amount it would cost to keep people operating in Adelaide. Despite all the cacophony which has been raised in support of

Roxby, these sums have not been done, but in due course they will prove to be very significant.

I ask the Attorney, representing his colleague, whether the Minister of Mines and Energy has assurances from the joint venturers that they will continue to mine at Roxby if they are unable to sell the increased uranium product. Does the Minister have any knowledge of the potential alleged uranium contamination in the copper product from Roxby? Will the Minister have immediate discussions with the joint venturers about these matters and establish the situation—

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: —that will apply if, as anticipated, the joint venturers cannot run the mine profitably because the production is too small and/or they cannot find profitable markets?

Members interjecting:

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

The Hon. C.J. SUMNER: I am not aware of the matters to which the honourable member has referred or of any problems in relation to them as far as the Roxby Downs mine is concerned. My information is that it is proceeding satisfactorily. It is in production and its product is being sold. I will refer the specific questions to my colleague and bring back a reply.

Mr TERRY CAMERON

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about the activities of Mr Terry Cameron and other matters, which are directly and indirectly related.

Leave granted.

The Hon. R.I. LUCAS: On Tuesday of this week a report was tabled in this Chamber in the form of a memorandum to the Commissioner of Consumer Affairs from the Assistant Director of the Office of Fair Trading about Mr Terry Gordon Cameron. It stated:

> Mr Cameron caused about 60 houses to be built for him in four local government council areas.

On a number of pages the report provides a breakdown of these houses. The report also indicates that 30 houses were built as a result of an application to the Willunga council that nominated a Mr Addison as the builder.

As you would be aware, Ms President, from other questions that have been asked and from press publicity, Mr Addison himself has denied this allegation and has provided evidence that Mr Cameron illegally used his licence at a cost of about $50 per house. Of course, Mr Cameron has denied that he was the builder, and we are all left assuming, I suppose, that the houses must have materialised from thin air. So much for the 30 houses.

The report also mentions another seven houses and names Mr Kodele's company, Triglav Foundation and Building as the builder. However, reports indicate that there is conflicting evidence as to the extent to which these seven houses were properly supervised under the Act. The report further states that another 13 houses were built in the Campbelltown local government area for Cameron associated companies. Even the Attorney-General would be able to add those figures. If one adds 30, seven and 13, one arrives at a total of 50 houses covered by the report but, as I have indicated, the report suggests that Mr Cameron had been associated with building 60 houses. What has happened to the 10 missing houses? A number of people have expressed the view to me that there is something decidedly fishy about this omission from the report. I must say that, having had that view put to me, I must agree.

The PRESIDENT: No opinions are permitted in an explanation.

The Hon. R.I. LUCAS: No, I would not offer an opinion.

The PRESIDENT: So, are you withdrawing your agreement?

The Hon. R.I. LUCAS: No, it is a fact—I agree.

The PRESIDENT: That is an opinion.

The Hon. R.I. LUCAS: No, it isn't; it is a fact—I agree.

The PRESIDENT: It is your opinion.

The Hon. R.I. LUCAS: No, it isn't—I agree.

The PRESIDENT: I beg to differ; you are expressing an opinion when you say you agree with a remark.

The Hon. R.I. LUCAS: Well—

The PRESIDENT: That is not a legitimate part of an explanation.

The Hon. R.I. LUCAS: My questions to the Minister of Consumer Affairs are: will the Minister bring to the Council a report as to what has happened to these 10 missing houses, and will he indicate why any reference to these 10 houses was omitted from the report that he tabled in the Council? Was any evidence presented to the investigating officers about these 10 houses but was not included in the report that he tabled in this Council and, if so, why?

The Hon. C.J. SUMNER: The situation in relation to this matter is as follows, and I will repeat it for the benefit of members in case they are still under any misapprehension about it. This matter was raised in Parliament last year. It was referred, quite properly, to the Commissioner of Consumer Affairs, who sent the matter to the personnel who were responsible for investigating complaints relating to the building industry. An interim report was provided last year which required further work. That work was not done immediately, as is now on the public record, and the matter was again raised in the Parliament last year and earlier this year.

As a result of that, the matters were again referred to the Commissioner of Consumer Affairs, who gave them to one of his senior investigating officers (Mr Webb), who prepared the report which was tabled by me and by the Premier in Parliament. In addition, the note from the Commissioner of Consumer Affairs to the Minister of Consumer Affairs was tabled in Parliament, so from the time that the queries were raised, the matter has been dealt with properly by the Government in accordance with the appropriate procedures.

As has been accepted by the Premier and me, the matter should have been dealt with more expeditiously last year but, as soon as the matter was again raised, it was referred to Mr Neave, who instructed Mr Webb to conduct the investigation. I should say that it is not customary to table details of investigations of this kind in Parliament but, because of public interest in this matter, the Government felt that it should table the report as prepared by Mr Webb, the Assistant Director of the Office of Fair Trading, together with the minute from the Commissioner of Consumer Affairs (Mr Neave) to me.

In addition to that, once that report had been received it was referred by the Commissioner for Consumer Affairs to the Crown Solicitor, who also considered the report and made comments on it, which comments have been made available to the Council. That is the action the Government has taken in the matter. It has all been done properly. It is being left to professional investigators to examine the allegations which have been made. The investigator sought details of the allegations and evidence to back them up from the people referred to as making the allegations. The investigator, I understand, also sought information from a

Mr Yeeles, who is associated with the Opposition Party, and also from Mr Baker, an honourable member in another place, who was responsible for making some of the allegations.

So, the matter was left by the Government to the professional investigator. That is what occurred, and that is what has been brought back for Parliament to consider. The professional advice from the Commissioner for Consumer Affairs and from the Crown Solicitor is that there is no evidence upon which any action can be taken in relation to Mr Cameron's activities in the building industry. That is clear. I would have thought—although I am starting to wonder—that most members of Parliament would have considered that, if people are to be condemned, there is an appropriate way to go about it in this society. In this society the appropriate way to have accusations of breaches of the law investigated is to have them investigated by professionals and, if there is evidence of any wrongdoing, to have charges brought before the court and the matters determined by the independent courts in this State.

Unfortunately, during the past 12 months or so we have seen in this Council and in this Parliament generally attempts by Liberal Opposition members to condemn individuals by innuendo, by smear and, certainly, not in accordance with the procedures of justice which had hitherto been considered to be part of our society. The same applies with respect to Mr Cameron: he is entitled to natural justice. Mr Cameron's activities and all the allegations raised by members opposite have been investigated by—

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: I am answering the question—by a professional investigator, and have been considered by the Crown Solicitor and the Commissioner for Consumer Affairs, and the details tabled in Parliament. With respect to the 10 extra houses, I am not sure of the reason why they are not all detailed. It is quite possible that the investigator could not track down all the people involved.

Members interjecting:

The Hon. C.J. SUMNER: Some of the delay with the report was because the investigator wanted to make sure that everyone possible could be tracked down and provided the opportunity of making a statement, to ensure that every matter was brought to a conclusion. However, I am prepared to refer the question to the Commissioner for Consumer Affairs to see whether or not he has any further comment on the matters raised by the honourable member in this Council. I repeat that people in this community, whether or not they be public figures, are entitled to natural justice. The reality is that this Parliament, over the past 12 or 18 months, has not provided certain individuals with natural justice.

AIDS RESEARCH

The Hon. DIANA LAIDLAW: I have received in the form of a letter an answer to my question of 21 February, which I understand can be sought to be incorporated in *Hansard* with the leave of the Attorney-General.

Leave granted.

The Hon. DIANA LAIDLAW: The letter states:

I refer to your question without notice of 21 February 1989 regarding AIDS research. The Commonwealth Government provides grant funds to this State for AIDS related activities and requires that those funds be used for a number of broadly defined purposes, including the conduct of research into the effectiveness of educational and public awareness programs. I am advised that the State has at all times complied with the Commonwealth's requirements and the funds provided have certainly not been used for other than the specified purposes.

Contrary to the information apparently given to you, the Commonwealth does not require that these funds be used to make appointments to specific types of positions. The organisational and personnel arrangements relating to the implementation of the SA AIDS strategy are left entirely to State authorities. With respect to the recently vacated position of research officer referred to in your question, I understand that the new appointee will continue to carry out the same tasks as the previous occupant of the position.

I also understand that some consideration has been given to appointing a medically qualified person to the position. As the appointee is required, amongst other things, to have regular contact with medical practitioners and other health professionals, this does not seem to be unreasonable. If a medical practitioner is appointed to the position. I understand that the person concerned may carry out a limited amount of clinical work with AIDS infected patients who attend the commission's STD clinic. Such an arrangement would be similar to that which applied to the previous occupant of the position, Dr Michael Ross (a Ph.D. in Psychology), who also undertook some regular clinical work at the Flinders Medical Centre.

GERIATRIC MEDICINE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about geriatric medicine.

Leave granted.

The Hon. DIANA LAIDLAW: For the past three years the Queen Elizabeth Hospital has been seeking the support of the Royal Adelaide Hospital and the State Government to establish a chair or professorship in geriatric medicine. The hospital considers that it is vital to establish such a position in South Australia if the State is to remain alert to the health needs of older people, and to be in the forefront of clinical and research work in ageing and age related diseases.

South Australia is the oldest State in the nation and, compared with all other States, has a higher proportion of men and women of 60 years and over. To the year 2001 and beyond, this proportion is projected to increase. In relation to the Queen Elizabeth Hospital, in particular, the area surrounding that hospital has the highest proportion of ageing people in South Australia, while the ethnic diversity of this population is seen to exacerbate the effects of age related health disabilities and needs.

The hospital has been lobbying for some three years for this first chair to be established in South Australia, but has received no firm indication from the Government over this time. I therefore ask the Minister: when will the Government determine whether or not it is prepared to support this submission by the Queen Elizabeth Hospital to establish a chair in geriatric medicine, and will the Minister confirm my understanding that the estimated cost of establishing such a chair would be $250 000?

The Hon. C.J. SUMNER: I will seek that information for the honourable member and bring back a reply.

LYELL McEWIN HOSPITAL

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about the Lyell McEwin Hospital.

Leave granted.

The Hon. J.F. STEFANI: Some time ago the Government appointed Sabemo Pty Limited to project manage the building extensions at the Lyell McEwin Hospital. As project manager, Sabemo had the responsibility, amongst other matters, to call tenders for various trade packages and, once the successful tenderer had been selected, the South Austra-

lian Health Commission entered into direct contract agreements with the respective trade subcontractors. In recent months the unions have initiated industrial action through site strikes and other threats in an effort to force subcontractors to pay a $20 a week severance payment which had been conceded to them by Sabemo on the Hyatt Hotel project.

Other industrial strikes over severance pay disputes have brought many projects to a standstill. On 9 November the Attorney-General gave me a sermon on the legal system in relation to a question I asked about industrial blackmail and threats of physical violence by unions in the building industry.

In an article in the *Advertiser* on 29 November, it was reported that unions attending a commission hearing were uttering ugly and menacing words in the foyer of the building. One union official described the situation in the workplace as 'World War III'.

The article goes on to describe that throughout the industry and on building sites there is talk of threats and of people being afraid to speak out for fear of retribution. The editorial on the same day clearly tells the public of South Australia that the unions had tried to intimidate a journalist with threats of physical violence. This supports the reports which I have received from people in the industry, who tell me that their wives and children had been threatened.

Leaders in the construction industry have said that our building industry is being destroyed with the consequent loss of jobs, and South Australia will further lose investment from potential developments.

The PRESIDENT: Order! I hope you can make this relevant to the Lyell McEwin Hospital.

The Hon. J.F. STEFANI: I am coming to the question. As the Government is the principal contractor and occupier of a public utility at the Lyell McEwin Hospital, what will the Minister do about the irresponsible strike actions which may give rise to prolongation claims for additional costs associated with the management of the Lyell McEwin Hospital site by the project managers? Will the Minister advise whether any amount for prolongation claims is payable to the project managers on the Lyell McEwin Hospital project?

The Hon. C.J. SUMNER: You are quite right, Ms President. The honourable member sought leave to ask a question about the Lyell McEwin Hospital and then rambled over a whole range of other issues which have been answered on previous occasions. However, I will answer briefly the honourable member's question.

First, I repeat what I said earlier: that South Australia has the best industrial relations record in Australia. It is a plus for South Australia in attracting investment to this State. Secondly, I repeat what I said last year to the honourable member. If there are allegations—

The Hon. J.F. Stefani: That is not the question.

The Hon. C.J. SUMNER: That is not what the question is. Apparently you are allowed to ramble on in an explanation and in answering the question—

The Hon. J.F. Stefani: I am learning from you.

The PRESIDENT: Order, Mr Stefani!

The Hon. C.J. SUMNER: You are able to ramble on with irrelevancies in the question, but when the Minister attempts to answer some of the accusations, allegations or assertions made in the rambling question, he is not allowed to do so.

The PRESIDENT: Order! I would point out to the Council that Standing Orders insist that the explanation has to be relevant, not contain opinions, arguments, hypotheses, and so on. The Standing Orders relating to replies indicate only that the matter may not be debated. It does not say that it must be relevant.

The Hon. C.J. SUMNER: What I am saying is in direct response to the assertions made by the honourable member in his question.

The PRESIDENT: You are completely in order.

The Hon. C.J. SUMNER: I understand that I am completely in order. If honourable members think that they can ask questions that ramble over a whole range of topics and make a whole lot of assertions without expecting replies, they are mistaken. I make the reply. As I said, we have the best industrial relations record in Australia. Secondly, if there are accusations of criminal offences being committed in this area, there are appropriate ways of dealing with them through the police and the courts. With respect to the Lyell McEwin Hospital, I will refer the question to the appropriate Minister and bring back a reply.

RESCUE HELICOPTERS

The Hon. R.J. RITSON: Has the Attorney-General, representing the Minister of Emergency Services, a reply to the question that I asked on 14 March regarding rescue helicopters?

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

1. Seven.
2. Various twin-engined and single-engined helicopters.
3. No.
4. Tender specifications are currently under consideration. A decision has not been made at this stage to proceed with a tender call.
5. See 4.

TAXIS

The Hon. R.J. Ritson on behalf of the **Hon. J.C. BURDETT:** I ask the Attorney-General whether he has a reply to the honourable member's recent question regarding taxis?

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

1. The matter of the use of the hire car in the manner described has been referred to the Metropolitan Taxi-Cab Board. They have taken advice from Crown Law on the matter and are proceeding to take action under existing regulations.

2. If, and when, it is found that existing regulations are inadequate, the Metropolitan Taxi-Cab Board will recommend to the Minister any changes that it feels are warranted to ensure viability of the industry and effective service to the public.

SUMMARY OFFENCES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The provisions of this Bill create a new offence of operating a computer system without proper authorisation.

The development of computer technology has had a marked impact on society. Computer technology is now a

vital component in the operation of both public and private business. Modern technology permits the establishment of large data banks in which may be recorded the most sensitive information, taxation records, banking and business records, scientific records, medical and financial records of individuals being but a few examples.

Considerable harm can be caused if an unauthorised person gains access to sensitive, commercially valuable or private information stored on a computer. Yet the law imposed no sanction on the unauthorised access to such information.

Different opinions have been expressed on the need to create a new offence of unauthorised access to information stored in a computer. Some commentators argue that the medium on which information is stored is an irrelevant consideration. It is not an offence to obtain unauthorised access to information and information stored on a computer should not be afforded special treatment.

Other commentators postulate cogent arguments that the unauthorised access to information stored in a computer should be an offence. For example, the Scottish Law Commission, in its 1987 Report on Computer Crime, advanced several reasons for creating an offence of obtaining unauthorised access to a computer.

The nature of computer technology is such that opportunities exist for gaining access to private data which never existed before, without having to break into a building or office to do so.

Because much corporate and other data are now kept on computer, the unauthorised person who obtains access to a computer can find in one place vast amounts of information which might previously have been stored in a multiplicity of different locations.

Although the law does not recognise a right of privacy, it does recognise different circumstances in which unauthorised persons should not be permitted with impunity to pry into another's affairs.

The intrusion may be a prelude to other activities, such as fraud, theft or the corruption of data or programs. Similar considerations led the Victorian Parliament to make the unauthorised gaining of access or entry to a computer an offence in 1988.

The Government believes that there is a need to maintain the confidence of the community in the integrity and privacy of data stored in computers. The community needs to be assured that unauthorised access to information stored in a computer is not condoned, whether the access is by a 'hacker' who has no motive other than the intellectual challenge of entering the system or by a person who is intent on gaining some benefit or causing some damage.

The offence created is a summary offence with a penalty similar to that for the offence of being unlawfully on premises and trespass. Unauthorised operation of a computer system is in many ways similar to being unlawfully on premises. And, just as being unlawfully on premises is not regared as a serious offence, unauthorised operation of a computer system is not made a serious offence. If the unauthorised operation results in loss or damage the offender can be charged with a more serious offence. For example, if money is obtained by dishonest means one of the fraud-type offences can be charged. I should mention that the law of larceny and related offences is currently being reviewed, and one of the aims of the review is to ensure that there are no gaps in the law in relation to frauds effected by means of a computer.

If the unauthorised use of the computer results in the destruction, erasure or insertion of data in the computer, charges can be laid under the new Part IV of the Criminal Law Consolidation Act 1935 enacted in 1986 relating to offences with respect to property. It will be noted that the new offence is only committed where the operator has taken steps to restrict access to the computer system. The Government places great importance on crime prevention. The best way to stop crime is to prevent it before it happens. In the case of computer crime it is largely up to the operators to ensure that their systems are secure. I commend the Bill to members and seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for commencement on a day to be fixed by proclamation. Clause 3 inserts section 44 into the principal Act. This new section makes it an offence for a person to operate a computer system without proper authorisation where the operation of that system requires the use of an electronic code and the person who is entitled to control the use of the system has either withheld knowledge of that code (or the means of producing it) from all other persons, or has taken steps to restrict knowledge of the code (or the means of producing it) to a particular authorised person or class. The penalty for an offence against the section is a fine of $2 000 or imprisonment for six months if the person committing the offence did so with an intention of obtaining a benefit from, or causing a detriment to, another person. If there was no such intention, the penalty is a fine of $2 000.

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

FRIENDLY SOCIETIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 April. Page 2645.)

The Hon. L.H. DAVIS: I indicate that the Opposition has no difficulty at all in supporting these amendments to the Friendly Societies Act. Friendly societies have been part of South Australia's life for well over a century. In fact, they have a rich history. I am pleased to note that friendly societies are indeed still alive and well in this rapidly changing financial community, the result of the very significant deregulation that has taken place in recent years. I was attracted to the debate that took place in this Council on friendly societies back in 1912, when they sought to expand the powers of friendly societies for investment purposes. The Chief Secretary, in moving the second reading of the South Australian Government Inscribed Stock for Friendly Societies Bill, stated (page 515 of *Hansard* on 4 December 1912):

> It was a short but necessary measure to enable friendly societies of the State to invest their surplus funds in Government bonds. There had been a marvellous development in friendly societies in South Australia during recent years. The number of societies for males was 15, and for females nine. The branches for males totalled 415, and for females 114, and the members totalled 58 292.

It is worth noting that in 1912 there were over 58 000 financial members of friendly societies in a State population of little more than 400 000. In other words, one out of every six or seven people in South Australia in 1912 belonged to a friendly society. The funds invested at that time totalled £887 318. £556 128, the bulk, was invested on mortgage; £62 364 on freehold; £85 551 on Government securities;

districts (I take it that is local government), £44 250; banks, £140 000; and, a miscellaneous amount of about £35 000.

The object of the Bill was to establish Government stock of £500 000, carrying an interest rate at 4 per cent. Those were the days, when interest rates were not quite so high. Inflation was virtually non-existent. Friendly societies were enabled to invest funds, which were deemed to be Government bonds within the meaning of the Friendly Societies Act. The money raised by the sale of stock was to be applied for the purposes of constructing railways and, except in special circumstances, the stock was not redeemable until after 30 May 1932—in other words, a 20-year period.

I draw attention to that fascinating snapshot of friendly societies nearly 80 years ago to show that then they were an important part of community life in South Australia, offering health care and benefits to their members. So it is today. Certainly there are now no friendly societies for just males or just females as was the case in those days. I suspect that legislation which passed this place in the last decade would put paid to that. However, it is pleasing to note that friendly societies have significantly increased their profile in recent years and are very much alive and well.

I understand that the number of friendly societies currently in South Australia is six, including the Manchester Unity-Hibernian Society, IOOF, Mutual Community, Lifeplan, the Rechabites, and the FSMA. The funds employed in the six friendly societies as at the end of December 1988 totalled well over $300 million—a very significant increase on the amount employed in 1987. The majority of those funds have been attracted by way of their flexible insurance product, which has proven to be very popular, particularly when a totally tax exempt status was granted to the 10-year insurance bonds. There are still benefits attaching to them. In addition to those investment bonds, friendly societies have the traditional role of providing for funeral funds. Many are engaged in providing nursing and old folks homes facilities, as well as endowment funds.

The amendments in the Bill revolve principally around two measures: first, to extend the power of investment under section 12 of the principal Act to give friendly societies the power to invest for the first time in shares, debentures or other securities as the committee of management of the society or branch (as the case may be) requests. A caveat on that power provides that this must be done with the consent of the Minister given on the recommendation of the Public Actuary and subject to any such conditions, if any, as the Minister may impose.

This is an important and overdue power which has been given to friendly societies. It already resides with building societies and instruments of Government in the investment field, such as the State Government Insurance Commission and the Public Actuary. By giving friendly societies, whose management has been shown in recent years to be most responsible, this additional power, it will enable them to earn increased returns on members' funds and to improve the capital value of those funds.

I accept unreservedly that the Minister should have some control over the shares, debentures or other securities in which the committee of management may wish to invest for any particular society. It is important that some rules are laid down. One thinks, for example, of the litmus test used by many investment bodies in, for instance, the case of equity shares whereby those shares are limited to trustee securities as defined by the Trustee Act. It is a sensible provision and has the support of this side of the Council.

I also accept as a necessary provision clause 11 which in providing an amendment to section 35 of the principal Act seeks to give the Public Actuary power in writing to require a society which publishes, or causes to be published, an advertisement relating to the society which, in the opinion of the Public Actuary, is false or misleading in a material particular, to withdraw or cause that advertisement to be withdrawn. However, under proposed section 35a (4) a society has the opportunity to defend itself.

The only other matter which requires attention relates to the fact that, whereas building societies and credit unions are administered by the Corporate Affairs Commission, as I have already mentioned friendly societies come under the umbrella of the Public Actuary. I understand that provisions exist to bring building societies and credit unions with a head office interstate under the same legislative control if they operate within South Australia. This refers, in particular, to advertisements.

I believe it is appropriate that there should be the same provision for friendly societies. A South Australian friendly society which advertises interstate—for example, in Victoria and, I believe, also in New South Wales—is required to comply with the law, notwithstanding the fact that friendly society may not be registered in that State. It would be sensible to ensure that interstate friendly societies seeking to establish in South Australia should be brought under the same legislative umbrella as friendly societies based here, such as Manchester Unity and IOOF. I foreshadow to the Attorney-General that I will seek to place on file an amendment to cover this point. I suspect that the matter has already been drawn to the attention of the Government and the Attorney may care to respond in his second reading summation.

I want to put on record my uninhibited support for South Australian friendly societies. They have made a vital contribution to the community spanning many decades and stretching back well into the last century in respect of social needs traditionally and, in latter times, they have adapted to cater for the investment needs of the community. I support the second reading.

Bill read a second time.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 April. Page 2648.)

The Hon. L.H. DAVIS: I have some reservations about one aspect of the Act to amend the Industrial Conciliation and Arbitration Act 1972 and the repeal of the Industrial Code 1967 and that is the clause relating to outworkers. I know that this matter has already been discussed by my colleagues, the Hon. Julian Stefani and the Hon. Diana Laidlaw, but I raise this point because, in my capacity as a sometime spokesman for the arts in South Australia, I have come across a growing concern amongst craftspeople about the implications of this provision.

This piece of legislation highlights again the inappropriate way in which the Government approaches its very important task of informing not only this side of the Council but the community at large about the implications of its legislation. In recent months, in particular, there has been a tendency to scrimp on details in the second reading explanation. Whilst there is much to commend brevity, when accurate information is not provided or there is lack of detail about the implications of a piece of legislation, it is most unfortunate. This fact is highlighted by the very scrimpy detail in the second reading explanation about outworkers.

I understand clearly that the Government is concerned about sweatshops and that point has been articulated on this side of the Council. I am concerned that the Government has nowhere addressed the possible implications of this clause, and the economic consequences of it as it now stands.

I have had discussions with many craftspeople in Adelaide and in regional South Australia. It is quite clear that this clause is so wide that you could drive a horse and cart through it. Let us examine some of the areas of concern to people in the craft world.

Let us start with the jewel in the South Australian crown, in terms of established craft. The reputation of the Jam Factory is not confined to this State alone. It has a nationwide reputation for its craft workshops and, I suspect, this extends beyond the shores of Australia. One of those workshops is the knitted textiles workshop. It employs two staff, two or three trainees are generally employed at any one time, and there are 12 to 15 outworkers. This knitted textile workshop is understandably very expensive to operate.

The Jam Factory boasts high quality craft. It provides a training ground for people through those workshops such as the knitted textile workshop. It also provides a focus for the sale of top quality craft, and it tries to operate as profitably as it can. Certainly, there is an element of Government subsidy, but one of the points that people fail to understand—and, quite clearly one which the Government has singularly failed to understand—is that craft, like other goods, has to be sold through retail outlets. The mark-ups are large. The Jam Factory, which adopted a mark-up of 80 per cent for many years, has now fallen into line with most craft shops in metropolitan Adelaide and beyond, in marking up its products by 100 per cent. That is a fairly universal mark-up in the craft world.

Why is this? Perhaps I can explain it by telling a story. Once upon a time there was a kite shop in Adelaide. It operated successfully for two years from 1976. It was Australia's first kite shop. It was a novelty. Kites had not been manufactured before by anyone in South Australia, and the shop principally employed one person who operated out of his home, making kites. On some occasions the employers of the kite shop purchased material so that the kites could be produced by this kite maker. He was always at a loss to understand how a kite, which he may have produced for $2, had to be sold for $4 in the shop. He failed to understand that a retail outlet requires a large bundle of money just to stay open each week: for rent, insurance, telephone, stationery, promotion, wages for staff, and so on. That shop was a very good example of the sort of industry that could well be trapped by this legislation. I know something about that shop because I was one of the proprietors.

The Hon. J.C. Irwin: Of the kite shop?

The Hon. L.H. DAVIS: Yes. If we look at 1989 and the range of craft available, we can see that South Australia should be pretty proud of its craft network. I have just returned from a very pleasant holiday in Tasmania, where craft is very much a feature of its tourism industry.

Earlier this week in this Chamber I mentioned the importance of cultural tourism. It is something which has been ignored by this Government in South Australia and by the Minister of Tourism in the Bannon Government. It is a matter which is high on the priority of the Victorian Government and the Tasmanian Government, to name but two. It is a feature of tourism promotion pretty well everywhere else in the world. In South Australia we boast dozens of craft galleries. Many of these galleries rely on outworkers to survive. For example, there are people who make bottles available to men and women who like making pickles and jams for sale in a shop. That is very common. The extent of that industry should not be under-estimated. It encompasses the provision of jams, pickles, chutneys and relishes—not only for sale in shops but also quite often for charitable purposes.

One should not under-estimate the number of church communities, charitable and community organisations which rely not only on voluntary effort but also on people who occasionally get paid a moderate amount for making craft goods (or as I have mentioned, jams and pickles). We have an example which has been instanced by my colleague the Hon. Diana Laidlaw of the provision of wool to someone to knit jumpers. For example, wool that is provided might cost $60. The person who is knitting the jumper may receive another $60, and that jumper may eventually sell for $240. That is the way it is. People might raise their eyebrows about 100 per cent mark-ups. And if Government members raise their collective eyebrows at 100 per cent mark-ups—it outlines something that I have known for a number of years, that is, that there is no-one in the Bannon Government who has practised in small business and who understands what it is like to own a retail outlet. Has the Attorney-General owned a shop?

The Hon. C.J. Sumner: A small business.

The Hon. L.H. DAVIS: What sort of small business did you have?

The Hon. C.J. Sumner: A law firm.

The Hon. L.H. DAVIS: A law firm. You sell services. In this Bill, we are talking about selling goods. I am concerned that the Bannon Government, without one business person in its Cabinet to fly with, seek potentially to run workers in the craft area out of the State.

Let us have a look at some other examples. We have talked about jam, wool, and needlework (my colleague, the Hon. Diana Laidlaw, talked about needlework). We can talk about woodcraft. It is very much a feature in Tasmania, and it is also becoming popular in South Australia. In Tasmania it is not uncommon for people to be provided with wood and for them to make up Huon pine bowls, and other objects of art, to be sold in the craft shops.

In looking at this measure, the Government has failed to address the number of people who could be trapped by the outworkers clause. Economic consequences flow from this clause. There is no mention or hint in the second reading explanation about how wide this provision could run.

I believe that in many ways South Australia does have the best craft system in Australia. People in the top galleries agree to maintain their standards of workmanship, quality and profit margins. As it is, we have difficulty in trying to make visitors and people resident in South Australia understand that a piece of wood or a knitted jumper has the value which is shown on the price tag.

In 1989, this Government, which is still faced with high unemployment, should be doing all it can to encourage small business. We should accept that many people enjoy doing craft work as a hobby, whether it be in the kitchen making jams while they are watching television or listening to the radio, knitting jumpers in front of television, making potpourri for ultimate sale in a craft shop, or making good souvenirs to promote South Australia.

We should not underestimate the large number of people who are employed in the South Australian craft industry. Further, we should not underestimate the value of cultural tourism and the unique experience which interstate and overseas visitors can have when they come to South Australia when they visit the many galleries in the near Hills area, say, Milton Moon's pottery at Summertown, the Aldgate Arts and Crafts, or the Bethany Art Gallery in the

Barossa Valley. There are many examples of the splendid work undertaken and many of those galleries rely very much on outworkers.

The Government has failed to address this matter in any way. Three speeches from this side of the Chamber have highlighted the problem. It is a matter of concern because, if we run outworkers out of bounds, then we will do great damage to our tourism industry in South Australia, to the status of arts as an industry in South Australia, and to our reputation amongst visitors to this State. I have confined my remarks to that clause, but it is a matter about which I feel strongly. I hope it is a matter which the Government does address seriously in the Committee stage of the Bill.

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

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 5 April. Page 2654.)

The Hon. K.T. GRIFFIN: I appreciate the change in the order of business which will enable me to deal with this Bill. The Opposition supports this Bill which has been dealt with at length in the other place. I understand that, as a result of the deliberations there, the Government is considering some relatively minor matters which were raised. The Bill largely reflects changes which were negotiated by the Government with the police, particularly the Police Association, and which were implemented as a result of changes to the Police Officers Award. As I understand it, the changes are consequential upon the award restructuring, and are to be achieved largely through amendments to regulations.

I have had access to a copy of the regulations, but have not had an opportunity to consider them in depth. However, after discussions with the appropriate officer the South Australian Police Association, I am assured that those regulations reflect the agreement between the association and the Government and that no matters of significance arise out of those regulations which need further attention.

However, the regulations will be promulgated if this Bill is passed. There will be an opportunity for the Joint Standing Committee on Subordinate Legislation to further consider the regulations and for others, who might have an interest in them, to consider them prior to the expiration of 14 sitting days. The changes reflected in the Bill are largely as follows. First, a person will hold a particular rank by virtue of attaining a position, and not as at present a person of a particular rank being found a position commensurate with that rank. Secondly, a Police Appeal Board will hear appeals where the services of a member have been terminated during a period of probation and where services have been terminated as a result of physical or mental disability or illness and any decision or finding on which such termination may be based. Thirdly, a Police Promotion Appeal Board is established to hear appeals against the selection of a particular person for a particular position up to and including the rank of inspector.

Fourthly, the reference to 'Chief Secretary' is changed to 'Minister'. Presently, the Minister of Emergency Services has responsibility for the South Australian Police Force; it used to be the Chief Secretary. There is no reason why that cannot revert to the Chief Secretary if at any time in the future a Government of the day believes that that is the appropriate Minister to whom the responsibility for the Police Force ought to be committed.

Fifthly, it provides for the Police Disciplinary Tribunal to be the tribunal to which a Police Force member, who is transferred or is to be transferred to another position in the Police Force, where he or she believes that he or she is being punished for particular conduct even though not charged with a breach of discipline, can appeal. In those circumstances that officer may appeal to the Police Disciplinary Tribunal.

In conjunction with this Bill, I understand that some negotiations are continuing in relation to police pensions and that agreement has not yet been concluded. When that occurs, legislation will be introduced to Parliament to deal with the police pensions scheme. In view of the fact that next week is the last sitting week of this session, that will not be until later this year.

I want to refer specifically to several matters which were raised in the other place and which I understand the Government is considering. The first is that the power to make appointments of sergeants and constables is given to the Commissioner under clause 6, or to any other person nominated by the Governor for the purpose. I think that that other person would normally be a senior police officer, but it seems to me that, although that description does follow the form of the present section 11, it would be desirable to include a reference to the person to whom the power is committed by the Governor, being a member of the Police Force.

If the Government is agreeable to that, I would like to see it included. Secondly, the power of the Commissioner to delegate in clause 18, which relates to section 53, is allowed to a particular person. Proposed section 53 allows the Commissioner to delegate by instrument in writing any of the powers or functions conferred on or assigned to the Commissioner by or under this or any other Act, and such delegation may be to a particular person or to the person for the time being occupying a particular position. I do not have any difficulty with the power to delegate, but suggest that that particular person, again, ought to be specifically referred to as a member of the Police Force.

It would be quite unfortunate if such delegation were made to a person other than a police officer, and that ought to be specifically referred to in the Bill. I ask the Government to give consideration to that by way of amendment. The third matter is that clause 19, which introduces a schedule for the establishment of the Police Appeal Board and the Police Promotion Appeal Board, provides in subclause (2) that a district court judge is to preside over the Police Appeal Board but there is no provision in the schedule to identify who makes that appointment.

I know that there has to be some flexibility with the appointment of district court judges to the appeal tribunal, and we have specific provisions that deal with that under the Local and District Criminal Courts Act. We have given flexibility for the reason that the Senior Judge can make appropriate appointments and shift judges around as the work load requires. In other instances, of course, where other tribunals are outside the appeals tribunals, district court judges are appointed as presiding officers and are appointed by the Governor.

In respect of the Police Appeal Board, I have not been able to find any specific reference to the person who appoints the district court judge to preside. I am not sure whether it is the Governor who makes that appointment. If it is, it ought to be specifically referred to. If it is the Senior Judge, again that ought to be specifically referred to. They are three matters essentially of a drafting nature which do not affect the substance of the Bill but which I believe ought to be addressed.

As the matters were raised only last night in the House of Assembly, it is important to raise them again here and, if there are answers to those questions, it is a matter which the Opposition does not wish to hold up unnecessarily and we will facilitate the passage of the Bill. I support the second reading.

Bill read a second time.

METROPOLITAN TAX-CAB ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 March. Page 2481.)

The Hon. R.I. LUCAS: The purpose of this Bill is to give the Government more choice with respect to the method of issuing new taxi-cab licences and the use to which the funds generated from the issue of new licences can be put. Over recent years, various reports have drawn attention to the need to issue new taxi-cab licences to keep the number of taxi-cabs broadly in line with demand and population growth. In 1985 a select committee of the Legislative Council on the taxi-cab industry recommended that any new licences issued by the Metropolitan Taxi-Cab Board in future should carry a market value and that the revenue raised from the sale of licences should be used to set up a taxi industry development fund. The review of regulation of the taxi-cab industry in 1986, undertaken by Mr Shlachter, recommended that new licences should be made available under a leasing arrangement, and that the proceeds from leases should be used for the benefit of the industry. The Metropolitan Taxi-Cab Board, as part of its response to a report by Travers Morgan in 1988, proposed that more taxi-cab licences are needed, that the issue of those licences should be by public tender, and that the money obtained from the issue of new licences should be placed in an industry development fund.

As you can see, Mr Acting President, from that very quick summary of a number of reports over the past four years, there is a common view amongst all of them that there ought to be, first, the issuing of new taxi-cab licences and, secondly, the formation of some form of fund controlled in part by the board and by the Government, to be used for the benefit of the industry overall. I must say that that view is not unanimously held by the taxi-cab industry, in particular, in relation to the issuing of a number of new licences.

In his second reading explanation the Minister indicated that the intention was to issue up to 20 taxi-cab licences in batches of five at a time during 1989. That view (put by the Government and by the Minister) is not unanimously supported by all in the taxi-cab industry. I referred earlier to the report of the select committee of the Legislative Council on the taxi-cab industry. As with many such committees, this one was testimony to the value of the committee system and the value of the Legislative Council itself, in that people with diverse views representing three different Parties sat for a considerable period of time—although not for as long as the select committee on the Timber Corporation—and listened to a lot of evidence, and to some very strong and passionate views on the taxi-cab industry.

Any members who travel by taxi from Parliament House late at night well know that whenever an issue in relation to the Taxi-Cab Board or to licences is raised, you cannot get into a taxi-cab without hearing a very strongly held point of view put to you as a member of Parliament. It is easier when in Opposition; one can always blame the Government!

I think that the select committee was productive. Indeed, the Bannon Government, albeit a little slowly, has over four years sought to implement some of the recommendations in the report. As a member of that select committee, I am disappointed that progress has not been quicker and that all, or a majority, of the recommendations have not been taken up by the Government. This was one of the key recommendations of the tripartite select committee of the Legislative Council. Recommendation 25 is:

> That as soon as possible the board takes steps to issue new licences at market value and with the revenue raised from the sale of the licences establish a fund to be known as the Taxi Industry Development Fund to be devoted to the development and promotion of the industry and driver training.

The explanation is:

> As soon as possible, the board should issue not less than 10 nor more than 20 new licences at market value.

I interpose that the Hon. Barbara Wiese was the chairperson of the committee and the report is dated 16 May 1985. The explanation goes on:

> This would raise between $400 000 and $800 000. The committee suggests these proceeds could be invested to provide annual funding of $50 000-$100 000 for the employment of extra staff and other resources to establish a driver training course, the implementation of programs designed to promote and develop the taxi industry and the encouragement of greater innovation.

I shall not explore some of the innovative ideas of the select committee, because it might be out of order, but a number of such ideas were suggested by the committee. The report goes on:

> In addition, an increase in licences may be timely in view of the expected increase in the number of visitors to South Australia for the Grand Prix later this year and the Jubilee 150 celebrations throughout 1986.
>
> Further, it is worth noting there have been no new licences issued since 1980.

At that stage, it had been five years since a new licence had been issued. The report continues:

> Any proceeds from the sale of new licences in the future also should be directed to the Taxi Industry Development Fund.

Clause 5, which is the substantive clause, establishes a Metropolitan Taxi-Cab Industry Research and Development Fund. The Minister is to be responsible for the administration of the fund in consultation with the board. Given that the Minister in charge of the Bill in this Chamber will presumably be seeking guidance on the questions raised in the second reading and Committee stages, I shall seek to expedite the passage of the Bill by raising a number of questions which otherwise would be raised in the Committee stage. I will raise them in the second reading contribution so that the Minister will be able to obtain some response by the time we reach the Committee stage.

Why has the Government made the Minister responsible for the administration of the fund in consultation with the board? Why will the fund be applied by the Minister? Clause 5, which amends section 24a (5) of the parent Act, says that the fund may be applied by the Minister. I should like to know why it has been specifically drafted in that way.

The same subsection indicates the three reasons for usage of the funds out of this new Metropolitan Taxi-Cab Industry Research and Development Fund. First, it is to be used for the purpose of carrying out research into the metropolitan taxi-cab industry. Secondly, it is to be used for purposes of promoting the industry, and, finally, for any other purposes beneficial to the metropolitan taxi-cab industry. I would not have any objection to those subsections as being ways of spending the moneys that might eventually find their way into the fund. The carrying out of research is important. I would not like the majority of the funding to be spent on expensive research projects, because that was not specifically recommended by the select committee. A number of expen-

sive research projects have been undertaken in the past. I would not like the vast bulk of the money in this fund to be used for research purposes.

The second and third ways of spending the money again have general support from me and my colleagues—that is, for the purposes of promoting and for any other purposes beneficial to the taxi-cab industry.

The select committee talked about the employment of extra staff and other resources to establish a driver training course as being one reason for the fund. The Bill does not specifically cover that. I suppose it is possible that, under the broad brush provisions of paragraphs *(b)* and *(c)*, that might be intended. I do not know. I seek a response from the Minister as to whether there is any intention to use some of this money to employ extra staff and other resources to establish, or perhaps continue and expand existing driver training courses.

The recommendation regarding the encouragement of greater innovation is possibly covered by paragraphs *(b)* and *(c)*, but I should like to know what is intended with regard to specific ways of spending the money that will find its way into this fund.

I have had provided to me a copy of a confidential minute from the Minister of Transport, Mr Gavin Keneally, to the Chairman of the Metropolitan Taxi-Cab Board. I want to refer to this confidential minute, because it throws greater light on the Government's intentions in the Bill. The Bill is very short. It sets up the fund and gives power for the issuing of new licences under a variety of mechanisms. It does not specifically provide for the issue of the 20 new licences. That is a comment in the second reading explanation. This confidential minute throws greater light on the intentions of the Government and raises a number of questions. It has certainly created some alarm within the taxi-cab industry regarding the future intention of the Bannon Government and, in particular, the Minister responsible for the Metropolitan Taxi-Cab Board. The confidential minute is to the Chairman of the Metropolitan Taxi-Cab Board about the issue of 20 taxi-cab licences and states:

> Following our meeting on 19 January 1989 and my department's discussions with your officers subsequently, I am writing to confirm the arrangements for the issue of the 20 new taxi-cab licences.
>
> 1. The licences should be issued annually (as is currently the case) but they should be non-transferable.
>
> 2. The licensee will have the right to renew the licence yearly providing the licensee remains a 'fit and proper' person and is providing satisfactory service as defined by the Metropolitan Taxi-Cab Board (MTCB).
>
> 3. The right to renew exists for five years after which time both parties have the right to renegotiate the terms and conditions of the agreement, provided that the warrant for the licence still exists.

I will refer to point 4 in greater detail later as it relates to the substantive point, which has created alarm. The minute continues:

> 4. The yearly fee will be a reasonable amount, up to $5 000, the revenues to be retained by the MTCB.
>
> 5. The selection process of applicants should be by independently conducted ballot.
>
> 6. No existing owner should be eligible to apply.
>
> 7. Only people who have held a taxi drivers permit for more than 12 months may apply, to ensure that some experience of the industry has been gained.
>
> The Government will need to foreshadow at the time of the release of the licences that more will be issued in subsequent years, so that the prospective licensees are aware they are not buying into a market of fixed size.
>
> Further, the Government would retain the right to change the method and conditions of issue in future, the Government is not setting a precedent by its action. I would be grateful for your advice that these arrangements are acceptable to the board prior to my submitting the details to Cabinet.
>
> Amendments to the Metropolitan Taxi-Cab Act are currently being drafted for submission to the next [this] parliamentary session, to provide the power to sell at auction or tender, transferable and non-transferable licences. I will need to provide details of the licence issuing method at the second reading speech of the amending Bill.

It is signed by Gavin Keneally, Minister of Transport, and dated 13 February 1989. The last paragraph is illuminating because the Minister says, 'I will need to provide details of the licence issuing method at the second reading speech of the amending Bill.' This is the amending Bill before us currently, and we have a very short second reading contribution containing no detail by the Minister and the Government of the licence issuing method. The second reading explanation states:

> As mentioned, the Bill will allow for a variety of methods for issuing new licences. It will also empower the board to determine the maximum number of licences to be issued. I would like to foreshadow the Government's intention to issue up to 20 taxi-cab licences during 1989 at a fee yet to be determined.

Clearly, details of the licence issuing method were not given in the second reading explanation. Provided to us not by the Government but by a concerned person involved in the industry was a copy of the confidential minute from the Minister to the Chairman of the Metropolitan Taxi-Cab Board.

A number of matters in that minute are of concern to people in the industry. The one raised most frequently and passionately relates to point 4, namely, that the yearly fee will be a reasonable amount up to $5 000, with the revenue to be retained by the Metropolitan Taxi-Cab Board. Information provided to the Liberal Party from Suburban Taxi Service Pty Ltd indicates that the Metropolitan Taxi-Cab Board has been approving leases from individuals, who have put a minimum of 10 years (own the licence for 10 years) into the industry, from between $10 400 and $17 160 per annum. I seek leave to have incorporated in *Hansard* a statistical table headed 'Current Lease Payments for Taxi-Cabs'. Currently, 37 are being leased. It is an indication of the dollar payments per week for these leases.

Leave granted.

CURRENT LEASE PAYMENTS FOR TAXI-CAB

Currently 37 Being Leased

$ Per Week
310
250
250
250
220
260
300
260
260
250
290
280
280
260
330
250
270
270
200
250
280
277
240
250
280
280
250
250
250
250
290
280
275

CURRENT LEASE PAYMENTS FOR TAXI-CAB
Currently 37 Being Leased

	$ Per Week
	250
	280
	250
	300
Highest.....	330
Lowest	200
Average	265

The Hon. R.I. LUCAS: The table provided by Suburban Taxi Service Pty Ltd indicates that the average lease payment currently within the industry is $265 per week with the highest being $330 per week and the lowest being $200 per week. The Government's suggestion of $5 000 per annum represents a figure of only $96.15 per week. That represents, according to Suburban, only 36.3 per cent of the industry accepted figure. Suburban indicates that the average licence fee, based on the past 16 licence transfers in South Australia, has been $95 930. If one takes a line through the lease payment figure suggested by the Government, which is 36 per cent of 0.3 per cent of the industry accepted figure, taking 36 per cent of the average licence fee transfer of $95 930, we are left with a value for the licence fee of only $34 822.

Much concern exists in the industry about the confidential minute from the Minister of Transport. The Minister is suggesting the issuing of up to 20 new licences to the industry at a greatly discounted rate. The recommendations of the select committee were that the new licences—between 10 and 20—ought to be issued at market value. The select committee did some calculations on market value at that time. With a market value of some $95 930 now, the issuing of 20 new licences would bring into the new fund just under $2 million. Invested at an interest rate of between 10 per cent and 15 per cent, it is clear that the Metropolitan Taxi-Cab Board, without breaking into its capital, could be looking at earning approximately $200 000 to $250 000 per year, which could be spent for the purposes outlined in the Bill and for the purposes for which the select committee was arguing it ought to be spent by the Metropolitan Taxi-Cab Board.

That sum of money is significantly higher than the estimated $50 000 to $100 000 that the select committee calculated back in 1985. It is higher now because of the higher value of the licences. A significant sum of money such as that could be well spent by the board on innovation, promotion and research into the taxi-cab industry. The suggestion by the Minister of Transport of an annual licence fee of $5 000 would generate $100 000 per annum for the fund and for the Metropolitan Taxi-Cab Board. That is the maximum amount because the Bill provides for up to $4 000 a year. I seek from the Minister the reason for the very low annual lease payment figure recommended by the Minister of Transport.

The other matter relating to leasing that has been raised by people in the industry is the philosophical question of the Metropolitan Taxi-Cab Board owning licences. The present situation is that the board does not own licences—its licences are owned by others. This board is a regulatory body of the industry—it is the umpire or referee. Under the Government's proposal the Metropolitan Taxi-Cab Board will not only be the regulatory body, but will also be a competitive owner of taxi-cab licences within the industry. It would have considerable interest in this matter as a possible owner of 20 licences at present and a larger number in the future.

Suburban Taxis has raised this matter in a submission to the Metropolitan Taxi-Cab Board Chairman, a copy of which was provided to the Liberal Party. Page 2 of this submission states:

> Whilst there has been a suggestion that the 'Taxi Board' take on a more entrepreneurial role, the position of operating taxis, or as inferred in this case, leasing plates, is in direct competition to the owner and [the board] are there to ensure that the owner complies with regulations and is a fit and proper person. They have been known as the watchdog of the industry and certainly play an important role in the industry as well as the 'taxi travelling public'. The owner who has a financial investment in this industry, however large or small, does not want his statutory body or the Government as a competitor.

This matter deserves a response from the Minister as to why the Government believes that the Metropolitan Taxi-Cab Board should be the owner of licences and therefore bring in considerably less funds annually to the new fund being established.

Another matter has been raised in a number of submissions, but I will refer to the submission by Suburban Taxis because it is well presented and summarises most of the arguments. I do not want to delay unduly the passage of the Bill. This matter concerns a provision in the confidential minute which states that no existing owner should be eligible to apply for these 20 new licences. The Suburban Taxis response is as follows:

> Another simple statement, but why? Surely the owner who may have had a licence for a year or 10 or 20 or so has a proven commitment in the industry, yet no consideration is given to his or her financial commitment in the industry. Why exclude someone with proven experience? It is an accepted fact that in the majority of cases, the multi owner has his licences on the road for longer periods as a yearly average than a single owner/driver. Both single and multi-owner should have equal opportunity.

This is important because evidence (anecdotal, admittedly) has been provided to the Liberal Party that as a by-product of the new tax file legislation problems have occurred in providing taxis on the road for the length of time for which in the past they have been available. I do not want to go into debate about the pros and cons of the tax file legislation. I merely say that anecdotal evidence has been given to the Liberal Party that this is currently a problem in the industry. I accept the argument of Suburban Taxis in relation to this matter at face value. It states:

> . . . in the majority of cases, the multi owner has his licences on the road for longer periods as a yearly average than a single owner/driver.

If that is the case, perhaps there is a need for the Government to rethink point 6 of the confidential minute to the Chairman of the Metropolitan Taxi-Cab Board—that is, if it has not already done so.

To try to expedite the passage of the Bill I have raised a series of questions in my second reading contribution. The Liberal Party is interested in receiving a comprehensive response to each of those questions. I am sure that if we receive a comprehensive response to each of those questions we will not need to unduly delay the Committee stage of this legislation.

Bill read a second time.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 16 March. Page 2481.)

The Hon. PETER DUNN: The Opposition supports this Bill. However, I have a couple of queries that I would like the Minister to answer later. This Bill deals primarily with the restriction of speeds in certain areas. There are further implications about which I would like information.

I understand why the Bill has been introduced. We do have a number of mechanisms by which speed is restricted, such as road humps, bends, islands and the narrowing of roads, but obviously they do not work or this Bill would not have been introduced. We know what happens near dangerous areas, such as kindergartens and schools where monitors are used to deter people from speeding. We have 25 km/h flashing lights. All those are very effective, but it appears that they are not sufficiently effective, because somebody has lobbied the Minister to encourage him to introduce this Bill, which will put speed restrictions or speed zones on a road or carriageway or a portion thereof.

I see a bit of a problem here, and perhaps the Minister could reassure me or give me some advice on what happens when a local government authority requests a speed limit. Does that local government authority just apply to the Minister for a speed restriction in that zone, or on that street or carriageway? What happens then? Does the Minister refer that to a committee which observes whether the area needs to be speed zoned? I can see a situation where a district council may perceive a danger because it has been lobbied by a group of citizens, when there may in fact be no danger. I want the Minister to advise me whether that could be the case, because, if the Minister in charge of this Bill is the only one who can say whether a speed limit can be imposed, I do not think that it is good enough. I would like to see a further review of the area by somebody who could look at speed zones throughout the State.

I cite a similar situation when, some years ago, a number of areas in this State had fire bans imposed on them under the Emergency Fire Services Act. Each district council imposed its own fire bans, and this was not deemed to be terribly good. Persons would come from an area which did not have a fire ban, and go into a fire ban area and start up their barbecue. This caused great distress to the district councils. In their wisdom, the Country Fire Services deemed that it would determine fire bans in rather larger areas across the State.

The same principle applies to this Bill. For instance, if you were going up Greenhill Road and you went through a number of different speed zones along that road, it would be very confusing. Before speed zones are applied, the matter needs to be carefully thought out, and the areas to be zoned need to be carefully perused. Although I can understand why speed zones are necessary, I do not believe that they ought to be imposed willy-nilly or with just a stroke of a Minister's pen, with the determination then being printed in the *Government Gazette.*

I have one other query, regarding policing. Who will police these restrictions? I presume that police officers themselves will have to read the signs and determine whether somebody is in or out of a speed zone. As I understand it now, there are three distinct speed zones within the State. There are probably more than that, but three distinct ones come immediately to mind. They are the 60 km/h zone in the metropolitan area, 80 km/h zone on the outskirts of towns, and the open road speed limit of 110 km/h. We know that there are other speed limits within the city, particularly past schools, where the limit is 25 km/h. Everybody seems to know those.

They are fairly restricted, and usually you can see a school or a flashing sign. However, under this policy a particular road or carriageway will have those signposts put on them. There will also be a sign stating the relevant speed limit. This will be reasonably costly because those signs are not cheap. I think local governments are letting themselves in for a few problems. However, if it frees up the traffic by not having to put impediments on the road like rumble bars, humps, bends or islands, maybe the restricted speed limits would be a better idea. That has yet to be proved to my satisfaction. I hope there is enough information and knowledge within the road safety organisations in this State to determine whether an area needs that speed zone. If the organisations' criteria are applied, and they look at an application for a speed zone in whatever district or city council is involved, they should be able to make some recommendation to the council involved. For those reasons I support the Bill, and I ask the Minister to answer those questions at some later stage.

Bill read a second time.

PASTORAL LAND MANAGEMENT AND CONSERVATION BILL

Adjourned debate on second reading.

(Continued from 16 March. Page 2486.)

The Hon. K.T. GRIFFIN: Whilst I have serious concerns about this Bill in general, and while I may have otherwise been inclined to make some rather lengthy observations about it and its philosophy, that has been done more than adequately by my colleagues. For that reason I want to focus only on one particular issue. During the Committee stages I will take a fairly keen interest in the debate and participate when necessary. I refer to Part 7, which deals with the Pastoral Land Appeal Tribunal as established by clause 45. Various questions under clause 49 are to be determined by the tribunal. For example, a lessee who is dissatisfied with the decision to vary the conditions of a pastoral lease, a decision not to extend the term of a pastoral lease, or a decision to cancel a pastoral lease or impose a fine on a lessee for breach of lease conditions which may appeal to that tribunal.

I am a supporter of adequate appeal rights for persons who believe that they are disadvantaged by governmental action, and I support the concept of the tribunal in this Bill. However, I have a concern that in clause 47 (6) a party is entitled to appear personally before the tribunal or, in all cases by counsel or other representatives, except in the case of a compulsory conference. That indicates a trend in the Government to endeavour to ensure that only lay persons appear at a tribunal in the context of a compulsory conference.

It suggests that the Government is losing touch with the basic rights of the individual to be adequately represented by whomever that person chooses. In this particular case, a party is entitled to appear, personally, by counsel, or by other representative, before the formal hearings. The tribunal may decide that it wants to have a conference to try to resolve the matter.

It is all very well for the tribunal, which comprises a District Court judge and two so-called experts chosen by the judge, then to decide that there ought to be a compulsory conference, but the consequence of that is that, on what might be very important complicated issues which may have far-reaching effects for a pastoralist, the pastoralist will be there alone and ranged against the pastoralist in a compulsory conference may well be a number of departmental officers of whom one may be a lawyer who is not representing the department but who is a public servant and is there as part of the Government entourage.

In those circumstances, no other conclusions can be reached about the equity of the situation than that the Government is represented more than adequately by people who know all the ins and outs of a particular issue and who

are ranged against one individual, who is a pastoralist appealing on a matter which affects his or her livelihood. The ramifications of accepting the directions of the person presiding over the conference may be quite significant. As a matter of principle the Attorney-General must agree that that is wrong, because it deprives the individual, who has a complaint about decisions made by Government officers, from getting good advice, from being supported at a compulsory conference, and from being able to match the wits and the wiles of those governmental officers who appear before the tribunal.

The governmental officers will obviously have a particular point of view which they will put very strongly. They will be experienced and presumably they will have no personal interest in the matter. They will be able to run rings around a pastoralist who really is generally interested only in running a pastoral business or property and making decisions which are within his or her specific area of expertise.

It is in those circumstances that I think clause 47 (6) is a breach of an individual's basic rights and it should not be tolerated. There can be no justification for this Government's proposing such an outrageous proposition that a person is to be deprived of representation. It does not matter whether that representative is a lawyer or someone else, but they should not be deprived of representation by someone who is there to assist that person in the course of a compulsory conference which can determine whether or not the appeal is resolved or continues and, if it is resolved, on what terms.

It is in that context that I speak very strongly against the limitation of the right to legal or other representation of a person before a tribunal in the context of a compulsory conference. The Law Society has written to me and I understand that it has made representations to the Government also. I will take a moment or two to quote what the Law Society has to say:

> The society is opposed to that particular amendment. It is the society's view that in any tribunal where individual rights or liberties may be assessed or determined, the parties to that proceeding must be entitled to be legally represented at all stages of it.
>
> Clause 47 is clearly directed to ensuring a fair and proper hearing. To then restrict the opportunity of a party to the hearing from being legally represented at certain stages of it is inconsistent with that concept. In a compulsory conference, discussions take place about rights, obligations and factual circumstances which may lead to the resolution of the matter. It cannot possibly be fair or proper for a party to be forced to appear personally at that stage when he is vulnerable to being overwhelmed by those of more forceful personality, or by incorrect assertions as to the state of law or facts relevant, or be inhibited from raising other legal or factual matters which otherwise should be brought forward.
>
> Those general considerations prompt the specific comments: parties are not always equal in terms of education, communication skills or resources. Government has substantial resources and professional skills available to it. Why should an individual be excluded from access to parallel skills? What of the position of someone who has linguistic difficulties? With the best will in the world the tribunal cannot be satisfied (nor should it be given the responsibility) of ensuring that a party is not overborne in some way by the resources marshalled against him. Right of access to independent legal advice at all stages of a proceeding is critical to ensure that rights are properly protected.

The President of the Law Society recommends that we amend that subclause to ensure that a party is entitled to appear personally, by counsel, or by other representative, and I support that proposition.

Other matters in the Bill are of significant importance, but on this matter which falls within my specific area of responsibility I make the strongest possible plea to the Attorney-General that he ensure that that particular amendment, which we will move during the Committee stage, is agreed to, because to do otherwise is to deny the rights of the individual. I support the second reading.

The Hon. I. GILFILLAN secured the adjournment of the debate.

CREDIT UNIONS BILL

In Committee.

Clauses 1 to 8 passed.

Clause 9—'Credit union must be registered under this Act.'

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

Page 6, lines 25 and 26—Leave out all words in these lines and insert:

(c) a building society;

or

(d) a friendly society incorporated under the Friendly Societies Act 1919.

The Hon. Mr Griffin asked for an explanation from the Government as to why friendly societies are not specifically referred to in subclause (3). The Government has considered this matter. Subclause (3) excludes banks and building societies from the requirement to be registered under this Act. The business of a friendly society does not include in a substantial manner the traditional business of a credit union. However, given that a friendly society has the power to make small loans, I agree that clause 9 should be amended to specifically not apply to a friendly society, and that is what my amendment does.

The Hon. K.T. GRIFFIN: It is important to ensure that there is no conflict between this legislation and the Friendly Societies Act, and I support the amendment.

Amendment carried; clause as amended passed.

Clauses 10 to 18 passed.

Clause 19—'Power of commission to alter rules.'

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

Page 10, after line 16—Insert 'or' between paragraphs *(a)* and *(b)*.

Two questions were raised in relation to this matter by the Hon. Mr Griffin. First, he wanted to know why there is no right of appeal where the commission, of its own initiative, amends rules on the basis that it is necessary to achieve conformity with any requirement of the Act. The response is that clause 20 provides that the credit union may appeal to the court against a requirement by the commission that it alter its rules, or an alteration made by the commission to its rules.

It is not deemed appropriate to have a right of appeal to the Minister in these circumstances, where the commission would be advising the Minister in relation to its own decision on a matter of law pertaining to the Act, but clause 20 does provide that a credit union may appeal to a court. So, there is a right of appeal in respect of that matter. The Hon. Mr Griffin requested an explanation as to why there was no definition of what is in the public interest or what is intended. The answer is that a possible situation is where the credit union is encountering financial difficulties and a change in the board is necessary without appointing an administrator.

This may not be able to be effected quickly under the credit union rules. A similar provision applies in the Building Societies Act but, on reflection, it is probably not necessary in this legislation, given the powers of the Credit Union Deposit Insurance Board, plus the fact that all depositors and borrowers are members of the credit union. So, the Corporate Affairs Commission has now acknowledged that in the case of credit unions this requirement will not

be necessary. Therefore, I have agreed to remove the power in relation to this matter, as the powers already exist in other legislation.

The Hon. K.T. GRIFFIN: With respect to the first answer, I agree with the Attorney-General's response. I did not recognise that there is a right of appeal to a court under clause 20 with respect to the requirement by the Corporate Affairs Commission to amend the rules of a credit union. So, that is adequately covered and also, on reflection, because the Corporate Affairs Commission is subject to the direction of the Minister and is accountable to the Minister it would be inappropriate for an appeal to go from a decision of the commission direct to the Minister on that matter.

With respect to the second matter, the removal of the power of the commission to require the rules to be amended in the public interest is an appropriate amendment. It removes any area of doubt, and I do not think it is necessary, in any event. I know that the Credit Unions Association has been exercising its collective mind as to what is intended, and will be pleased to see that it is no longer there.

Amendment carried.

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

Page 10, lines 18 and 19—Leave out all words in these lines.

Amendment carried.

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

Page 10, line 24—Leave out 'or *(c)*'.

Amendment carried; clause as amended passed.

Clauses 20 and 21 passed.

Clause 22—'Minors.'

The Hon. C.J. SUMNER: The Hon. Mr Griffin has asked whether the Government will consider the possibility of a minor being able to exercise a vote under this clause via a parent or guardian. My response is that this would give rise to the possible situation of adult parents or guardians who are also members of the credit union having more than one vote. The present provision is in the current Act, and there has been no call by the industry or a compelling reason for an amendment.

The Hon. K.T. GRIFFIN: I accept that. If the industry has not called for it, I will not pursue it, although it is something they may want to give consideration to at some time in the future. I do not intend to pursue it any further at the moment.

Clause passed.

Clauses 23 to 38 passed.

Clause 39—'Disclosure statement to be furnished prior to issue of securities.'

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

Page 18, line 36—after 'issued' insert ', together with such other information and reports as the commission requires'.

Clause 39 (1) of the Bill provides, among other things, for a credit union to issue a disclosure statement to its members in relation to securities whether or not being securities of the credit union. An example of such securities would include units in a property trust in relation to a credit union's business premises. The clause also provides for the disclosure statement to be in the prescribed form. Accordingly, regulations will be drafted to provide for disclosure relevant to the securities which will be generally issued by credit unions. However, the regulations would become impossibly complex if they were to cater for all possible investment products.

This amendment to clause 39 provides that in addition to prescribing the content of the disclosure statement the commission can require such other information and reports as are deemed necessary which provides the appropriate flexibility. If this amendment is passed then, by adopting an approach similar to the Companies Code, the commission can formulate any additional disclosure requirements having regard to the nature of the securities being offered without the need for complex regulations.

The Hon. K.T. GRIFFIN: I agree that that is a flexible way of dealing with it. It brings it into line with the approach in the Companies Code. I am not aware of any complaints about the way in which the commission has administered those provisions. Therefore, I am prepared to agree with the amendment.

Amendment carried; clause as amended passed.

Clause 40—'Civil liability with respect to disclosure statements.'

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

Page 21, lines 44 to 48—leave out all words in these lines and insert:

(a) a disclosure statement contains the name of a person as an officer of the credit union and the person has not authorised or consented to the issue of the disclosure statement, or

(b) the consent of a person is required under section 39 to the issue of a disclosure statement and the person has not given that consent or has withdrawn it before the issue of the disclosure statement.

The Hon. Mr Griffin's first question is what, under this clause, is 'reasonable public notice'. That is in relation to whether a disclosure statement was issued without a person's knowledge or consent and the person gave reasonable public notice that they did not consent. The honourable member asked for clarification of what is envisaged by 'reasonable public notice' and whether clearer guidance can be given to officers who find themselves in this difficult position.

The answer is that this principle was lifted from the Companies Code where 'reasonable public notice' is not defined. 'Reasonable public notice' will depend on the circumstances of the issue and on the circulation of the disclosure document.

The second question was whether it would be appropriate to include a provision that 'reasonable public notice' shall be given at the cost of the credit union and may be recovered from its funds. The response is that, as the regulations will require the disclosure statement to be signed by all directors, it would be appropriate to include in the Bill a provision extending the indemnification in subclause (7) to include officers who were named in the disclosure statement and who did not authorise or consent to the disclosure statement.

The Hon. K.T. GRIFFIN: I understand the need to keep some flexibility with reference to 'reasonable public notice'. I suppose that, because of the nature of the membership and activities of credit unions compared with companies, it may be more difficult to determine what is proposed with 'reasonable public notice'. As it is in the Companies Code and probably needs to be flexible, I accept what the Attorney-General has said on that subject.

As regards indemnification from the costs and perhaps related costs of the reasonable public notice, it seems that the amendment adequately ensures that that is the case. I agree and support the amendment.

Amendment carried.

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

Page 22, line 3—after 'the person' insert 'so named or'.

Amendment carried; clause as amended passed.

Clauses 41 to 43 passed.

Clause 44—'Loans to officers and employees'.

The Hon. C.J. SUMNER: The Hon. Mr Griffin expressed the view that there ought to be some explanation of the way in which the disclosure provisions are to apply within credit unions both to loans and to other contracts involving

officers, particularly directors, and the extent to which that information may be accessible to the members. He said that, as a matter of principle, information about the fact of a loan should be made available to members of a credit union where such a loan is to be made to a director.

My response is that, in relation to directors' contracts, clause 66 provides that the interest in the contract must be reported to the board of directors. This provision is similar to that imposed upon company directors by the Companies Code. In relation to credit unions the declaration by the directors must also be reported to the Corporate Affairs Commisison and to members at the next annual general meeting.

Clause 44 provides that any loans made to directors need not be reported to the annual general meeting unless provided for by the rules of the credit union. This information is reported to the Corporate Affairs Commission but is not available to the public, as it is of a private nature. The regulations under this Bill will provide that the accounts of a credit union should include benefits to directors such as discounted loans made to directors and the five most highly remunerated executive officers. This information will be available to members at the annual general meeting, and the accounts are available for inspection at any time pursuant to clause 77 by members of the credit union and persons eligible for membership. Additionally, pursuant to clause 82, the directors of a credit union must in their directors' report to members at the annual general meeting state particulars of any interest in a contract with a credit union.

The Hon. K.T. GRIFFIN: I should like to pursue that for a moment. I take it from what the Attorney-General has said that the regulations will contain some of the requirements which were not obvious from the Bill, but more particularly that loans to directors are excluded from the description 'contracts in which the directors have an interest', unless they are discounted loans which will be caught by the regulations and will be disclosed.

The Hon. C.J. SUMNER: It is intended that the regulations to this Act will be similar to schedule 7 of the Companies Code, and discounted loans are picked up by the disclosure requirements that will be contained in those regulations.

Clause passed.

Clause 45—'Commercial loans and returns by credit unions.'

The Hon. C.J. SUMNER: The Hon. Mr Griffin's question here related to the fact that a commercial loan does not include a loan of under $100 000, which is secured by a registered first mortgage over land on which a dwelling house is erected or by a charge over authorised trustee investments and where the amount borrowed does not exceed 85 per cent of the market value of the land or investment subject to the mortgage or charge. That being the effect of clause 45, his comment was that he would like to see some clarification of what the Government believes is the appropriate mechanism for obtaining information about the market value of the land. He said that he would have expected that, as in the case of the Trustee Act, some reference to a market value fixed by a licensed valuer might be an appropriate additional safeguard for a credit union and also for the members.

My response is that subclause (5) requires that a credit union must report to the Credit Union Deposit Insurance Board all commercial loans made of an amount that exceeds $100 000 or 0.5 per cent of total assets, whichever is the lesser. Both the Credit Union Deposit Insurance Board and the Corporate Affairs Commission will be inspecting commercial loans made by credit unions to ensure compliance with the legislation. Additionally, pursuant to clause 118, the Credit Union Deposit Insurance Board may place a credit union under supervision where the board is satisfied that the affairs of the credit union are being conducted in an improper or financially unsound manner. I consider that these mechanisms are adequate and that no further regulation is necessary.

The Hon. K.T. GRIFFIN: I appreciate the difficulty of clarifying the reference to market value further and, because of the supervision to which the Attorney-General has referred, I am prepared to let the matter rest there.

Clause passed.

Clause 46—'Loans to minors.'

The Hon. C.J. SUMNER: The Hon. Mr Griffin's question in this respect was that he felt that it may be necessary to address the issue of whether or not a minor, notwithstanding his or her capacity to enter into a contract for a loan from a credit union, should also be able to provide security. My response is that credit unions still make a number of unsecured loans. It is the credit unions commercial responsibility to ensure that appropriate security is taken where deemed necessary. There are already mechanisms in place whereby a credit union may validate security taken. The Credit Union Deposit Insurances Board, in carrying out its inspection powers, routinely checks that any securities taken by credit unions are validated. I consider that adequate mechanisms are in place and that no amendment to the clause is necessary.

The Hon. K.T. GRIFFIN: I can appreciate that. I put on record that there may be some difficulty, as I understand it, with respect to a minor actually giving the security. That is the issue, particularly where it relates to real estate. I do not want to hold up consideration of the Bill to pursue the technicalities of it, but would merely request the Minister and his officers to consider further the context in which I raise the matter, that is, the capacity of a minor to give that security, as there are some difficulties in it.

Clause passed.

Clauses 47 to 50 passed.

Clause 51—'Provisions governing investment.'

The Hon. C.J. SUMNER: The Hon. Mr Griffin said that the only question raised was the extent of the guarantee in relation to guaranteeing the liabilities of a subsidiary. He queried whether there is a need for such guarantee to be linked more specifically to those provisions which deal specifically with placing limits on a credit union's commitment to a subsidiary or subsidiaries. My reply is that the clause provides that a credit union may not invest its funds in a subsidiary or guarantee the liabilities of a subsidiary in excess of 5 per cent of defined liabilities without the approval of the Credit Union Deposit Insurance Board. Subclause (4) provides that where a credit union has provided a guarantee, the credit union is to be regarded as having applied an amount for that purpose equal to the full amount of the liability guaranteed. Additionally, subclause (5) provides that a credit union must notify the board in writing at lease seven days before engaging in such activities. It is the Government's view that no further amendment is required.

The Hon. K.T. GRIFFIN: I accept that.

Clause passed.

Clauses 52 to 64 passed.

Clause 65—'Qualification of a director and vacation of office.'

The Hon. C.J. SUMNER: In respect of this clause, the Hon. Mr Griffin raised for consideration that in subclause (3) the office of the director becomes vacant in certain

circumstances, but it is not specifically provided that it becomes vacant in the event of a director also being a director of a company placed in liquidation, for example. In those circumstances, it seemed to the honourable member that we should consider whether or not a director is so disqualified. He also thought that it may be appropriate to consider including in this clause the sort of provisions which are included in the Companies Code and which relate to disqualification of directors from continuing to hold office if involved in activities in companies that result in insolvency and liquidation of those companies.

I agree that it is appropriate to regulate credit unions in the area of directors' qualifications similar to a company. Accordingly, the Bill is to be amended to the effect that a person who is disqualified under the provisions of the Companies Code from being a director also being a director of a company placed in liquidation, for example, is disqualified under this Act from being director of or from taking part in any way in the management of a credit union without the leave of the court. I therefore move:

Page 33, after line 9—Insert paragraph as follows:

(da) is prohibited from being a director of a corporation pursuant to the Companies (South Australia) Code;

After line 27—Insert paragraph as follows:

(ga) is prohibited from being a director of a corporation pursuant to the Companies (South Australia) Code.

The Hon. K.T. GRIFFIN: I support the amendments. I am pleased that the Attorney-General is taking them up as they will make an improvement to this clause.

Amendments carried; clause as amended passed.

Clause 66 passed.

Clause 67—'Certain dealings are prohibited.'

The Hon. C.J. SUMNER: An officer of a credit union is prohibited from certain dealings without the approval of a majority of the directors. Anything done by a proprietary company in which an officer of a credit union is a shareholder or director is to be regarded as having been done by the director.

The Hon. Mr Griffin suggested that it might be that the shareholder or director was in fact a trustee and, in those circumstances, he felt that the trustee would not be caught by the clause. He suggested that the inclusion of the words 'acting as trustee' should be considered. My response is that an officer acting in the capacity as trustee for a third party as a shareholder or a director who is also a shareholder is a shareholder or director as provided by subsection (2). There appears to be no good reason to proceed with an amendment to this clause.

The Hon. K.T. GRIFFIN: I think what the Attorney says makes good sense. At the time I was working through the Bill the reference to shareholder or director probably jumped out and I thought that perhaps trustees should be included also. However, I think they are included if they act individually as trustees, and I accept the suggestion of the Attorney-General.

Clause passed.

Clauses 68 to 70 passed.

Clause 71—'Duty and liability of officers.'

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

Page 35, lines 9 and 10—Leave out all words in these lines and insert 'Penalty: Division 4 fine or division 4 imprisonment.'.

This clause provides that an officer of a credit union must at all times act honestly in the exercise of the powers and the discharge of the duties of his or her office. The Hon. Mr Griffin felt that if one does not act honestly one must have an intention to deceive or defraud. He therefore considered that the reference to 'intention to deceive or defraud, was superfluous in dealing with a determination whether or not an officer had acted honestly.

My response is that this is consistent with regulations under the Companies Code applied to company officers. However, to be dishonest an officer must have agreed to commit the offence with intent to deceive or defraud, and the Bill is to be amended to provide for only a Division 4 fine or Division 4 imprisonment.

The Hon. K.T. GRIFFIN: I accept that.

Amendment carried; clause passed.

Clause 72 passed.

Clause 73—'Voting.'

The Hon. C.J. SUMNER: The Hon. Mr Griffin asked me to indicate why, if a special resolution was to be passed, postal voting should not be required in circumstances where he would have thought it was imperative for the members' views to be received and considered in more significant circumstances than ordinary resolutions.

My answer is that in many circumstances a decision requiring a special resolution is of such import that members should be personally present to share in informed debate and have the opportunity to raise questions arising out of further information provided at the meeting. However, the Corporate Affairs Commission has the discretion in special circumstances pursuant to subclause (3) to permit a credit union to conduct postal voting on a question or class of questions to be determined by specal resolution.

The Hon. K.T. GRIFFIN: I am not sure that I agree completely with this clause but, as power is provided for the commission to approve postal voting for a special resolution in certain circumstances, I am prepared to go along with the clause, as drafted. I think that special resolutions are important, as the Attorney has indicated, but it might be just as important to have a postal vote on such a resolution because of the significance it may have for the credit union. However, I will not be difficult about the matter, as I think it can be reviewed at a later stage, if necessary.

Clause passed.

Clauses 74 to 113 passed.

Clause 114—'Power of the board to borrow.'

The PRESIDENT: I point out that this clause is in erased type because it is a money clause. No question shall be put in Committee upon a money clause. In the message sending the Bill to the House of Assembly, I will indicate that this clause is deemed necessary and leave it for the House to insert it in the Bill.

Clause plassed.

Clauses 115 to 119 passed.

Clause 120—'Appeal.'

The Hon. C.J. SUMNER: Subclause (2) relates to a declaration by the board that a credit union is to be subject to supervision or is to be released from supervision, but provides that a declaration of the board is not to be stayed by an appeal under this provision. The Hon. Mr Griffin considers that, if a court decides that it is appropriate to stay the decision, it ought to have the discretion to do so.

My response is that it is considered unwise to amend this provision which is in the current Act. To do so may invite a run on a credit union if members become aware of the board's declared supervision.

The Hon. K.T. GRIFFIN: I accept the practical consequence of a stay of proceedings, and for this reason do not pursue the matter any further.

Clause passed.

Clauses 121 and 122 passed.

Clause 123—'Winding up.'

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

Page 70, line 19—After '*Gazette*' insert 'and advertised on two separate days in a newspaper circulating generally in the State

and, where the credit union is carrying on business as a credit union in another State or Territory of the Commonwealth, on two separate days in a newspaper circulating generally in that State or Territory'.

The Government agrees with the proposal of the Hon. Mr Griffin. My amendment will ensure that publication will occur by advertisement on two separate days in a newspaper circulating generally in the State and any State or Territory where the credit union is carrying on business.

The Hon. K.T. GRIFFIN: I agree with the amendment.

Amendment carried; clause as amended passed.

Clauses 124 to 126 passed.

Clause 127—'Registration.'

The Hon. C.J. SUMNER: This is the first clause of Part IX, which deals with foreign credit unions. The Hon. Mr Griffin asked some questions. The first is that the question arises whether a credit union which seeks to come into South Australia and carry on business as a foreign credit union is also required to contribute to the fund and be subject to the jurisdiction of the South Australian Credit Union Deposit Insurance Board. It was not clear to him that that was the case, so he considered it needed to be clarified.

My response is that clause 110 provides that a credit union must contribute to the fund. Clause 118 provides for the powers of the Credit Union Deposit Insurance Board in relation to the supervision of a credit union. Clause 3 provides the interpretation that a credit union is a domestic credit union. A foreign credit union registered under Part III or Part IX is not required to contribute to the fund and is not subject to the jurisdiction of the South Australian Board. If foreign credit unions fail, they are subject to the jurisdiction of their respective boards. There are boards similar to South Australia's in existence in New South Wales and Victoria, and plans are under way to introduce similar boards in all States and the ACT.

Secondly, the Hon. Mr Griffin wondered whether the reference to foreign credit unions was likely to extend into other areas such as building societies and friendly societies. The answer is that credit unions in Australia have been trading interstate for some time, and a number of interstate credit unions are trading in South Australia under an industry based bond of membership. There are different considerations for building societies and friendly societies, but both these entities have their Acts under review.

The honourable member then made a minor point in relation to clause 127 (2) *(b)* (B). Before registration of a foreign credit union can occur, there must be a copy of the last audited balance sheet of the foreign credit union. The honourable member surmised that it was probably topical in the light of the Friedrich case (the National Safety Council case) to determine whether it was appropriate to require the last audited balance sheet of the foreign credit union to be certified by the Corporate Affairs Commission of the State of origin rather than to require certification from two of the directors of the foreign credit union.

My response is that the matters relating to the NSC have not yet been settled and the consideration raised may have wider application than just for credit unions and, accordingly, the Government does not propose an amendment at this point in time.

The honourable member's next question was that reference was made in clause 131 to foreign credit unions, where documents must be lodged with the Corporate Affairs Commission. This includes a copy of the balance sheet relating to the financial affairs of the foreign credit union. It seemed to the Hon. Mr Griffin that that ought to include an audited balance sheet, rather than just an ordinary balance sheet.

My answer is that all interstate and Territory legislation regulating credit unions in Australia requires audit by a registered company auditor. Subclause (1) provides that the balance sheet to be lodged must be in the form required by the law of the foreign credit union's place of origin. Accordingly, the Government does not propose any further amendment to this clause.

The Hon. K.T. GRIFFIN: I raise just one matter in respect of the first question and answer. From what the Attorney-General said, it appears to me that the South Australian Credit Union Deposit Insurance Board does not have supervision of an interstate credit union in so far as it carries on business in South Australia, and that that might in fact be a minus for the members of that credit unions inasmuch as the distance from the point of supervision to the point of operation is concerned. I wonder if that presumption is correct and, if it is, could the Minister and the commission give further consideration to that, not with a view to holding up this Bill, but in relation to the adequate supervision of such foreign credit unions in so far as they carry on business in South Australia?

The Hon. C.J. SUMNER: The Corporate Affairs Commission does not consider that necessary at this stage, particularly because there have been discussions between the States on this issue. It has been agreed, and is in the process of happening, that boards of some kind should be established in each State. We are happy to keep the matter under review if there appears to be a problem.

Clause passed.

Clauses 128 to 134 passed.

Clause 135—'Abolition of doctrine of constructive notice.'

The Hon. C.J. SUMNER: The Hon. Mr Griffin was not clear about the intention of clause 135, which relates to the abolition of the doctrine of constructive notice. My response is that clause 135 provides for a better version of section 118 of the current Act which it replaces. Section 118 provides that if a credit union contravenes or fails to comply with any provision of the Act or the rules of the credit union, the rights and liabilities of the credit union or any other person under the Act, or any other Act or law, should not be affected or prejudiced thereby. The abolition of the doctrine of constructive notice is contained in both the Cooperatives Act 1983, and the Associations Incorporation Act 1985 passed by this Parliament.

Clause passed.

Clauses 136 to 148 passed.

Clause 149—'Proceedings for offences.'

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

Page 81, line 6—Leave out subclause (1) and insert:

(1) An offence against this Act that is not punishable by imprisonment is a summary offence.

(1a) An offence against this Act that is punishable by imprisonment is, subject to subsection (1b), an indictable offence.

(1b) Where—

(a) proceedings for an offence against this Act that is punishable by imprisonment are brought in a court of summary jurisdiction;

and

(b) the prosecutor requests the court to hear and determine the proceedings,

the offence is to be taken to be a summary offence and must be heard and determined as such.

(1c) A court of summary jurisdiction may not—

(a) impose, in respect of any one offence against this Act, a period of imprisonment exceeding two years;

or

(b) impose, in respect of offences against this Act, cumulative periods of imprisonment that, in aggregate, exceed five years.

(1d) Nothing in this section renders a person liable to be punished more than once in respect of the same offence.

The clause provides that the offences constituted by this Act are summary offences. The level of penalties for the

offences introduced in the Bill, based on provisions in the Companies Code are such that they carry a term of imprisonment of four years. On reflection they should not be summary offences. This amendment to clause 149 provides an approach similar to the Companies Code, where, among other things, an offence against the Act that is punishable by imprisonment may be punishable on indictment. If proceedings for an offence that is punishable by imprisonment are brought into a court of summary jurisdiction and the prosecutor requests the court to hear and determine the proceedings, the offence will be dealt with as a summary offence.

The Hon. K.T. GRIFFIN: I support the amendment. I did have some reservations about all of the offences, particularly those related to imprisonment, being summary offences. I am pleased that the Attorney-General has pursued that matter and that he has moved this amendment. I think it is much more appropriate, and therefore I support the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (150 to 152) passed.

Schedule and title passed.

Bill read a third time and passed.

ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) ACT AMENDMENT BILL

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: The Hon. Mr Griffin raised a query in relation to clause 5, which is designed to provide immunity from civil or criminal liability to a landowner, commission, or control board, or a person acting on behalf of the owner, commission or control board when carrying out an action as detailed in the clause pursuant to the Act. The immunity provided by this clause extends only to the action of destroying a plant or animal to which the Act applies. Arguments raised by the Opposition through the Hon. Mr Griffin during the debate indicate that this clause could provide immunity to persons who, by negligence, allow chemical sprays or poison baits to drift or otherwise travel to a neighbouring property and thereby cause damage.

I am advised that this is not the case, as the immunity applies only to actions being carried out pursuant to the Act and, obviously, the drift of the chemical spray on to plants that are not required to be controlled under the Act is not an action being carried out pursuant to the Act. In summary, the Government does not believe that the fears raised by the honourable member are justified.

The Hon. K.T. GRIFFIN: With the indulgence of the Committee, can I say that I have had some discussions with officers in respect of that matter. I have expressed my uneasiness about any provision which gives immunity from civil and criminal liability. I can appreciate the argument which has been put. It is probably likely to be the way in which this clause will be construed if the legislation is enacted in its present form. I therefore will not pursue the matter, but I do say that I think it is an issue which ought to be kept under review by the particular Government department administering the Act and that, if there is an unintended consequence where, for example, as a result of pursuing prescribed action, injury is caused or loss or damage suffered by some person other than the owner or the officer, then the Government ought to consider some *ex gratia* payment to ensure that the unintended consequences are mitigated.

I do not want any undertaking from the Attorney-General in respect of that matter. I mention it as a point of view which I think ought to be on the record and, notwithstanding my uneasiness about any provision embodying the principle referred to, I do not desire to pursue it further. On the other hand, I should also say that I would not want it to be regarded as a precedent for any future legislation in other areas, because in the future someone may try to use it as such. I certainly do not intend it to be used as such, but just to deal with the special circumstances of the destruction of animal and plant pests.

Clause passed.

Progress reported; Committee to sit again.

[*Sitting suspended from 5.56 to 7.45 p.m.*]

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

The Hon. T.G. ROBERTS: I seek leave to suspend Standing Orders so far as to allow the select committee to sit until 8.30 this evening.

Leave granted.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 2546.)

The Hon. M.J. ELLIOTT: I support the Bill but also foreshadow that I will be moving amendments during the Committee stage. I will keep this contribution brief, since I have to go to the select committee which is about to meet. The Australian Democrats support the concept of a photograph on a driver's licence. It has been part of our policy for a number of years, and is most important, because the presence of the photograph on the licence gives the licence far greater integrity. It will be much more difficult for it to be borrowed by other people, stolen or misused in a number of ways, as well as more difficult to counterfeit. For a host of reasons we support the concept.

However, I have one reservation which I have expressed previously, and that is the concern that, with the increasing computerisation of Government files (licence and registration details held by the Registrar of Motor Vehicles are computerised), there is the possibility of various computer databases being interlinked, and the driver's licence has the potential to become a *de facto* identity card of very great power. Its power would be much greater than the feared Australia Card would have been, I suggest.

For that reason, I will move two amendments during the Committee stage which seek to restrict the driver's licence to act only as a driver's licence and not to be used for other purposes, with the proviso that if there is another purpose contemplated for the driver's licence it needs to be one approved by the Parliament itself, by way of either legislation or regulation. The amendments seek to do this in two ways: first, it is necessary to make it an offence to interlink the driver's licence database with any other, unless the licence holder specifically consents to that linkage. There are reasons why that could occur. For instance, it has been suggested for some time that driver's licence information might be linked with whether or not people are willing to donate organs, and they may be willing to consent on that basis.

Secondly, it might be linked if it is necessary for the administration or enforcement of this Act or other laws relating to motor vehicles, or where an officer from another State or Territory is engaged in the administration or enforcement of law relating to motor vehicles or, finally, where authorised by this Act, any regulations under this Act or any other law. In other words, the linkage of the two databases can only happen with the approval of Parliament. Of course, the other way of stopping it from acting as a *de facto* identity card is to move an amendment which restricts who can demand to see the driver's licence.

It seems obvious to me that it will be necessary for the police to demand the licence in relation to motor vehicle offences, and that is already entertained under this Act. Once again, this amendment requires lawful authority for anyone to demand a licence—and in the first instance we are really talking about the police or the Registrar of Motor Vehicles and people in the department who, for a number of reasons, may need to demand the licence.

If the licence is to be used for other purposes, I believe that Parliament should approve them, although some are obvious. For instance, hire car firms need to see licences and it is perfectly reasonable that they demand them. Parliament could approve that by regulation. If there was a desire for the driver's licence to act as an identity card for younger people to use in hotels, I do not believe that that should occur unless we have discussed that possibility in this place and approved of it. That does not preclude a person himself from deciding to use the licence as an identity card.

Under the amendment I will be putting forward, if a person is asked to prove his identity and chooses to produce his licence and says, 'Here is my licence with photo' (it is of course a high integrity document), the person in that case has chosen to use it. There are people who do not fear the Big Brother possibilities of such a licence: I am not one of them. I believe that we need legislative protections. There are many examples in history of democratic countries moving away from democratic principles towards autocracy and dictatorship, and having legislative protections would be very useful, so long as our judiciary at least survives any shifts in political climate.

I will leave the other matters in the Bill until the Committee stage. The Democrats support the Bill but will demand the amendments. Without those amendments we will vote against the Bill.

The Hon. DIANA LAIDLAW: As the Hon. Mr Dunn indicated when speaking on behalf of the Opposition, we support this initiative although we have a number of questions in relation to the mechanics of implementing this very great change. We are concerned about costs and about the arrangements that will be made to get everyone by some means to some central point to have their photographs taken. I wish to deal briefly with two issues. First, in relation to organ donation I am one who is guilty of never having read the back of my licence and of appreciating that there is a reference to organ donation, with the invitation to tick any of three boxes. The boxes suggest that a person may be prepared to be a kidney donor, eye donor or a donor of any needed organ, and the document is to be signed by the person holding the licence. I learnt of that reference on the back of our paper licence when recently visiting the renal unit at the Queen Elizabeth Hospital.

Staff at that hospital, in association with the Kidney Foundation, are worried that while there is reference to organ donation on the back of the licence, they have no knowledge of or access to people who may be signing the licence and thereby offering to donate kidneys, eyes, or any other needed organs. I understand that there have been discussions between the Kidney Foundation, the Minister of Transport and the department on this matter, but there has been no satisfactory conclusion.

The Minister in the other place indicated that, as in Victoria, a small sticker would be placed on one of these plastic licences if a person is prepared to be a donor. However, that will be no more beneficial to the people who are interested in organ donation than is the current practice. They will have no access to that information. They will not know how many little green, blue or red stickers, or whatever, will be around in our community. Therefore, when a person is applying for or renewing a licence and perhaps ticking one of these boxes relating to kidney, eye or other needed organ donation, they would like that information to be registered in a computer with all the other information that one will be filling out when applying for or renewing a licence. The Liberal Party believes that that is an eminently reasonable proposition. Only in that way, by including the information on the back of a licence, will the Kidney Foundation and the other agencies have any knowledge of the numbers of people who are prepared to participate in donor programs.

I understand that in New South Wales, when one is applying for or renewing a licence, one can indicate that one is prepared to be a donor and that information is put into the computer, and a limited number of people, accredited by the Kidney Foundation and other relevant agencies, have access to that information. The system works extremely well. Having heard about the value of that system and the reservations of the Kidney Foundation about the sticker system that operates in Victoria, I believe it is a retrograde step to consider major changes to the way in which licences will be produced in future through this Bill. We should advance in this area and register all people who are prepared to be organ donors.

I understand that it would be a cost-effective operation in the medium to longer term. Anyone who has taken an interest in renal medicine and renal operations appreciates that to keep a person on a dialysis machine throughout his or her lifetime is an exceedingly expensive exercise. If a person with renal troubles can be matched with someone who is prepared to donate an organ, that will be a relatively inexpensive operation compared with the long-term dependency on dialysis machines. It would be a cost-effective initiative, and it is disheartening to hear from the Minister in the other place that the matter appears to have reached a stalemate and that all we can hope for is a second or third best option of a coloured sticker on the photographic licence, which has proved to be unsatisfactory in Victoria. I understand that in Victoria the experience of many people is that the stickers come off the licence within weeks. So, even though an effort has been made to indicate that a person is prepared to be a donor, within weeks the stickers are coming off the licences and they are of little or no value at all.

South Australia has a hit and miss system with regard to the registration of prospective organ donors. Unfortunately, despite radical changes in the procedure for the issuing of licences in future, we shall make no advances in organ donation, so it will be a hit and miss system. This is a golden opportunity to effect change for the benefit of all, but, sadly, that opportunity is being overlooked and bypassed.

I am also worried about the wider use of the licence in the community as an identity card. I have read the debates in the other place and listened to debates here. There seem to be two fixed positions, but at the far end of the spectrum,

on the issue of identity cards. Those who never found any difficulty with the Australia Card proposal do not see any difficulty about this card becoming a type of pass key for use by hoteliers or small businesses and the like as a legitimate form of identity card. I was opposed, as was the Hon. Martin Cameron and others in this place, to the Australia Card. We were delighted when it failed as a Federal Government initiative. However, there remain some in the Federal Labor Party particularly who are still keen to bring forward this proposal in one form or another. In the meantime, we have initiatives such as this which I fear could give rise to people being asked, but with no authority, to present this photographic driver's licence as proof of identity. Of course, proof of identity was the foundation for the Australia Card proposal.

I know that there are people who suggest that this photographic driver's licence will be a valuable tool for hoteliers in recognising under-age drinkers, but that is an unacceptable argument and use of the driver's licence. I know that the Australian Hotels Association in the Northern Territory has, on a voluntary basis, been producing what is generally called a pub card. When I raised the matter of under-age drinking on 6 October last, the Attorney got quite excited, as I see from *Hansard*, in seeking to respond to my call that he should investigate the use of pub cards. He indicated that he would bring back a reply on the issue, but I have not yet received it. It is also interesting to note that since I asked that question on 6 October, the Attorney-General of Victoria—a State that already has this photographic licence system—has strongly endorsed the use of the pub card issued by the Australian Hotels Association.

So they see, in that State at least, that the photographic licence should not be used for purposes of proof of identity, other than for the use in drivers' licensing and driver related issues. In Victoria, they are proposing to support the Australian Hotels Association in the issuing of the pub card for those who wish to participate on a voluntary basis, but they will continue to see the value of a pub card, notwithstanding the fact that they have a driver's licence with a photograph.

I am particularly nervous when even my own colleagues, suggest that this photographic driver's licence will be of value to hoteliers. It should not be used for that purpose, in my view. There are other measures, such as this pub card that has been endorsed by both the Northern Territory and the Victorian Governments, and I hope that it will one day receive the support of this Government also.

With those remarks about organ donation and my disappointment that the Government has not taken up the suggestion of the Kidney Foundation for the registration of prospective donors on the computer that will be registering the other information that we are required to note when applying or renewing for our licence, and my concern about the wider use of this card in the community as an identity card. I indicate that I support the second reading of this Bill.

Bill read a second time.

SUPPLY BILL (No. 1)

Adjourned debate on second reading.

(Continued from 4 April. Page 2550.)

The Hon. C.J. SUMNER (Attorney-General): In replying to this debate, I wish to address only one issue, that is, the question raised by the Hon. Mr Davis in which he has asserted, once again, that somehow or other the Bannon Government is a high taxing Government. The reality is the opposite. An examination of any figures in this area, and in particular (and this is, after all, the most relevant fact) interstate comparisons, indicates quite clearly that South Australia is not a high taxed State. One has only to refer to financial paper No.1 in the financial statement of this financial year presented as part of the budget speech by the Premier last year where, at page 64, the following is stated:

> Measures of the States (that is all the Australian States) own revenue raising activities are shown in table 7.9 and 7.10. South Australia has the second lowest taxation to gross State product ratio of the States. This is the combined result of a slightly lower revenue burden in the sense of comparative tax rates, most notably pay-roll tax and a lower taxable capacity, for instance, lower land values than in New South Wales and Victoria. According to the Grants Commission analysis, the State could increase the overall tax burden by about 4 per cent before reaching the weighted average level applicable across the six States.

So, the reality is that, according to the Federal Grants Commission figures (which are, after all, the figures determined by an independent body dealing with grants to the States in our Federation), South Australia has a taxing rate which is less than the average level in other States. This has been the case consistently and on those figures (that is, the ratio of taxation to gross State product) South Australia is second lowest.

The other facts simply are that all the figures I have seen with respect to the amount of taxation in South Australia over a number of years indicate quite clearly that South Australians are not taxed as much as are people in most other States. In general terms, South Australia is in the lower end of per capita State taxation.

The Liberals persist in using figures relating to increases in total taxation revenue without fully understanding the fact that the South Australian economy has also grown in the period under question. By the end of 1988-89, the South Australian economy will be at least 34 per cent larger than it was when this Government was elected. The impact of growth in the economy and change in the price level, as measured by the CPI, indicates that approximately 109 per cent of tax increases are explained.

The reality is that the record of the Liberals in their term in Government is clearly recorded by the CPI. Under the Liberals, the index-selected State and local government charges rose by 60.8 per cent, or 27 per cent per annum. Under this Labour Government, the index has risen by 56.6 per cent, or 9.4 per cent per annum. The increase under the Liberals in their three years in Government from 1979 to 1982 was as high as under Labor but in less than half the time period.

Let us look at the individual components of the selected State and local government charges. The individual components are measured from September 1980 to December 1982. In respect to electricity, the Liberals' increase during that period was 54 per cent, or 24.2 per cent per annum. For Labor, the increase has been 46 per cent over a much longer period, that is, only 7.8 per cent per annum.

Government rents under the Liberals increased by 53.4 per cent, or by 23.7 per cent per annum. Under Labor the figure was 87.5 per cent or 14.6 per cent per annum. In respect of urban transport fares, under the Liberals the figure was 65.1 per cent, or 28.9 per cent per annum. Under Labor, it was 123.3 per cent, or 20.2 per cent per annum. It must also be remembered in any discussion about taxation that under the Liberals tax cuts were paid for by borrowing.

In other words, moneys that were allocated, or should have been allocated for capital works, were in fact used to finance tax cuts and, therefore, to finance recurrent expenditure. In 1982-83 the net debt was 23.2 per cent of gross State product. Under Labor in 1988, that figure was reduced

to 17.2 per cent. So, the continual bleating from members opposite about the tax rates in South Australia, in an attempt to paint South Australia at present as a high tax State, just does not stand up to analysis.

I refer again in particular to the budget papers of last year (Financial Statement No. 1, Page 64) which indicate that South Australia has the second lowest ratio of taxation to gross State product of all States. I say again that per capita taxation in South Australia has always been (in recent times, at least) at the lower end of State comparisons. Further, it is quite clear, from the figures that I have just given to the Council, that during the period of three years of Liberal Government, much greater increases were made in charges (electricity, Government rents and urban transport fares) than under the Labor Government.

Some tax cuts were made during the period of the Liberal Government from 1979 to 1982, but they were paid for by a sleight of hand, which was not picked up by the Tonkin Government but had to be picked up by the Bannon Government. The Hon. Mr Stefani well knows that he cannot continue to pay the recurrent costs of running his business out of the money that he borrows. The debt has to be met at some stage.

Unfortunately, during the Tonkin period, the Government used for revenue moneys—some $60 million as I recall—that should have been allocated to capital works in this State, and not for revenue. That left this State with a deficit on the Consolidated Account of some $60 million which, a members will recall, was paid off by this Government. So, they are the facts. The Liberals should stop distorting them and give credit where credit is due.

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

CLEAN AIR ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 April. Page 2556.)

The Hon. R.J. RITSON: The Opposition supports this Bill in its present form. It is an interesting Bill because neither I nor the Government know what its effect will be. That is not because the nature of the Bill is not understood but because the nature of the changes that are happening to this planet are not understood.

The technical aspects of this Bill have been extensively debated in the other place and I do not intend to repeat all of that material here. Essentially, the Bill provides the Government with a number of powers to restrict the manufacture and use of a variety of substances which may pollute this planet and which, in particular, may further aggravate the impending greenhouse effect.

In the light of current debate, the most obvious of these substances is the class of chemicals known as CFCs, which were thought to be a great boon to society when first discovered because they are chemically and physically innocuous and non-irritant to living tissue. Thus they were able to replace, in particular, refrigerant gases which were previously used in refrigerators. We heard regular reports of emergencies where workers had to flee a building because of a leak of ammonia from a refrigerator and people being overcome by refrigerant gases.

Unfortunately, it appears that nothing is perfect and now we have the threat of the greenhouse effect, to which CFCs are a contributing factor, but the full effect of which no-one can measure exactly. For instance, where they stand in comparison with carbon dioxide build-up from fossil fuels, I do not know and science is uncertain. If human beings could cease burning fossil fuels and control the process of nuclear fusion, this might be the biggest single breakthrough in looking after this planet.

Essentially, this Bill produces powers to deal prospectively with a situation which we do not understand—that is the simplest way of describing it. It does not have a retrospective effect on industry or manufacture. Any prospective effect is sufficiently flexible to allow a phasing-in process.

I want to express the view that I hope that specifically prohibitive action against CFCs will, at least until new technology is developed, exempt medical aerosols, in particular those used for asthma. At present there is no satisfactory replacement for them. The use of a propellant is required to provide an accurately measured dose. The amount of CFCs released from an aerosol of the medical type is minute compared to other sources of CFC leakage into the atmosphere. I trust that the Government will be wise and will in this instance use its powers to leave the use of that chemical in place until a satisfactory alternative is discovered in years to come.

The reduction in the use of these chemicals in other aerosol packs—the larger ones, such as fly sprays and deodorant sprays—is continuing. As the use of CFCs in those packs falls, it becomes obvious that one of the biggest problems with which we will have to cope is the problem of their use in refrigeration, which is involving an increasingly large percentage of these chemicals whereas some years ago the use of aerosol sprays was a predominant factor.

I commend the Bill to the House sure in the knowledge that neither I nor the Government know exactly how to use the powers, but I trust that, because it is such an important matter, there will be no place for politics or commercial greed in the use of these powers and that they will be exercised on an objective scientific basis.

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

DOG CONTROL 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

This Bill contains various measures designed to improve the present system of dog control and registration particularly in relation to attacks by dogs on persons and livestock. Since the repeal, in 1983, of the Alsatian Dogs Act which prohibited the keeping of German Shepherd dogs in northern pastoral areas, various bodies and committees have examined the problem of continuing attacks on livestock in northern and urban fringe areas. The factors which give rise to stock attacks are the same factors which give rise to attacks on persons and to other damage and nuisance caused by dogs—an unwanted surplus of dogs being bred and irresponsible owners who do not adequately contain and control their dogs.

This Bill proposes that the penalty for urging a dog to attack be increased to a fine not exceeding $8 000 or a term of imprisonment not exceeding two years and that persons

responsible for the control of a dog which attacks persons or animals be liable to a fine not exceeding $2 000. Penalties in relation to allowing a dog to become a nuisance and hindering an authorised person or otherwise obstructing the enforcement process have also been increased. Severe perties have been provided for failure to comply with orders of the court in relation to the abatement of a nuisance created by a dog and the destruction or control of a dog which has proved to be unduly mischievous or dangerous. As a last resort, where a person has demonstrated by the repeated commission of offences concerning nuisance and attacks caused by their dog or the ill-treatment of a dog that they are not prepared to accept the responsibility which owning a dog entails, this Bill provides for a court to order that the person dispose of their dog and not acquire another for a specified period.

Since livestock attacks often occur on consecutive days over a short period, regulations are proposed which will provide for livestock owners to lay baits after giving 48 hours notice rather than 21 days notice, but the notification required will more extensive.

In an effort to improve the identification of seized dogs, dogs which have been tattooed will also be required to wear a collar and current registration disc. Guard dogs used in connection with a business or activity which is not of a domestic nature will be required to wear special reflective collars so that they can easily be identified as potentially dangerous when at large. Regulations are proposd which will require owners of such dogs to advise councils of the location of the dogs and erect warning notices containing an emergency 24-hour telephone number so that they can contacted quickly by authorised persons.

The present provisions of the Act which relate to relativities of registration fees in relation to categories such as working dogs and dogs registered by persons entitled to a concession have been removed as these matters are dealt with by regulation. It is proposed to provide that the amount for registration of a de-sexed dog be half that for registration of a dog which has not been de-sexed. Over time it is expected that this incentive will reduce the number of unwanted dogs being bred.

The opportunity has been taken to rectify a number of problems which have arisen in working with the present provisions. For instance, wardens under the National Parks and Wildlife Act, who may not under the present Act be classed as 'owners' of protected wildlife, are given the same powers as the owners of livestock to destroy a dog found attacking the animals.

The Bill contains a number of minor amendments which improve the machinery of the Act. Prescribed pounds will only be required to keep strays delivered by councils for 72 hours from delivery before disposing of them, rather than 72 hours after the prescribed notice describing the dog have been displayed or served by an authorised person. In most cases they will be kept for a longer period but the number of unwanted dogs is such that at times these pounds have been stretched to capacity when forced to maintain unwanted dogs for long periods. Councils will also be able to accept the late payment of expiation fees on payment of the costs and expenses incurred in relation to proceedings.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 5 of the principal Act which contains definitions of certain terms used in the Act. The clause alters the definition of 'dog' so that it is clear that it does not include a dingo. 'Guard dog' is defined as being a dog used in or in connection with a business or other activity not of a domestic nature for the purpose of guarding or protecting a person or property. A new definition of 'metropolitan council' is inserted which would allow the councils that are to fall within the definition to be listed by regulation. A new definition of 'registration disc' is inserted which is designed to make it clear that the term may include a badge, tag or other device not in the form of a disc.

Clause 4 amends section 7 of the principal Act by removing a reference to metropolitan councils within the meaning of the Local Government Act 1934-1981. Metropolitan councils are no longer defined in that Act. Instead, the new definition of 'metropolitan council' would allow such bodies to be listed in the regulations.

Clause 5 amends section 16 of the principal Act which provides for the establishment and application of the Dog Control Statutory Fund. The clause amends the section so that the Animal Welfare League is included amongst the bodies to which payments or grants may be made and to authorise the administrative expenses of the Central Dog Committee to be met from the fund.

Clause 6 amends section 26 of the principal Act which makes it an offence to own or keep an unregistered dog. Under the present wording it is not an offence if an unregistered dog is not kept in any one council area for more than 14 days. This exception is removed and instead provision is made that a person responsible for the control of a dog is not guilty of an offence by reason of the fact that the dog is unregistered if—

(a) less than 14 days has elapsed since the person first became responsible for the control of the dog;

or

(b) the dog is travelling with the person and the place at which the dog is or is to be usually kept is not within the State.

The clause also alters the present exception from the requirement for registration in the case of a dog less than three months of age so that it applies to a dog less than six months of age.

Clause 7 amends section 27 of the principal Act which governs applications for the registration of dogs. The clause amends the section so that regulations may be made requiring that a registration application be accompanied by documents of a kind to be specified in the regulations, for example, evidence that a dog has been de-sexed. The section presently provides that no fee is payable for registration of a guide dog for the blind. This provision is amended so that it applies to guide dogs in general, which now, under the definition contained in section 5 of the Act, include guide dogs for the deaf. The other provisions relating to the amount of registration fees are removed and the matter is left to be dealt with in the regulations.

Clause 8 amends section 29 of the principal Act so that it provides that the registration of a dog will expire if the dog is removed from the area in which it is registered with the intention that it will be usually kept at a place outside that area.

Clause 9 amends section 33 of the principal Act which requires that a dog must have a collar around its neck with the registration disc attached to it and with the name and address of its owner marked on the collar or an attachment to the collar. The clause adds a further provision that collars for guard dogs must comply with the requirements of the regulations. The penalty for an offence against the section is increased from $100 to a division 10 fine (a maximum of $200). The clause removes the present exception under which a dog that has been tattooed in accordance with the Act is not required to wear a collar.

Clause 10 amends section 36 of the principal Act which relates to the seizure and impounding of dogs that are

wandering at large. The clause rewords subsection (1) so that an authorised person is not required to 'find' a dog wandering at large before seizing it, but may if necessary leave a cage to trap it. The clause rewords subsection (3) so that it is clear that costs, charges and fees may be recovered from the person responsible for a dog whether or not the dog is returned to that person. The clause makes other amendments of a more minor and technical nature.

Clause 11 amends section 37 of the Act by removing the power of an authorised person to enter a dog owner's property without a warrant. This power is restated in a slightly wider form in the new section 50a (3) inserted by clause 18.

Clause 12 repeals section 42 of the Act concerning the abandonment of dogs. The same offence is created under section 13 of the Prevention of Cruelty to Animals Act 1985 with a more severe penalty.

Clause 13 amends section 44 of the Act which makes it an offence if a person sets on or urges a dog to attack, worry or chase any person or any animal or bird in the charge or under the control of a person. The clause increases the maximum penalty for such an offence from $200 to a division 5 fine ($8 000) or division 5 imprisonment (two years). The clause adds a provision under which a court that finds a person guilty of such an offence against the section may order the person to pay compensation for injury or loss caused by the actions of the dog.

Clause 14 amends section 45 of the Act so that it is clear that compensation may be ordered in respect of loss as well as injury suffered as a result of an attack by a dog.

Clause 15 amends section 46 of the Act by giving power to a warden under the National Parks and Wildlife Act 1972 to lawfully destroy a dog which is found attacking or harassing a protected animal on a reserve.

Clause 16 amends section 49 of the Act by providing that it is to be an offence punishable by a division 6 fine (a maximum of $4 000) if a person fails to comply with an order of a court made under that section.

Clause 17 amends section 50 of the Act by making changes that correspond to those made by clauses 14 and 16.

Clause 18 expands the power under section 50a to seize and detain dangerous dogs so that it extends to dogs that are unduly mischievous (in the same way as applies under section 50). The clause also confers a power of entry without warrant for that purpose where urgent action is required.

Clause 19 amends section 51 of the Act by removing a reference to the Alsatian Dogs Act 1934-1978 which has been repealed.

Clause 20 amends section 52 of the Act which provides for damages for injury caused by a dog. The clause rewords the section so that it is clear that it extends to loss as well as injury caused by a dog.

Clause 21 rewords sections 57 and 58 of the Act. The new sections are essentially the same as those replaced but various minor problems of interpretation are addressed.

Clause 22 repeals section 59 of the Act which creates an offence relating to cruelty to dogs. This matter is left to be dealt with under the Prevention of Cruelty to Animals Act 1985. The clause substitutes a new section 59 which gives a court power to order that a person who has been convicted of two or more serious offences relating to dogs on separate occasions within the preceding period of two years must dispose of any dogs owned by the person or in the person's possession or control and must not acquire any other dog for a specified period or until further order.

Clause 23 makes an amendment to the evidentiary provision, section 61, that is consequential to the amendment to section 26 relating to the minimum age for registration of dogs.

Clause 24 repeals section 64 of the Act which provides for the expiation of offences. The clause replaces the section with a new section that increases the period for expiation to 60 days and provides for acceptance by a council of late payment of an expiation fee where the person pays the prescribed fee for late payment or, if proceedings have already been commenced, pays the costs and expenses incurred by the council in relation to those proceedings.

Clause 25 rewords section 65a of the principal Act relating to the making of by-laws for the purposes of the Act. The new provision continues the requirement that any such by-law must be made in accordance with Part XXXIX of the Local Government Act 1934. It also contains a new provision that the provisions of the Local Government Act 1934 including the provisions relating to the variation of fees, or the prescription of forms, by resolution of a council, apply in relation to a by-law for the purposes of the principal Act as if it were a by-law under the Local Government Act 1934.

The schedule proposes amendments that are of a statute law revision nature only, or that adjust penalties for offences against the Act and convert them to the new divisional penalties provided for under the Acts Interpretation Act 1915. The statute law revision amendments do not make any changes of substance but bring the provisions into line with current drafting style with a view to the publication of a consolidation of the Act.

The Hon. J.C. IRWIN: The Opposition supports the Bill. As I have done quite a bit of consultation work on this Bill I would like to make some comments on this measure. I will start with a tribute to the Dog Advisory Committee, which has had the responsibility of doing a lot of groundwork on the legislation and I understand it has been looking at this whole matter for at least two years. It in fact goes back further than that. Since the repeal of the Alsatian Dogs Act in 1983, various bodies and committees have examined the problem of continuing attacks on livestock in northern and urban fringe areas. I think the measure is a tribute to the advisory committee, and to a number of other people, including those representing the RSPCA, the Local Government Association and the UF&S. All of those organisations have had quite a number of representatives looking at the whole matter of dog control in South Australia. The Chairman of the Dog Advisory Committee, Gordon Johnson, has drawn all these bodies together under the auspices of his committee. This legislation has been almost universally accepted, to the extent that only one amendment was moved by the Opposition in another place. That was accepted, and I will refer to that later. There was another amendment moved by the Independent Labor member, Martyn Evans, and that was also accepted. It has been a rather good exercise.

The Bill contains various measures designed to improve the present system of dog control and registration, particularly in relation to attacks by dogs on persons and livestock. Some of the proposals are worth mentioning. First, the penalty for urging a dog to attack will be increased by this legislation to a fine not exceeding $8 000, or a term of imprisonment not exceeding two years. That is an extremely hefty penalty, and a large increase from the previous $200 penalty. Secondly, persons responsible for the control of a dog which attacks persons or animals will be liable to a fine not exceeding $2 000 (that was previously $200.) Thirdly, penalties in relation to allowing a dog to become a nuisance and hindering an authorised person, or obstructing the enforcement process, have also been greatly increased.

Fourthly, severe penalties have been provided for failure to comply with orders of the court in relation to abatement of a nuisance created by a dog, and the destruction or control of a dog which has proved to be unduly mischievous, or dangerous. Fifthly, the Bill provides for a court to order a person to dispose of their dog and not to acquire another for a specified period if a person has repeatedly offended concerning nuisance and attack or the ill-treatment of a dog. Sixthly, regulations are proposed which will provide for livestock owners to lay baits after giving 48 hours notice rather than 21 days as is now the case. Notification requirements will be extensive.

The UF&S took up this matter with me. Of course, the people there are happy that that regulation will now only give them 48 hours notice, rather than the 21 days as applied before. Anyone could see that was a very lengthy time for giving notice, and it is common knowledge that dogs often attack on consecutive nights or late afternoon. Previously, once the first attack had occurred and one decided to poison 21 days notice had to be given before that happened.

When this Bill was debated in the other place, I was asked to raise some questions to which I have received satisfactory answers. I refer to the fact that the regulations will contain the sort of notification that is required; in other words, to notify the neighbours, to notify the local council, and to prominently display notices, so I do not see that as being much of an obstacle for those who want to lay baits. However, they must also exercise some responsibility in the way in which they lay baits, because it is a very dangerous practice. One can sometimes get rid of not only an offending dog but also a pet dog.

The Hon. M.B. Cameron: I've done it once.

The Hon. J.C. IRWIN: The Hon. Mr Cameron has done it once. At the moment I have a fox plague on my property and we are considering laying baits, but in doing so we will have to be very careful that we do not destroy all our good dogs.

The seventh point is that dogs which have been tatooed will be required to wear a collar and current registration disc and guard dogs will be required to wear reflective collars so that they can be easily identified as being dangerous when at large. Regulations will propose that owners of those dogs advise councils of the location of the dogs and that they erect warning notices containing an emergency 24 hour telephone number so that authorised persons can be contacted quickly.

The eighth point is that registration fees in relation to categories such as working dogs and dogs registered by persons who are entitled to a concession have been removed from the Act and are dealt with by regulation. Registration fees will be exempt for a dog which is less than six months old. It is proposed that the fee for a desexed dog be half the fee for a dog which has not been desexed. Obviously, halving the registration fee for a desexed dog is very sensible because, hopefully, that dog will not do any more damage by producing more puppies which will grow into stray dogs and which themselves will cause more damage.

The UF&S raised some concerns about the provision relating to exemption of registration for dogs less than six months old. That is a problem, because anyone who has a puppy knows that between the age of three and six months they are very mischievous. Unregistered stray dogs of that age can do an enormous amount of damage. I have been advised by people who know about this problem that, in the long run, it is better for dog breeders to keep puppies until they are six months old, because during that time the breeders can ensure the effectiveness of the vaccination against the very dangerous Parvo virus. If the breeders release the puppies before they have reached the age of six months, they can suddenly keel over and die because the Parvo vaccination has not been successful, which causes a lot of tears and heartache.

The issue of working dogs wearing collars (and their registration) has been of concern over the years. It is always a moot point in the rural areas. It has really been accepted now that, when they are working, dogs need not wear a collar but, when they are supposedly tied up at home or running free around the homestead, then they must wear a collar. Obviously, it will be a nuisance to take collars on and off every time the dog is working. I assume that most people will leave the collars on the dogs, but I point out that if a sheep or cattle dog, which is wearing a collar, goes through a fence the collar can get caught in the fence and thus injure the dog.

Point nine relates to the fact warders under the National Parks and Wildlife Act who, under the present Act, may not be classed as owners of protected wildlife, are given the same powers as owners of livestock to destroy a dog found attacking animals. That is a very sensible provision. Prescribed pounds will be required to keep dogs for only 72 hours from delivery before disposing of them. The previous regulation was 72 hours from notice being displayed or served; in other words, under these regulations the dog can be legally disposed of within 72 hours of arriving at the pound. Councils will be able to accept the late payment of expiation fees or payments of costs and expenses incurred in relation to proceedings.

It has been brought to my attention (and I will raise it simply to place it on the record) that the computer system used by some councils to record the registration of dogs (or there may be a central registration system) does raise some problems. Although I have had this matter investigated and I have been assured that there are no problems. I make the point that if one registered, say, a Staffordshire Terrier as missing and rang the pound asking whether they had a Staffordshire Terrier, the computer could display only 'Terrier'. In that case, the reply is likely to be, 'No, we haven't got any Staffordshire Terriers', so after 72 hours that dog could be destroyed.

I would like the authorities to assure me that that will not be a problem. I suppose that we all have different breeds of dogs and one could picture the problem. Seventy-two hours is not a long time and there is a large number of stray dogs within the metropolitan council areas and in the country areas. Because it is such a problem and expense to keep dogs in the pound, one can understand the 72 hour turnover regulation. The eleventh point covers the definitions, which are worth noting. 'Dog' now excludes a dingo, particularly a dingo cross, or a guard dog used in connection with a business or other activity not of a domestic nature for the purpose of guarding or protecting a person or property. 'Metropolitan council', which is no longer defined in the Local Government Act 1934-1981, will be listed in regulations. 'Registration disc' is altered to make it clear that the term may include a badge, tag, or other device not in the form of a disc.

An authorised person is no longer required to find the dog wandering at large before seizing it, but a cage may be left to trap it. That is not part of the definition, but that really should be the twelfth point; in other words, whereas previously one had to give various notices and then try to capture a wandering dog, which took some time, one can now leave a trap to catch it. I agree with some of the comments that have been made to me that registration fees must be kept low and not allowed to get out of hand in an attempt to raise extensive amounts of funding other than

as is absolutely necessary. The fees will be set by regulation and we will examine those regulations closely when they come before us. I suppose that many other people will also continually examine that matter. I believe also that some system should be established to notify new dog owners of their responsibility under this Act. Fines have been increased from $200 to $8 000 in one instance, and $200 to $2 000 in another case.

Obviously, this should be handled by the Dog Advisory Committee using its fund to find more innovative ways of notifying new dog owners exactly what they must do in registering the dog and being responsible for it. Obviously it starts off as a lovely little puppy. There should be no problems with pet shops, because they can prominently display those responsibilities, but it is the puppy that changes hands across the back fence or at the local fair which is the problem, because many of those dogs find their way on to the streets and become a nuisance, as I have already discussed.

I thank the Government for accepting in the other place the amendment to part of the schedule, section 44 (2), which provided:

(a) by striking out from subsection (2) 'shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars' and substituting 'that is, guilty of an offence";

(b) by inserting at the foot of subsection (2) 'Penalty: Division 5 fine or division 5 imprisonment';

That amendment was moved by the Hon. Dr Eastick in the other place, and the explanation he gave was accepted by the Minister and that amendment is now part of the legislation before us. I thank the Council for the opportunity to speak on this Bill, because it was my responsibility to handle a fair amount of the consultation on this issue. I was delighted to find that very few matters were raised, and there was general support for this legislation. It is an issue involving some passion; no doubt it has been in this place before and will be again. One has only to bring up the point of tattooing animals to raise red blooded passions in some people.

I am pleased that this measure has been accepted by dog owners and by those responsible for looking after dogs in South Australia, and we are pleased to support the Bill.

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

ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 2730.)

Clauses 2 to 5 passed.

Clause 6—'Immunity from liability of members of commission, etc.'

The Hon. C.J. SUMNER: I have already responded to the queries of the Hon. Mr Griffin in respect of clause 5. The Hon. Mr Dunn raised issues with respect to clause 6. Under the existing section 70, which clause 6 amends, any civil liability incurred by a member of the commission, its staff or a State authorised officer, discharging powers, functions or duties under the Act, is already carried by the Crown, but any similar liability incurred by a member of a control board or its local authorised officer or persons assisting the officer is currently vested in the board.

However, should a significant claim arise against a control board, the board would not have the financial resources to meet it and would have to seek funds from the Animal and Plant Control Commission, which in turn would have to seek funds from the Treasury. Thus in practice any significant liability under the existing legislation would lie against the Crown. The amendment seeks to return to the provision of section 56 of the Pest Plants Act 1975 in which the liability lay directly against the Crown.

The current perceived advantage of the existing section 70 in making a board responsible for the cost of small claims is more apparent than real, and it is difficult to believe that this risk of liability would encourage board members or officers to act in a more careful and responsible manner than in the past when no claim has been made during the past 12 years. Under the existing provision the settlement process, should a claim arise, would be unnecessarily complicated by the required involvement of the board, the commission and the Treasury.

Under the amendment the Government is not taking away the right of civil liability as suggested by the Hon. Mr Dunn, but is in fact transferring the liability to the Crown and in the process saving $45 000 per annum which is the cost of premiums to indemnify boards under the current situation.

Clause passed.

Title passed.

Bill read a third time and passed.

CLEAN AIR ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2733.)

The Hon. M.J. ELLIOTT: I support the Bill. In general terms it mimics a Bill that I introduced almost two years ago at the end of the 1987 session. This Bill has as its intention the reduction in the emission of gases which have the potential to deplete the ozone layer and therefore avoid the consequences of reduced ozone which are dangerous to human health in terms of increased ultra-violet light which can cause cancers and muta-genic problems, although they are more likely to occur in much smaller living things, in particular planktonic life and other smaller life, which are at the very base of the food chains. Therefore, it is a matter not just of human health but of the whole eco system.

The evidence has been clear for some years now that we have a problem, and it was for that reason that I introduced my Bill two years ago. I am saddened that it has taken so long for the Government to react, but the writing was clearly on the wall that it was a matter of great urgency. As I mentioned in debate on another Bill only a few days ago, CFCs and other ozone-depleting substances can only cause damage when they reach the upper atmosphere where the ozone layer occurs. It takes some years for them to get there. Therefore, we are sitting on a time bomb already. In the last four years released CFCs have been sitting in the lower atmosphere and as yet they have not exacted their toll, a toll that they will continue to take from anything up to another 50 to 100 years before they gradually break down and are cleansed from the upper atmosphere.

CFC production has been increasing worldwide by about 10 per cent per year and it is continuing to increase, although the developing nations are starting to put a ceiling on their production. Third world countries, the developing nations, which wish to mimic our way of life and so-called standards of living are producing ever-increasing amounts of CFCs.

Some people ask what can little South Australia and Australia do about the problem. Australians are the greatest consumers of CFCs per capita in the world. Although places like China have the capacity to affect the ozone layer more in the longer term, we are probably consuming more CFCs than China. We cannot ask China not to increase its production of CFCs unless we are willing to reduce our production and consumption dramatically.

We need to tackle CFCs in three major areas. When I introduced my Bill two years ago, the aerosol manufacturers said, 'Do not do it, you will destroy us all.' I pointed out that I was willing to have exemptions in my Bill so that they could phase out, but they told me that they could not do that for a decade. Now they are running advertising campaigns saying that they have already done it. Self-interest, understandably, was at work. They acted like the tobacco companies when there were threats on advertising. They looked after themselves first. They suggested that the scientific evidence was not compelling and that we should wait and see. Luckily, consumers reacted to the threat of CFCs and refused to buy products containing them, so the companies started to cut back. I can point to newspaper articles 10 years ago when previously they started cutting back and when consumers started to show some resistence. When the consumers forgot, the manufacturers then continued to use CFCs. Aerosol manufacturers have been using about a third of the CFC production in Australia.

A second major use of CFCs is in polyurethane foam. They use about a third. CFCs are used in foams as an expanding agent. We have our McDonalds currently packaged in these foams. The foam that is often used for simple packing around goods uses CFCs. There are alternatives. Some years ago, McDonalds in the USA changed over to expanding their foams using other gases. There is nothing special about CFCs, except that they are relatively cheap and do the job quite well. But there are other gases which can do the job and which are not a risk to the ozone layer.

The third major use is in refrigeration. Matters are more difficult here. We cannot get people to throw away their old fridges, and it will take time for the manufacturers to gear up to produce other units using other gases. Other gases are coming on the market now. Du Pont and another company, the name of which escapes me, have alternatives available. It is a matter of giving them the incentive to start using them. With regard to refrigeration, we need to ensure that while CFCs are being used they do not escape. That means that manufacturing standards need to be improved. For instance, the quality of the tubing which is being used is fairly permeable, so that needs to be improved. That is not a problem. Welds need to be improved and, most importantly, the servicing and disposing of refrigerators needs to be done in a way that ensures there is no leakage at that point. For that reason, I have suggested on several occasions that we need a system of licensing for those who service refrigerators and refrigerated airconditioners with the risk that, if they do not do all in their power to recapture and recycle the CFCs, they could lose their licences.

The great bulk of the refrigeration service industry is right behind the call for licensing. They want licensing for other reasons as well, but they are in full support of that call. I urge the Government to take heed of that. There are times when one can use a carrot and times when one can use a stick. Unfortunately, we cannot leave this important matter to trust.

This Bill follows the general structure of the one which I introduced two years ago. In the first instance, it bans the use of CFCs and then allows their use by exemptions, and those exemptions can be for a limited time and under various conditions.

Having said that the Bill largely mimics the Bill that I introduced, I now have a great deal of concern. I gather from what has been said publicly that the Government does not intend to bring in the Bill for some time. It also appears that the phasing in will be quite slow. If it follows the Montreal Protocol, or anything near it, it will be too slow. The Montreal Protocol saw a phasing out. It was only towards the end of the century that we would have cut CFC consumption back by about 50 per cent. Most atmospheric scientists, within 12 months of the Montreal Protocol, have already said that it did not go far enough. The evidence that we are now getting is that things are far more serious than we anticipated. All new evidence coming in further reinforces that view.

Unfortunately, the Federal Government, whose lead we are following, has looked at a slow phase-out period with this wait and see attitude of having a review every two years to see what has happened. This is not the sort of thing for a wait and see attitude. We cannot play experiments at the eco system level—the total world level. That is not the sort of experiment in which I want to be involved. We are all in the test tube in this case.

If we take the wait and see attitude with many of the CFCs residing in the upper atmosphere yet to have their effect, when some of the slower thinkers are finally convinced that there is a problem it will be too late. It is not the sort of thing we can afford to fiddle around with on the level of evidence that we are getting from the CSIRO, from NASA, and other reputable scientific organisations. We cannot afford the slow phase-out that we are looking at. It was quite obvious that the Federal Government was not serious when one examined its Bill. It based particularly its export levels of CFCs one year later than what was happening internally to Australia. People asked why that had happened. There had been a gigantic leap in exports from 1986 (which, I believe, is the base level for our internal CFC consumption phase-out) to 1987, so they used 1987 as the base year for exports.

So, we are being rather two-faced. We are saying that we are going to cut back our consumption a bit, albeit very slowly, but as far as exports are concerned we are allowing the CFC manufacturers to continue exporting at very high levels—a dangerous experiment is Mr Richardson playing. Unfortunately, he is getting his advice primarily from Afcam, the Association of Flurocarbon Consumers and Manufacturers. The manufacturers have a plain vested interest as, for that matter, do the consumers of the chloroflurocarbons in that they do not want to have to change their machinery over. I understand that, but once again this matter is far too important to simply accede to their wishes. I have not circulated amendments at this stage, as they are still in the hands of the Parliamentary Counsel. However, I will seek to clarify, by way of amendment, the rate at which the phase-out period will occur. I will get a chance to speak to more of that in Committee.

I support the concept of exemptions. I recognise that we must take commercial realities into consideration, but there is a limit, and I believe that there is a very real danger from what is being said (because the Bill is silent in terms of speed of phase-out) by the Ministers, both State and Federal, that the phase-out will be far too slow. We must tighten up. With those stated reservations, I support the Bill.

Bill read a second time.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

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

South Australian accident statistics indicate that young drivers, 16-19 years of age, are involved in nearly four times as many accidents as drivers aged 25 years and above when distance travelled is taken into account.

To address these high accident rates, this Bill proposes changes to the circumstances in which learner's permits and probationary licences will be issued.

Specifically, the Bill retains the existing minimum age of 16 years for issue of a learner's permit but sets a minimum age for issue of a probationary licence at 17 years and requires drivers to attain the age of 19 years and to have a probationary licence for at least one year prior to issue of an unrestricted licence.

The Bill also proposes that the speed limit for holders of probationary licences be increased from 80 km/h to 100 km/h in line with other initiatives to reduce the differential of vehicle speeds on the roads. Other existing conditions for learner's permits and probationary licences, such as supervision by an experienced driver and display of appropriate L and P plates, remain unchanged.

The amendments proposed by this Bill for the issue of graduated licences will bring South Australia more closely into line with the rules applying in other States and Territories.

The Government is aware of arguments that raising the age at which a probationary licence can be issued to 17 years may cause difficulties for those people who live in areas without public transport. However, it believes that such problems will be of short duration and can generally be overcome quite easily. These minor disadvantages are considered to be far outweighed by the community benefits of the anticipated reduction in the road toll of young persons.

I commend the Bill to honourable members.

Clause 1 is formal.

Clause 2 provides that the Act will come into operation on a day to be fixed by proclamation.

Clause 3 amends section 74 of the principal Act by increasing the level of fines from $200 to $1 000 for the offence of driving without a licence.

Clause 4 repeals section 78 of the principal Act and substitutes a new provision. The new section provides that a driver's licence cannot be issued to a person under the age of 17 years.

Clause 5 amends section 81a of the principal Act. The amendment is designed to ensure that an applicant for a South Australian driver's licence who is under the age of 19 years and who holds an interstate driver's licence will be required to hold a probationary licence until he or she turns 19 years of age, or for a period of one year. The amendment also ensures that all applicants for driver's licences in South Australia must hold probationary licences until they attain the age of 19 years, or if they are aged 18 years and above, for a period of one year. The amendment also increases the permitted maximum speed limit of the holder of a probationary licence from 80 kilometres an hour to 100 kilometres an hour.

Clause 6 amends section 81b of the principal Act. The amendment provision provides that where an appeal against the disqualification of a probationary licence is successful then the appellant must be subject to probationary conditions for an additional period of six months (if under the age of 19) or one year in any other case.

Clause 7 is a transitional provision and provides that persons who hold learner's permits or probationary licences immediately prior to the commencement of the new Act will not be subject to the new conditions imposed.

The Hon. M.B. CAMERON secured the adjournment of the debate.

MARINE 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

This Bill has two principal objectives. One is to empower regulation of commercial floating establishments such as drilling rigs or platforms used for industrial, scientific or tourist activities as to their adequate construction and safety equipment with regard to seaworthiness and the safety of persons using these establishments.

Honourable members may be aware of a proposal to moor an underwater viewing platform adjacent to Dangerous Reef in Spencer Gulf. As this is the first such proposal received in this State its construction and operation are not provided for in existing legislation.

This Bill proposes to correct this situation and in so doing protect the public who visit any such facility by ensuring its construction and equipment meet the safety standards required by survey.

The second objective of the Bill proposes the adoption by regulation of various national and international codes, standards and rules that are used widely throughout the maritime industry.

This approach will provide for uniformity with other Australian States with respect to the construction, equipment, manning qualifications and requirements within the maritime industry and is the approach taken by the State Governments of Western Australia, Queensland, New South Wales, Victoria and Tasmania.

The adoption of international codes or rules is consistent with provisions adopted nationally and internationally and is consequently understood by coastal and overseas shipping interests.

I commend the Bill to the Council.

Clause 1 is formal.

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

Clause 3 amends section 5 of the principal Act which sets out definitions of terms used in the Act. The clause adds a new definition of 'floating establishment'.

'Floating establishment' is defined as a vessel or structure not used in navigation that—

(a) is designed to float in or on water;

and

(b) is used while anchored or moored at sea or in a port for dredging, mining, industrial, scientific or commercial operations or purposes.

Clause 4 amends section 14 of the principal Act which provides for the making of regulations. The clause adds to the section provisions allowing the regulations to adopt or refer to codes, standards or similar documents, to make varying provision according to specified factors and to provide that any matter or thing under the regulations or a code may be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the Director of Marine and Harbors or any specified officer or person performing functions pursuant to the Act.

Clause 5 inserts a new Division XC into Part IV of the principal Act relating to floating establishments. New section 67i provides for the making of regulations relating to the manning, survey and inspection, construction and equipment of floating establishments and other matters relating to the safety of floating establishments and persons working or admitted on board them. New section 67j applies the provisions of Part V of the Act (relating to investigations and inquiries into casualties, incompetency and misconduct) to floating establishments.

The Hon. M.B. CAMERON secured the adjournment of the debate.

ROAD TRAFFIC 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 inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The mass limits applicable in South Australia have been in force for many years and have become outdated due to developments in vehicle design and configuration. For overall efficiency, the mass limits and configuration of road vehicles should be matched to the structural capacity of the road system. The effect of a given vehicle mass is dependent on the distribution of the load, and the axle spacing for which there is no control in current South Australian legislation. Modern vehicles therefore may produce effects on pavements and road structures which were never anticipated when the existing limits were established.

The existing limits do not necessarily allow for the operation of vehicles which are the most efficient configuration or are built to suit the Australian market generally. The present Act has the following deficiencies:

— allows the same loading for single axles regardless of whether they are fitted with two or four tyres;
— does not explicitly provide for axle groups;
— does not provide for vehicle configuration or the relationship between vehicle length and load.

In effect, the existing provisions make no allowance for vehicles having more than five axles. Australia's most important road freight carrying vehicle which operates in six axle configuration is therefore disadvantaged under South Australia's present laws.

The National Association of Australian State Road Authorities (NAASRA), which is an association comprising the South Australian Highways Department and similar interstate authorities, undertook a study to determine the most appropriate mass and dimension limits for commercial motor vehicles which should apply nationally or in particular regions of Australia. The study known as the Economics of Road Vehicles Limits (ERVL) Study, brought down its report in November 1975. Act No. 63 of 1982 which was assented to on 1 July 1982 made provision for the mass limits recommended in the ERVL report but was not proclaimed as a review of the study was then under way.

This review, again undertaken by NAASRA, was called the Review of Road Vehicle Limits (RORVL) and was completed in 1985. The RORVL recommendations, which were endorsed by the Australian Transport Advisory Council (ATAC), included a range of options for vehicle limits which generally represented an increase above the levels of the ERVL Study.

The other Australian States and Territories have moved towards the highest RORVL mass option and the Commonwealth Government's Interstate Road Transport Act also provides for vehicles engaged in interstate trade to operate at the highest RORVL option mass limits.

The major purpose of this Bill is to provide the legislative framework under which regulations detailing the new mass limits can be implemented. The opportunity has been taken to amend certain definitions and evidentiary provisions of the Act. In formulating the proposals contained in this legislation, there has been extensive consultation with the transport industry, principally through the State's Commercial Transport Advisory Committee (CTAC).

Clauses 1 and 2 are formal.

Clause 3 adds definitions of terms used in the new provisions and removes some definitions that are no longer required.

Clause 4 repeals section 34 of the principal Act. The substance of this provision is incorporated in new section 148.

Clause 5 makes a consequential amendment to section 53 of the principal Act.

Clause 6 replaces a heading.

Clause 7 makes a consequential amendment.

Clause 8 introduces a provision relating to the disposition of axles and axle groups. The Minister can exempt any vehicles which do not comply with these requirements under section 163aa and can impose mass limits in relation to those vehicles by way of conditions.

Clause 9 replaces a heading.

Clause 10 replaces the provisions of the principal Act dealing with vehicle mass limits. Section 146 creates the offence of driving a vehicle that exceeds mass limits prescribed by regulation and penalties for the offence. Section 147 limits the mass of a vehicle towed by a vehicle of a prescribed kind. It is intended to prescribe larger vehicles used generally in industry and for business purposes. Section 148 replaces section 34. Section 149 is an evidentiary provision. Section 150 provides for vehicles with metal tyres.

Clause 11 amends section 156 of the principal Act. New paragraph *(a)* replaces the substance of existing paragraph *(a)* and *(b)* with some modification. New paragraph *(b)* extends the ambit of the section to situations where the mass of the vehicle or the mass of a combination of vehicles is excessive.

Clause 12 amends section 175 of the principal Act by expanding the operation of subsection (3) *(a)*.

Clause 13 inserts new regulation making powers. Clause 14 repeals the Road Traffic Act Amendment Act 1982.

The Hon. M.B. CAMERON secured the adjournment of the debate.

EDUCATION 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 purpose of the Bill is to effect amendments to the Education Act 1972, in four discrete areas: the constitution of the Teachers Appeal Board; appointments to promotional vacancies within the teaching service; the enrolment of full fee paying overseas students; and the Governor's regulation making powers concerning school councils.

1. Division VIII of Part III of the Education Act 1972 provides for the appointment of members of the Teachers Appeal Board for a term of up to three years. The presiding member, who must be a judge appointed under the Local and District Criminal Courts Act 1926, or a special magistrate, must officiate at every appeal which of necessity must be arranged around his or her judicial duties. This can result in lengthy delays in scheduling hearings which is of concern to the Board, the appellant and the Education Department. The amendment provides for the appointment of presiding members from the ranks of Industrial Court Judges or Magistrates. It is considered that because of the nature of the majority of cases that now arise through the Appeal Board the appointment of the presiding member should be from the panel of Judges or Magistrates attached to the Industrial Court. The amendment will permit flexibility in the appointment of the particular presiding member according to his or her judicial work load and allow the Board to sit simultaneously for the purpose of hearing and determining separate appeals.

2. The Education Act 1972 provides for promotional vacancies within the teaching service to be filled from either promotion eligibility lists or in accordance with section 53 of the Act which operates in association with certain Education Regulations. The Education Department has modified its personnel selection processes to ensure strict compliance with the merit provisions of the Government Management and Employment Act 1985, and, as a consequence, promotion eligibility lists have been discontinued. This makes promotional appointments subject to section 53. Recent advice from the Crown Solicitor indicates that the provisions of section 53 must extend to the filling of temporary vacancies, such as those arranged in accordance with regulation 61 'Acting appointments' of the Education Regulations. Since vacancies in this category often occur with little or no notice it is impracticable to observe the terms of section 53. The amendment aims to exclude short term acting appointments from the requirements of section 53. Since personnel appointments of this nature are made by assistant directors of personnel, as delegates of the Minister, appeal rights will be preserved in terms of regulation 111 'Complaint against a departmental officer' of the Education Regulations.

3. Since 1985, the Commonwealth Government has undertaken a policy to encourage the export of educational products overseas, which includes the admission of full fee paying overseas students into tertiary and secondary study in Australia. The Commonwealth Department of Employment, Education and Training has since registered a number of non-government schools in South Australia as institutions in the secondary full fee paying student scheme. The Commonwealth will devolve, by 30 June 1989, the responsibility for registering institutions which can participate in the full fee paying student scheme to each State or Territory. The Commonwealth will not issue visas to students unless the institutions and courses they wish to participate in are registered by the State. There have since been concerns raised about the quality of services offered by some registered non-government schools within the scheme in the other States. The Australian Education Council (AEC), to ensure the continued high international standing of Australian education, has now proposed that all exporters of educational services comply with a code of conduct in the areas of meeting national objectives, educational standards, the marketing of services and the provision of information to potential users. The Non-government Schools Registration Board registers non-government schools in South Australia. It is considered that the board will be the appropriate agency for registering non-government schools for full fee paying students. Procedures have to be in place to widen the powers of the board for assessment of such applications and to assess the proposed schools' ability to meet an appropriate code of conduct. It is proposed, therefore, that amendments be made to section 72 of the Education Act 1972, that deal with the registration of non-government schools. The amendments are to give the Non-government Schools Registration board powers to assess the suitability of schools to participate in the scheme, to place conditions on the approval of schools for that purpose and to ensure continuous assessment of the suitability of schools to remain in the scheme.

4. The Government wishes to introduce amendments to the regulations on school councils contained in Part 6 of the Education Regulations. The changes stem from wide consultation with parent, teacher and principals' organisations in recent years. It is proposed to extend the Governor's regulation making powers in the Act to specifically provide for school councils.

I commend the Bill to members.

Clauses 1 and 2 are formal.

Clause 3 amends section 45 of the Act which relates to the Teachers Appeal Board. At present the board has a permanent chairman, being a person holding judicial office under the Local and District Criminal Courts Act 1926, or a special magistrate appointed on the nomination of the Minister. The amendment provides, instead, for presiding members to be nominated from time to time by the President of the Industrial Court of South Australia from amongst the members of the Industrial Court (that is the President, Deputy Presidents and Industrial Magistrates). For the purposes of hearing and determining any matter, the President is to nominate one of those members to be the presiding member of the Appeal Board in relation to the matter.

Clause 4 amends section 46 of the Act which sets out the terms and conditions of appointment of members of the Teachers Appeal Board. The amendment makes it clear that the section does not apply to presiding members of the Appeal Board.

Clause 5 amends section 53 of the Act which provides for the manner of appointment to certain positions in primary and secondary Government schools. Currently the section applies where the position is to be filled otherwise than in accordance with a promotion list compiled under the regulations. The amendment replaces this provision and

provides instead that the section applies to all positions in such schools except where the position is to be filled by an appointment in an acting capacity for a period not exceeding 12 months.

Clause 6 amends section 54 of the Act and is consequential to the amendment to section 53.

Clause 7 amends section 72g (2) *(b)* of the Act which currently sets the fee for an application to the Non-government Schools Registration Board for registration of a non-government school at $100. The amendment enables the fee to be set by regulation.

Clause 8 inserts a new Division IIA in Part V of the Act which deals with non-government schools. The new division enables the registration of a non-government school to be endorsed with an approval to enrol full fee paying overseas students.

New section 72i provides that a student falls within the category of full fee paying overseas student if the student holds a temporary Commonwealth permit to enter Australia and the Commonwealth and the State do not take that student into account in calculating the amount of any assistance to the school attended by the student.

New section 72ia provides for application for the approval to be made to the Non-government Schools Registration Board. The board must approve the school if satisfied that it has sufficient financial resources to provide satisfactory services to such students and it has made suitable arrangements to comply with the code of conduct approved by the Minister for the purpose. Conditions can be imposed on the registration of an approved school to ensure that the school continues to meet the criteria for approval or to ensure that adequate records are kept by the school.

The appeal provisions already in force in respect of registration of a school are worded in such a way that they will apply in respect of a refusal to approve a school under Division IIA or an approval subject to conditions or for a limited period.

New section 72ib provides for the Minister to approve a code of conduct for the purposes of Division IIA by notice in the *Gazette*.

Clause 9 amends section 72j of the Act to incorporate procedures for the review of an approval of a school under Division IIA in the procedures for review of the registration of the school. In addition to the board's other powers on a review, the amendment enables the board to withdraw the approval of a school under Division IIA or to limit the period of such an approval.

Clause 10 inserts a new section 73 into the miscellaneous division of Part V of the Act. The new section enables the Non-government Schools Registration Board to require applicants for registration of a school or approval under Division IIA to provide further information. It also makes it an offence to furnish information for the purposes of Part V that is false or misleading in a material particular.

Clause 11 amends section 107 of the Act by adding a regulation making power to make provision with respect to the constitution, powers, functions, authorities, duties or obligations of school councils or any other matter relating to school councils or their operations. The clause also adds a power to make regulations conferring on the Minister, power to determine any specified matter relating to the constitution of school councils, power to enlarge the functions of school councils or power to resolve disputes between head teachers and school councils.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: The Hon. Mr Dunn raised some questions in relation to this Bill. The Minister has advised me that this initiative did not come from the Government or the Minister but was introduced by the Government as a response to questions from local government. A number of local government councils want the power to declare a network of streets as a particular speed zone, not necessarily limited to 40 km/h.

The Government would like to see this proposal trialled. In fact, honourable members, particularly members who represent electoral districts in the House of Assembly, are approached about this particular issue by residents and local councils on a regular basis.

Under the legislation the Minister retains the ultimate authority with respect to the granting of this permission so that a global or overall responsibility is maintained for the policy and operation of this proposal. Local government must consult widely before the Minister would agree to approve such a restricted speed zone. The Minister must be convinced that zones are compatible within local government, and with other local government, particularly adjoining local government areas. Currently, local governments can only limit one street. The Hon. Mr Dunn may be assured that nothing will be imposed on local government.

Essentially, the Government will respond to requests from local government in this area. Road safety officials, the Highways Department and the police would advise, and their advice would be sought by the Minister in approving particular speed zones. The Minister will agree to a trial, which would be monitored, provided that no extra police resources were required. The police would enforce speed limits, except when, with the approval of local government, traffic inspectors are appointed to do it. The substance of what the Hon. Mr Dunn has said is reasonable, and that is precisely why it is important that the Minister maintain an overall control of the operation of these restricted speed zones.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill read a third time and passed.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2720.)

The Hon. I. GILFILLAN: I want to indicate general support for the Bill by the Democrats. We have a quite substantial list of amendments on file, which I hope honourable members will have a chance to peruse before we come to the substantial work in Committee. For that purpose I would be pleased if the Committee stage was left until next week. Having indicated general support, I indicate to members that some of the amendments that we will be moving will be partly cautionary, in areas where the Bill moves into new territory. This issue in relation to covering outworkers, although having virtually unanimous support in its intention to overcome the exploitation of those who are most severely exploited in outwork situations, needs to be watched very carefully to ensure that it does not intrude unreasonably into the freedom of individuals to undertake and follow through with contracts.

Some of those contracts may provide working conditions and remuneration which are less than would be enjoyed if one were employed in a similar type of work. I do not consider that that of itself is justification for intrusion by an Industrial Commission into that particular situation. During the Committee stage we will seek to amend the Bill to make it somewhat more restrictive on the areas where outworker provisions apply than is currently the case.

There are minor matters in relation to that issue as to whether that type of work should be recognised as in, about or from the home or premises of a prescribed kind, which could cover sheds or, in some cases, church halls, I am advised, have been used. The question should be addressed as to whether the Bill should cover the issue of 'or from'.

I stress that some of the Democrats' attitudes to this Bill are on the basis of 'for the time being', with the option that our attitude could be reviewed and revised in the light of experience and further evidence. But for the time being we believe that it should only cover work which is specifically done in fairly close proximity to a private residence or prescribed premises. So, I indicate our intention to propose amendments to that effect.

Obviously, we will draw some flack—and are already doing so—because, as I indicated before, we will support the main intention of the Bill relating to restricting legal practitioners' involvement at conference stages where there has been a dispute, in particular relating to unfair dismissal. We are prepared to accept that lawyers will not automatically have the right of appearance at a hearing unless the presiding officer has given consent.

Members will note that the Bill contains two quite reasonable qualifications which would enable a presiding officer to grant a party legal advice so that they would not be unduly disadvantaged. The other qualification which is significant in the wording of the Bill is that if any other party, registered association, or the UTLC is represented by a person who is either a lawyer or is legally qualified, it will open up the scene to representation of any party by lawyers.

We have taken some effort to address the matters which deal with contracts of carriage. During the Committee stage I will put the Democrats' point of view that there is a case for treating contracts of carriage to cover such things as milk carters and ready mixed concrete carriers, etc., and for it to be possible in that situation for a commissioner to actually make a determination rather than just leave it to a voluntary conciliation formula which may or may not be complied with by the parties.

It is not my intention during this second reading speech to canvass anything at length. The Committee stage will be long and there will be plenty of scope for discussing each point. We believe that the major intentions of the Bill are sound and we support them. We have objected to the measure of allowing sick leave during long service leave. We also intend to make a strong argument that associations, other than unions and registered associations, will have the right to be involved before the commission in some of the matters covered by the Bill.

At this stage, that is as much of a contribution as I need to make. I urge members to study the Democrats' amendments and I look forward to a constructive debate during the Committee stage. I indicate that the Democrats will support the second reading.

The Hon. J.C. IRWIN: I want to make a relatively brief contribution to this debate tonight as most points which the Opposition wishes to raise in the second reading debate have been well and truly covered by my colleagues, the Hon. Julian Stefani and the Hon. Di Laidlaw and those members who have spoken today on our behalf.

The Committee stage in this Chamber, as was the case in the other place, will draw out and highlight the differences—in some cases, vast differences—between the philosophy and practices of the Labor Party and the Liberal Party and, to some extent, the Democrats. The difference or gulf between the beliefs that all persons shall be equal and open slather capitalism is absolutely enormous, as we know. I do not believe that anyone in this Chamber occupies a position at either end of those extremes.

However, all of us nudge our beliefs towards one end of the spectrum or the other. If we are honest we have to concede that we are not coming up with the right answers. I do not believe that this legislation will come up with the right answers. Maybe it will have some wins, but I do not believe overall that it will.

Despite all the twisting and turning done by various Governments in the two decades since about the mid-1960s, in my opinion we have still not returned to the relative calm in both economic and non-conflict terms which was evident in the 20 years which followed the Second World War when the world was recovering and rebuilding after five years of extreme and almost total conflict.

The Hon. G.L. Bruce: That is because one could get a job anywhere one wanted.

The Hon. J.C. IRWIN: That is just the point. Would anyone in their right mind not yearn for the days of 3 per cent inflation, 3 per cent unemployment and 3 per cent interest rates to return to the Australian scene. I guess some of us here can remember those days even if I was somewhat younger then. Other countries seem to be able to achieve close to that combination. The question must be asked—and asked often—why can't we in Australia or South Australia achieve something like those figures?

I have said more than once in this Council that the Fraser years through good and bad overseas economic climates and good and bad domestic years, especially in relation to rural commodity prices, did not provide the answers. I am quite happy to concede that because that record was not achieved to any great extent. Many of us will remember that the Fraser Government had a single minded goal: to contain and reduce inflation. The Fraser years ended in a cloud of pragmatism, much the same as is happening now and will happen to the Hawke Government. The same can be said of the six-odd years of the present Federal Government. For much of that time all of the mainland States have been of the same political persuasion, but pragmatism to suit political survival is not in the best interests of Australia. Through good and bad times, domestically and overseas, the Federal Government has also failed to find the right answers.

This is neither the time nor the place to debate at length the ample evidence to support my assertions backed now by any number of people. However, one factor does stick out in my mind, and that is the absolute truth of the oft repeated statement that since 1982 the rich have been getting richer and the poor have been getting poorer. This directly relates to the sort of legislation we have in front of us at the moment. When the Hawke Government is challenged now on the appalling economic climate in Australia, we always find the answer is concerned with the one million new jobs the Government has created. As well, we are being conditioned—as we have been for some time—that 6 per cent or 7 per cent unemployment means full employment. That is not good enough. Even if the Party representing (or claiming to represent) the working people accepts that, I will not accept it.

I find it equally incredible that in the main the economic journalists do not challenge the fact that the cost of these one million new jobs can be found in increasingly dismal national debt which embraces both the Government and the private sector. Until that Everest is tackled, neither this country nor this State will recover and we will go on sliding towards the banana republic Mr Keating has spoken about. If we look at similar countries in the banana republic state, there is no dole, no pension and none of the perks we, in our fool's paradise, like and take for granted.

One million new jobs in Australia may be a fine achievement, and I certainly acknowledge that it is an achievement. South Australia still has the poorest mainland record of unemployment and the youth unemployment record. The youth of this State is suffering extremely as they may never obtain a work ethic, or know what employment is. This factor alone is alarming for 20 or 30 years hence, even if by some miracle there is a collective realisation that attitudes in Australia must change dramatically.

It is pleasing to read and hear today of the latest unemployment figures, where there certainly has been a pleasing downward trend in South Australia. Even more than that, that unemployment amongst youth (in the 15 to 17 year age group) has decreased some 20 per cent to 14 per cent. I do not know in exactly what period those figures were taken. It appears to be such an enormous jump in the right direction that I would be sceptical of the long-term sustenance of that improvement. No doubt, in the time ahead of us we will see.

I contend that it is not good enough to say that South Australia has the best industrial peace record in this country. As the record shows in number of days lost, that may be so. But, I have to ask at what cost is that. Again, that cost is reflected in the massive national debt. Strike or disruptive action is averted in South Australia, to some extent, by giving in to industrial blackmail. For example, a payment has been made to each employee on the ASER development site to complete each floor. No wonder we are left with a multi-million dollar blow out, with the taxpayer having to pick up that tab.

The job figure of one million that I have related must be looked at in the cold light of some reality. For a start, in Australia the population growth in the last five years has been 1.2 million or 7.8 per cent. From 1984 to 1988 gross domestic product per person has increased 0.4 per cent. Over the same year, the number of hours worked per person rose 10 per cent. Taking that into account, productivity actually decreased 0.1 per cent.

If we look at indexed jobs and population growth (by indexed I mean by dividing the rate of population growth into the rate of employment growth), we can see where we sit with some other countries. Germany has an 18 per cent increase in employment growth; New Zealand, 11.6 per cent; Britain, 5.6 per cent; USA, 3 per cent; and Canada, 2.7 per cent. Australia sits at the bottom of that heap with 2.6 per cent of employment growth. Although we have some commendable growth, we still do not match what other countries are achieving and we seem to have a very long way to go. I have to say these things, because there is always a direct relationship between industrial Bills such as this one and the consequences.

Like the Hon. Diana Laidlaw in this place and the Hon. Jennifer Cashmore in another place, I wish to speak about outworkers and do that obviously in the context of what I have already said. It will be interesting to follow what happens in South Australia after this Bill passes because, as the Hon. Jennifer Cashmore said in the other place, similar legislation to this relating to outworkers has passed in other States, which has cleaned up the so-called sweatshop conditions, but the available work has transferred to South Australia. The other States may well not have exploitation of any kind, but they may also not be able to offer any sort of work. If that is the aim of this legislation, so be it. If this legislation cleans up the so-called sweatshop conditions in South Australia, there may well not be any offer of work here, either. No matter how good and commendable are the aims of the legislation, the market forces will not be beaten in the end. People will simply have to be left alone to make contracts with prospective employers.

This legislation has been in effect for umpteen years and, for as long as we can remember, it has been in our system. The employees or single work units are the people who in the long run must say 'Yes' or 'No' to any proposal. You can only dam a swollen river for so long, but eventually something must give.

Through education, we must ensure that people are properly equipped to make up their own minds. I do not—and I hope I never will—support legislation which utterly controls every move we make as individual people. If there is any criticism, it must be directed—and certainly can be—towards the education system, because it is quite obviously lacking in so many aspects.

Even the member for Henley Beach in the other place said that most people who came to him with union problems 'could not read, write, or understand', and those were his words. Even given the fact that some of these people would be new arrivals in the State or in the country, it is a great indictment on the system.

My perspective of this Bill relates to the outworker provisions from a rural point of view. Does the Minister seriously believe that his provisions will be any damn good to a country town with a few small industries which are based on outworkers, or to the large and growing craft industry which covers a whole range of products made and sold in order to help supplement poor rural income? I do not need to expand on that point much more, because my colleague, the Hon. Legh Davis, spent some time on it.

People in this world (although this may be unbelievable to some) still do things for pleasure. The rural income patterns may be brighter now than a year or so ago, but the overall picture is still very depressed. One only needs to ask my colleague (Hon. Peter Dunn) about Eyre Peninsula. What would the so-called outworker in his area, who looks to supplement negative rural income during a four-year drought, think if we supported this legislation? They would not support us if we supported any move to slaughter the goose that laid an egg, even if it were not a golden one.

I doubt whether the Minister who introduced this Bill has ever lifted his eyes past the metropolitan area of Adelaide. I doubt whether he has ever lifted his brains to think past his own little blinkered thoughts. Has the Minister even thought of introducing legislation to give farmers a minimum wage? There is no way in the world that the average farmer and farming family receives anything like a minimum wage. There is no comparison with their city cousins in relation to the family hours worked, with no overtime, no holiday pay, no 17½ per cent loading for holidays, no superannuation, and no long service leave.

An honourable member interjecting:

The Hon. J.C. IRWIN: And he has to work with nature under all sorts of weather conditions. Thank goodness that Governments of any persuasion cannot have anything to do with the weather, because the fact that we have to learn to deal with inclement weather makes country people and tillers of the soil quite unique. Of course, most other Government members do not want to know about getting their

hands dirty or the real facts of life. What they want out of the rural people is their productivity, the cash for which their product sells overseas, and cheap food.

How many times has legislation been introduced during the life of this Parliament where quite blatantly the bottom line has been about cheaper food, such as eggs, bread, potatoes, milk, etc., but at the same time more and more costs have been imposed on the production of those goods.

I will conclude with a few facts and figures which will highlight the cheap food aspect of my argument. Milk is sold under all sorts of controls in this State. The latest figures I have are to February 1986, and members must remember that the poverty line was then around $15 000 a year for a family comprising two adults and two children. At that time, average household drawings in the dairying areas of South Australia were as follows: for the Mid North, $12 054; the Central Hills, $8 275; for the Southern Hills, $15 592; and for the South-East, $12 645. The State average was $12 678. Household drawings do not refer to only one member of the family—they relate to the husband, wife, and perhaps a son or daughter. Perhaps one could say that the son, daughter and wife are outworkers.

This average of $12 678 works out at $243 per family per week. I am sure that most members would be aware of the hours worked to produce that income on a dairy. That means starting work early and finishing late. For every one workman at eight hours per day, seven days per week, that works out at $4 an hour for one person in that family unit in order to provide the cheap milk which the Minister and other people in this city enjoy.

The Hon. Diana Laidlaw: Is $4 an hour exploitation?

The Hon. J.C. IRWIN: It is up to other people to judge whether or not that is the case. There are probably many happy people working on their farms, but I make the point that they are receiving only $4 an hour. In the context of this legislation, I understand that that would be exploitation. In one sense these are outworkers. In most cases they provide their product to a central factory for production and distribution. What steps does the Minister intend to take to resolve this situation and the many others to which I have referred tonight?

This Government should spend its time and energy in encouraging industry to work again in this State, to complement the productive rural sector, so that they can go hand-in-hand in trying to get this State and country out of its massive debt problems. The haves have to give something to the have-nots by forgoing and not just by adding on. I doubt whether this legislation is well intentioned but, if it is, I have very grave doubts about its results if it is implemented. Perhaps there will be some well paid jobs and improved working conditions but, alas, no work.

Bill read a second time.

SOUTH AUSTRALIAN HOUSING TRUST 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 Government wishes to amend the South Australian Housing Trust Act in terms of the composition of the board of the Housing Trust.

At present, section 9 of the South Australian Housing Trust Act 1936, deals with disqualification from membership of the trust and provides that:

> No person shall be or continue to be chairman or a member of the trust if he has any interest, direct or indirect, in any contract made by the trust: provided that a person shall not be disqualified from holding office as chairman or a member of the trust by reason only of the fact that he is a member of a company which is interested in any contract made by the trust if that company has 32 members or more.

The Government has two major concerns: first, section 9 of the Act disqualifies Housing Trust tenants from membership of the board. It is now broadly recognised that trust tenants should be represented on the board. Such representation will allow trust tenants the opportunity to gain a better understanding of the trust's role, objectives and responsibilities. The board as a whole will have direct access to tenant feedback, providing for more informed decision making. The Bill provides that a person will not be disqualified from membership of the trust if their only contractual relationship with the trust relates to the letting or sale of a trust house.

Secondly, at present, persons are disqualified from membership of the trust if they have any interest, direct or indirect, in any contract made by the trust. It has recently emerged that this provision includes involvement by board members in charitable and community bodies which have contractual relationships with the Housing Trust, say, for instance leasing of a house for children with disabilities. It is clearly undesirable to limit the contribution of Housing Trust Board members to community life to South Australia in this way. The proposed amendment provides that disqualification from membership of the Housing Trust Board shall not apply where a board member is involved as a member, or member of the governing body of a non-profit organisation which is a party to a contract with the Housing Trust.

Clause 1 is formal.

Clause 2 repeals and substitutes section 9 of the principal Act which provides that a person may not be or continue as chairman or a member of the South Australian Housing Trust if the person has a direct or indirect interest in a contract made by the trust. The present section contains a proviso that a person is not disqualified by reason only of the fact that the person is a member of a company that is interested in a contract with the trust if the company has 32 members or more.

The proposed new section continues the present provision for disqualification but recasts and extends the exception so that a person is not disqualified from membership by reason only of the fact that—

(a) the person has an interest in shares in a public company that is interested in a contract made by the trust, provided that the person's interest does not amount to a substantial shareholding in the company;

(b) the person is a party to a contract for the letting or sale of a house by the trust, or occupies, or is to occupy, a house or part of a house as a result of any such contract made by the trust with another person;

or

(c) the person is a member of a non-profit association, or of the governing body or a committee of a

non-profit association, that is a party to a contract with the trust. The clause also provides for a new section 9a which requires the Chairman or a member of the trust to disclose to the trust any direct or indirect interest in a contract or proposed contract to which the trust is or is to be a party and to refrain from participating in any proceedings or decision of the trust in respect of such a contract.

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

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT AMENDMENT BILL

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Membership of the commission.'

The Hon. I. GILFILLAN: I move:

Page 1—
Line 19—Leave out '12' and substitute '13'.
After line 33—Insert new paragraph as follows:
(ea) one will be a person nominated by the Workers Rehabilitation and Compensation Corporation.

Both parts of this amendment hang together. They are aimed at ensuring a direct contribution from WorkCover to this commission. I hope that I do not need to argue exhaustively to persuade members that there are distinct advantages in having a direct connection from WorkCover to the Occupational Health, Safety and Welfare Commission, because the more efficiently that commission works the better it is for the reduction of work place accidents, and WorkCover was set up specifically for this purpose.

The amendment is in two parts. To incorporate this extra member the number of members needs to go from 12 to 13. I toyed with the idea of attempting to modify one of the current positions so that we did not increase the board from 12 to 13, but that appeared difficult. No one of those currently on the board seemed to deserve to be taken off and replaced by a WorkCover nominee. With that in mind, I have moved that the number of members be increased from 12 to 13, and I inform members that the insertion of the new paragraph indicates that the person involved in increasing that number will be a direct nominee from the WorkCover corporation.

The Hon. J.F. STEFANI: The Opposition opposes the amendment, because the argument used by the Minister in another place was that the casting vote of the Chairman was necessary so that in a situation of even numbers the commission would not be locked into an unresolved debate. Increasing the number of members to 13 and giving the presiding officer a casting vote has very much the same effect, and effectively places the commission in an *impasse*, so that no decision could be made.

We do not oppose appointing someone from WorkCover to the commission. In fact, I specifically mentioned that in my speech. Under proposed new section 8 (1) *(f)* there is provision for the Minister to appoint a person experienced in the field of occupational health and safety. That person can be nominated in conjunction with the employer and trade union organisations, and, indeed, can be a person from WorkCover.

The Hon. I. GILFILLAN: I am glad that the Opposition supports the intention of the amendment. I point out to the Hon. Mr Stefani that the casting vote can only be used when there is a tied vote, so increasing the number will not have any effect on how the Chair can operate during the vote. I would like to allay his fears in that respect. The Chairperson will not have two votes: he or she will have only a casting vote if the board or commission is tied. I contemplated the idea of using new subsection (1) *(f)* for a WorkCover nominee, but it seemed to me to be less desirable. First, for WorkCover to be effectively represented it may mean that they choose a person who is not necessarily experienced in the field of occupational health, safety and welfare.

With respect to this board, it is essential that someone, have experience in those four areas. I do not believe that we could expect to get the best representation by trying to make that happen with one person covered by paragraph *(f)*. I would urge the honourable member to support my amendment.

The Hon. J.F. STEFANI: In regard to that nomination, I would seek the consideration of the honourable member that that representative from WorkCover be in fact the Manager of WorkCover or his nominee. That would be a more appropriate way to deal with the amendment.

The Hon. I. GILFILLAN: I think it is most unlikely that the Manager of WorkCover would in fact be the person who sits on the commission. I doubt very much if the Chairman of the Health Commission would be involved. I am a little uncertain as to the advantage that would flow from a change in the wording. I am flexible on it, but I do not really see that it will add very much to the end result.

The Hon. J.F. Stefani interjecting:

The Hon. I. GILFILLAN: The comment has been made in an interjection to me that the Hon. Mr Stefani believes that there is a nominee on the current board from WorkCover. Maybe I could ask the Attorney-General to seek an opinion from the adviser on this issue.

The Hon. C.J. SUMNER: There is in fact a person on the Occupational Health, Safety and Welfare Commission board who, at the present time, is an employee of WorkCover but he was appointed to that board before he became an employee of WorkCover. So he is not appointed there as a representative or in a representative capacity. It is purely fortuitous that he originally was employed outside of WorkCover and then at that time was appointed to the Occupational Health, Safety and Welfare Commission but now has been employed by WorkCover. So he does happen to be on the Occupational Health Commission. That is not as a direct representative of WorkCover; it is purely fortuitous that he is there.

Amendment to line 19 carried.

The Hon. I. GILFILLAN: I seek leave to move my second amendment in the amended form, as follows:

Page 1, after line 33—Insert new paragraph as follows:
(ea) one will be the General Manager of the Workers Rehabilitation and Compensation Corporation or a person nominated by the General Manager of the Workers Rehabilitation and Compensation Corporation.

Amendment carried; clause as amended passed.

Clauses 4 to 7 passed.

Clause 8—'Other staff of the commission.'

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

Page 3, line 5—After '(3)' insert 'and substituting the following subsection:
(2) One member of the staff of the commission may be appointed as Deputy Chief Executive Officer of the commission.'

The amendment provides for a Deputy Chief Executive Officer of the commission. It will be a member of staff, that is, a permanent employee of the commission.

The Hon. J.F. STEFANI: The Opposition is certainly opposed to the nomination of any position in this regard, particularly for the Deputy Chief Executive Officer position, in a structure that has nine people working for it. The South

Australian Ethnic Affairs Commission, which has over 40 people, does not have such a position—because it does not have any money. I understand that the decision that is being promoted has not been referred to the commission as such. It certainly has not been formally considered by the commission. I find it extraordinary that Parliament has to decide on a Deputy Chief Executive Officer position, when there are in fact nine other people—four of whom are senior officers. In any event, the transitional provisions that we oppose include the nomination of that person by the Government. So, we have two nominations for that position. The Opposition certainly finds it extraordinary.

The Hon. I. GILFILLAN: This amendment arises mainly from a Democrat request for a supporting provision for clause 9 (3)—which we may debate a little more fully later. I remind the Hon. Mr Stefani that this is not obligatory. One member of the staff of the commission 'may be appointed'. So, in the legislation there is no firm obligation for the commission to appoint a Deputy Chief Executive Officer. As to my interpretation of these matters, I put on the record my firm conviction that, because a certain person is entitled to be appointed, that is not a final determination in relation to that person being appointed. If that were the case, it should be worded that way. However, we will probably discuss this issue more fully when considering clause 9. As to the amendment now before the Committee, I indicate the Democrats' support for this better drafting. It formally recognises the position of deputy to the Chief Executive Officer as referred to in clause 9 (3).

The Hon. J.F. STEFANI: I believe that the structure would have the capacity to, if necessary at a later stage, appoint such a person. I do not see the need for legislation to invoke such an appointment at this early stage and development of the commission. We would be effectively diminishing the authority of the commission by dictating to it how it will conduct its business and what it might do in the future.

The Hon. I. GILFILLAN: In response to that comment, I must say that I do not believe that the amendment gives any instruction to the commission. The commission still has complete and unfettered authority on its own motion to appoint or not appoint. It is recognising a position which the commission may appoint. I think that the fears are unfounded. I indicate the Democrats' support for the amendment.

Amendment carried; clause as amended passed.

New clause 8a—'Registration of employers.'

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

Page 3, after line 5—Insert new clauses as follows:

Insertion of s. 67a

8a. The following section is inserted after section 67 of the principal Act:

Registration of employers

67a. (1) Subject to subsection (2), a person who is required to be registered as an employer under the Workers Rehabilitation and Compensation Act 1986, is also required to be registered under this Act.

(2) A person is not required to be registered if the person is exempt from the obligation to be registered by the regulations.

(3) The Workers Rehabilitation and Compensation Corporation will undertake registrations under this section in conjunction with the registration of employers under the Workers Rehabilitation and Compensation Act 1986.

(4) A periodical fee is payable in relation to a registration under this section.

(5) The fee referred to in subsection (4) will be—

(a) Calculated in the prescribed manner;

and

(b) payable to the Workers Rehabilitation and Compensation Corporation in accordance with the regulations.

(6) If a person fails to pay a fee, or the full amount of a fee, in accordance with the regulations, the Workers Rehabilitation and Compensation Corporation may recover the unpaid amount as if it were unpaid levy under Part V of the Workers Rehabilitation and Compensation Act 1986.

(7) Subject to subsection (8), the Workers Rehabilitation and Compensation Corporation will, in accordance with guidelines established by the Treasurer, pay the fees collected under this section to the Department of Labour.

(8) The Workers Rehabilitation and Compensation Corporation may deduct from any amount payable under subsection (7) any costs reasonably incurred by it in undertaking registrations and collecting fees under this section.

(9) The Department of Labour and the commission are entitled to information provided to the Workers Rehabilitation and Compensation Corporation for the purposes of this section (and section 112 of the Workers Rehabilitation and Compensation Act 1986 does not apply in relation to the disclosure of that information to the department or to the commission).

(10) A person who fails to comply with this section is guilty of an offence.

Penalty: Division 6 fine.

(11) A person who was, immediately before the commencement of this section, the occupier of a workplace registered under the Occupational Health, Safety and Welfare (Registration of Workplaces) Regulations 1987 is, on written application to the Director of the Department of Labour, entitled to a refund of a portion of the registration fee paid under those regulations, the portion being so much of the fee that, immediately before the commencement of this section, represented the unexpired term of registration.

The Hon. The Hon. J.F. STEFANI: The Government has had two attempts at introducing some amendments to this section. The first attempt referred to a percentage fee for the registration of employers and this amendment speaks of registration by employers who are required under the Act to register a workplace. This amendment has not been widely circulated; a lot of employers are not aware of what is proposed and representative associations have not had the opportunity to widely circulate this proposal.

Whilst the concept of the amendment, which probably intends to rationalise the reporting procedures presently required of employers, and relates to notification of work-related injuries and registration of a workplace, is a sound concept, it has not been thought through. It has certainly not been approved by the commission or discussed by employer bodies and it certainly has not been discussed to the extent where agreement has been reached to the way in which this issue should be handled.

The Opposition's reaction is that the Act already contains an obligation on an employer to register a workplace and his employees on a fee basis. The proposal contained in this amendment is that that fee basis is undefined—it is certainly not clear to me and I will refer to that later and every employer who is required to register for workers compensation is equally bound to register a workplace.

This amendment proposes that the employer may be exempt if he writes to the commission or asks in writing the Director of the Department of Labour to grant him a dispensation. I find that absolutely extraordinary. We already have one amendment, and to get out of this amendment a person must write to the commission and get himself exempted or go to the Director to get dispensation. If the Government thinks that it is making life easy for the employer, I think it will find that most employers will say that this approach is absolutely—

The Hon. T. Crothers interjecting:

The Hon. J.F. STEFANI: If the honourable member has to make a contribution, he should make it relevant to what I am saying. The facts are that the registration of employers is now in vogue. There is no mad panic to proceed with an administrative procedure, which may be regretted, on the basis that we want to rationalise the reporting and make it easier for the employer.

The proposed amendments do not affect Government departments, because they are exempt. So, this prescribes medicine for the employer without really knowing whether the medicine will be good for him or her. I suggest that these amendments be totally deferred to allow the commission to consider them. This involves wide representation and wide consultation with employer organisations, to discuss the matter with WorkCover—if WorkCover is to be the agency to handle this matter—and to work out the paperwork required.

Under these proposals employers have to pay a prescribed fee on a monthly basis. The word 'periodical' is used. I would like to know what that periodical equation is. I would also like to know who will set the fees and calculate them in a prescribed manner and is it relative to what already exists? Employers will want to know a lot of other things and if we proceed on this basis we will have a lot of upset people.

In addition, provisions in this amendment define certain penalties which are applicable by WorkCover for the non-payment or late payment of fees. If those regulations apply, then the same penalty will apply. There are also penal provisions which will require a penalty of a division 6 fine.

Again, I raise the question of what are we trying to do? Are we trying to help the employers? I do not think we are with these amendments. The question of collecting, registering and compiling the information required to be passed on in regard to injuries is one which I have also seriously considered. The provisions in the regulations require the employer to still give notice of a serious mishap or dangerous accident, so the need to report to the Department of Labour will continue, but the reporting of an injury must be done in some form or another to WorkCover.

I am not clear about those matters—and certainly the employer community is not clear and not informed. I strongly urge that these amendments be totally deferred, that the commission be allowed to work out its own course and in that process I am sure it will come up with the right answer.

The Hon. I. GILFILLAN: The Democrats support the amendments. They have not as yet been fully explained to the Chamber, but their intention is sound. I have listened to the Hon. Mr Stefani's reservations, but I interpret his comments as not opposing what he agrees is a potential advantage to be gained from these amendments.

I share with him some misgiving about the disclosure of information to the Department of Labour and the commission and I ask the Attorney, in relation to new subsection (9) in particular, where section 112 of the Workers Rehabilitation and Compensation Act will not apply to the disclosure of information to the department or the commission: does any restriction exist on the department or the commission in relation to wider disclosure of the information which they will get by privilege from this provision? Personally, I do not have any reservations about the commission receiving that information. I think it is important for the Occupational Health and Safety Commission to have that information, and the same argument could possibly be applied to sections of the Department of Labour. But it seems to me to be quite insecure if section 112, having been waived for those two recipients of this information, means they can leak out any of that information to the outside world. Maybe that question could be addressed by the Attorney.

Progress reported; Committee to sit again.

POLICE REGULATION ACT AMENDMENT BILL

In Committee.

Clause 1—'Short title.'

The Hon. C.J. SUMNER: The Opposition has raised some questions in relation to some three clauses. The questions were first raised in another place, and the Government has had the opportunity to consider the issues.

While the Bill, as it presently stands, is quite sufficient and technically correct, the Government is prepared to move amendments to overcome the Opposition's concerns in relation to two of the three matters raised. The first matter arises at clause 6, so I will address all the issues now, and then see where we go from there.

The first matter arises at clause 6 which amends section 11 of the principal Act. That section empowers the Commissioner to appoint sergeants and constables and allows the Governor to nominate another person to exercise this power. The Opposition has expressed the view that a nomination by the Governor should be to a member of the Police Force. To resolve the issue, the Government proposes to move amendments to delete altogether the provision enabling the Governor to nominate another person. Instead, the power to appoint will rest with the Commissioner who may delegate the power under the general delegation provisions. Of course, the Commissioner is well placed to determine the suitability of the delegate.

The second matter deals with the general delegation power revised in clause 18 of the Bill. The concern is whether the power to delegate should be limited to delegations to members of the Police Force. In this case the Government does not consider it necessary to move amendments. The Commissioner may delegate his powers and functions under this Act, or any other Act.

From time to time it may be appropriate, or perhaps even necessary, that powers or functions be delegated to persons not being members of the South Australian Police Force. For example, powers under the State Disaster Act or the Essential Services Act may quite properly be delegated to a civilian. Similarly, powers under the Road Traffic Act or the Summary Offences Act may be delegated to a civilian, or perhaps a member of another Police Force or law enforcement agency. The Commissioner is in the best position to determine the suitability of the delegate on a case by case basis.

Finally, the Opposition has expressed concern that the Bill does not prescribe the method of selection of the judge of the District Court who will sit on the Police Appeal Board. The Police Appeal Board has been in existence for some time. Until 1981 the presiding officer, a judge of the District Court, was appointed by the Governor. In 1981 the Liberal Government of the day amended the Act to delete the requirement that the judge be appointed by the Governor. The Act simply provides that a judge will chair the board. I understand that in practice the senior judge, who allocates the work of the court, allocates the responsibility for sitting on the Police Appeal Board.

By removing the requirement that the judge be appointed by the Governor, greater flexibility has been achieved. The senior judge may reallocate the responsibility, depending on case loads. It is stressed that the selection is not made by the Government but by the senior judge. However, to clarify the matter, an amendment will be moved to the schedule under the Act. Although the Government does not consider it necessary, that amendment will be moved just to emphasise that the procedures which applied previously will continue under this amending Act.

Clause passed.

Clauses 2 to 5 passed.

Clause 6—'Appointment of sergeants and constables.'

The Hon. C.J. SUMNER: I have explained this amendment, so I move:

Page 2, lines 10 and 11—Leave out ', or any other person nominated by the Governor for the purpose,'.

Amendment carried; clause as amended passed.

Clauses 7 to 18 passed.

Clause 19—'Insertion of schedule.'

The Hon. C.J. SUMNER: I have already addressed this matter, so I move:

Page 8, line 2—After 'District Court judge' insert 'selected by the senior judge'.

Amendment carried; clause as amended passed.

Remaining clauses (20 and 21) passed.

Schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 10.36 p.m. the Council adjourned until Tuesday 11 April at 2.15 p.m.