

SOUTH AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

**Fourth Session of the Forty-Seventh Parliament
(1992)**

Parliament, which adjourned on 8 May, was prorogued by proclamation dated 1 June. By proclamation dated 1 June, it was summoned to meet on Thursday 6 August, and the fourth session began on that date.

LEGISLATIVE COUNCIL

Thursday 6 August 1992

The **PRESIDENT (Hon. G.L. Bruce)** took the Chair at 12 noon.

OPENING OF PARLIAMENT

The Acting Clerk (Mrs J.M. Davis) read the proclamation by Her Excellency the Governor (Dame Roma Mitchell) summoning Parliament.

GOVERNOR'S SPEECH

Her Excellency the Governor, having been announced by Acting Black Rod, was received by the President at the bar of the Council Chamber and by him conducted to the Chair. The Speaker and members of the House of Assembly having entered the Chamber in obedience to her summons, Her Excellency read her opening speech as follows:

Honourable Members of the Legislative Council and Members of the House of Assembly:

1. I have called you together for the dispatch of business.

2. It is with regret that I record the deaths of two Members of this Parliament since the previous address in this place.

Joyce Steele, a Member of the House of Assembly from 1959 to 1973, died on 24 September 1991, and Albert James Shard died on 29 November 1991 after a Parliamentary career totalling more than 20 years.

Mrs Steele became the first woman to be elected to the South Australian House of Assembly after winning the seat of Burnside for the Liberal and Country League. Between 1966 and 1968 she was Opposition Whip in the Lower House, the first woman to hold that position. In 1968 she became the State's first woman Minister. She was Education Minister in the Liberal Government for two years and three months in 1970 and also served as the Minister of Social Welfare, Aboriginal Affairs and

Housing. Mrs Steele remained a Member until 1973. She was awarded an OBE for her service to Parliament and the community in 1981.

Mr Shard entered Parliament as the Member for Prospect in the House of Assembly in 1944 and served for three years. In 1956 he was elected to the Legislative Council where he was Opposition Leader from 1961 to 1965 and again from 1968 to 1970. He was Chief Secretary and Health Minister in the Walsh Government from 1965 to 1968 and again in the Dunstan Government from 1970 until his retirement from Cabinet in 1973. He retired from the Legislative Council in 1975.

During his Parliamentary career Mr Shard served on many committees including The Joint Committee on Subordinate Legislation, The Land Settlement Committee, The Industries Development Committee and the Public Works Committee. In 1977 he was made an Officer of the Order of Australia for distinguished service to Government.

I know that you will join me in expressing sympathy to the relatives of these past Members. Both made a noteworthy contribution to the conduct of Parliament and Government in this State.

3. My Government has been working to set in place a number of major reforms and to present policies which will have a major bearing on the future development and economic security of this State. This Parliament will be asked to consider legislation covering two major initiatives - the establishment of the Economic Development Board and matters related to the Planning Review. In line with legislation already passed concerning the establishment of MFP Australia, these programs are designed to help set new economic and development directions for South Australia. They will address key issues including employment growth, removing perceived obstacles and problems associated with planning and development laws, while ensuring a balance is maintained with environmental and community concerns.

4. Legislation this session will establish an Economic Development Board. The board, to replace the Department of Industry, Trade and Technology, will comprise senior business people with public sector and union representation. It will be responsible for the development of the State's international business linkages, marketing

the State interstate and overseas to attract new investment, assessment of future advanced infrastructure needs and the development and management of major economic development projects and programs.

5. As a factor in my Government's determination to boost economic performance in this State, legislation this session will seek to change South Australia to Eastern Standard Time. My Government believes that by changing to EST the community, and business in particular, will recognise the importance of being linked in time frame to the Eastern Seaboard, and the biggest market in Australia.

6. The Planning Review concluded on 30th June 1992 following two years of examining the planning and development control system for the State. Its final report recommends sweeping changes. My Government proposes to introduce a Bill for a Development Act which will replace the Planning Act, the City of Adelaide Development Control Act, the Building Act, and the development control provisions of the Real Property Act, Strata Titles Act, South Australian Heritage Act, and Coast Protection Act.

7. The Environment Protection Act will set out to do the same for environmental management as the Development Bill does for development. The Environment legislation will focus on pollution prevention and waste measures embracing new standards and codes of practice developed under Commonwealth and State arrangements. The procedures and the policy under the two Bills have been, and will continue to be, closely matched. That process and the consequent and relatively minor amalgamation of regulations under other Acts are examples of the new cross-agency cooperation in action. A further example is provided by the new Bill for a Heritage Act, and depends wholly on the Development Bill for its effect on development of land and buildings.

8. Agreement has been reached with the Commonwealth Government to establish a National TAFE Training System. This will set national standards and coordinate the national training agenda, but retain local accountability, be industry driven, and remain responsive to the needs of our regional economies. Over the coming months my Government will develop TRAINING 2000 - The South Australian Vocational Education and Training Plan in consultation with industry.

9. In the area of secondary education, the role of the Senior Secondary Assessment Board of South Australia has expanded significantly in 1992 with the introduction at Year 11 of Stage 1 of the new South Australian Certificate of Education. Students will undertake Stage 2 of this rigorous course for the first time as they enter Year 12 in 1993. South Australia will continue to play a key role in the development of national curriculum statements and profiles for Australian schools. As part of this national cooperative project, our State was chosen to provide leadership in the development of national curriculum materials for English and Health.

10. My Government will continue to reduce red tape through reviews of small business licensing by the Government's Deregulation Advisor, simplifying the process of doing business in South Australia. Further, the administration of commercial licensing by the Commercial Tribunal is currently under review. To improve administrative efficiency and assist small businesses, legislation

will transfer the administrative aspects of commercial licensing to a special commissioner.

11. In the agricultural sector, the outlook for prices in 1992/1993 is mixed. Wool prices are predicted by the Australian Bureau of Agricultural and Resource Economics, to rise by 9% over those for last year. When combined with a new wool tax rate 3.5% lower than previously, this will give a welcome boost to income. Beef prices are expected to firm marginally but it is forecast that wheat pool returns will fall some \$20 per tonne or 11% in comparison with last year. Feed grain prices also are likely to be some 6% lower.

12. In a more positive vein, South Australian producers have enjoyed their best opening to a season for nearly a decade. While it is too early to predict crop yields it is to be hoped that increases in these will outweigh the expected falls in grain prices.

13. The current legislation for the administration of Crown lands, the Crown Lands Act 1929, is under review. This legislation is in many respects unduly complex, defying ease of administration or understanding by administrators, the legal profession or the public. It is for these reasons and as part of the Government's ongoing review of legislation that the change to the Crown Lands Act will be implemented.

14. The proposed Public Lands Administration Bill will streamline administration of the Crown estate. Significant areas of change include affording Crown tenants appeal rights on decisions affecting their tenancies; removing antiquated processes and clarifying areas of uncertainty of ownership. The Land Board will be abolished to reflect modern processes of deregulation.

15. The Lands Titles Registration Office has embarked on an extensive review of the Real Property Act, 1886 and other related legislation. The first stage of this project is a review of the Land Division provisions of that Act and amendments proposed for this session will simplify land division and related registration procedures.

16. As part of the ongoing program to review water-related legislation, it is intended to introduce the Irrigation Bill and the Murray Darling Basin Bill. The Irrigation Bill consolidates 5 existing Statutes to provide more effective management of irrigation and drainage services in Government and Private Irrigation Districts. The Murray Darling Basin Agreement Bill ratifies the new agreement between the three States and the Commonwealth which gives more powers and flexibility better to manage the River Murray.

17. The Coast Protection Act 1972 is being reviewed this calendar year. During this Parliamentary session, the review process will include the production of green and white papers and the promotion of community discussion on provisions for revised Coast Protection Legislation.

18. It is proposed to amend the Dog Control Act to provide very stringent controls over certain breeds of dogs renowned for their strength and savagery. It is intended that the particular breeds will have to be compulsorily desexed, will have to be muzzled and held on a leash at all times in a public place. The amendment will also seek to make it an offence to advertise such dogs for sale.

19. The Government Management and Employment (GME) Act, proclaimed on 1 July 1986, was the first of its kind to be introduced in any State in Australia, remo-

ving central control and the central focus of the former Public Service Act. Other States and Territories have amended their public sector legislation to be similar to, and in some cases almost identical with, the South Australian Act. In the six years since that Act came into existence some areas require minor amendments further to streamline the public sector and simplify a number of personnel management issues.

20. In May this year the Premier signed an Inter-government Agreement to establish reform measures which will ensure a national market for goods and those service providers currently working in regulated occupations. The reform is based on a mutual recognition concept. This will contribute to a more efficient national market and enhance Australia's and South Australia's international competitiveness. South Australians, whether as consumers or business operators, can only benefit from this initiative which arose from the 1990 Special Premiers' Conference. My Government will introduce legislation during this session to act on these decisions.

21. My Government is committed to the continued reform of the WorkCover System. Accordingly, amendments to the Workers' Rehabilitation and Compensation Act will be introduced to tighten the operation of the system and to make it more cost effective.

22. Amendments to the Industrial Relations Act will provide uniformity with the Commonwealth Government's Industrial Relations Act by introducing the concept of Certified Agreements. Certified Agreements will be registered by the parties with the South Australian Industrial Commission, and the negotiated conditions of such agreements will remain fixed for the life of the agreement.

23. Legislation will rationalise existing legislation to provide for the efficient administration, development and management of harbors and for safe navigation in South Australian waters. A single Harbors and Navigation Act will replace the Harbors Act (1936), the Marine Act (1936) and the Boating Act (1974). This Act will enable the Minister of Marine to control and administer harbors and to regulate the specifications and equipment required for the safe operation and navigation of vessels in this State.

24. A number of bills to reform and clarify the law, to meet the Government objective of increasing access to the law and increasing community safety, are planned this session. Amendments to the Summary Procedures Act will be reintroduced to provide for the interstate enforcement of restraint orders. The Criminal Law (Sentencing) Act will provide Courts with the power to suspend vehicle registrations for those individuals and companies failing to pay fines. Police will be empowered to establish road blocks when trying to apprehend a person using a car illegally, through amendments to the Summary Offences Act. Another reform will be an amendment to the Evidence Act to allow for the video-taping of the evidence of children and to allow children and other vulnerable witnesses to be questioned using screens and in-house video links. Furthermore, police interviews of suspects by electronic recording will be made mandatory. Most importantly, legislation to establish an Independent Courts Administration will be introduced in order to effect the appropriate separation of powers between the Executive and the Judiciary.

25. Members of Parliament will be required to disclose details of their family trusts as a result of amendments to the Members of Parliament (Register of Interests) Act 1983. In relation to public servants a Code is being prepared which will apply to officers employed in accordance with the GME Act. The initiatives being undertaken by the (Anti) Fraud Working Party will continue and combating fraud will become an indicator on the performance contract of agency managers.

26. A new Privacy Bill following the extensive debates during the last session will be introduced for further discussion and a new Whistleblowers Bill will also be introduced. It will seek to provide a legislative and regulatory regime to protect those who seek to expose corruption, malpractice, negligence and other unacceptable practices in the administration of the affairs of South Australia.

27. My Government expects to receive the report of the Select Committee on Juvenile Justice during the last quarter of 1992 and is committed to taking effective legislative and administrative action to deal with repeat offenders and to lessen the time between an offence being reported and action being taken to bring home to the offender the impact of his or her offence.

28. The program of updating health profession registration Acts, with an emphasis on mutual recognition between the States and Territories, will see revision of the Medical Practitioners, Nurses and Psychologists Acts. Other legislation will include the Ambulance Services Bill and amendments to the Public and Environmental Health Act.

29. The Guardianship and Administration (Mental Capacity) Bill and accompanying Mental Health Bill will create the position of Public Advocate, with a watchdog role on behalf of mentally incapacitated persons. The legislation will seek to strike a sound balance between an individual's right to autonomy and freedom and the need for care and protection from neglect, harm and abuse.

30. The Supported Residential Facilities Bill will also seek to protect some of the most vulnerable people in our community. The Bill will ensure that premises providing, or offering, personal care services to residents in addition to accommodation and board, are licensed and meet minimum standards of care and accommodation.

31. My Government is currently reviewing the Retirement Villages Act to provide greater equity in dealings between residents of retirement villages and village management. Legislation will be introduced to reduce delays by village managers in offering residents' licences of occupation for sale and to assist residents in resolving disputes.

32. My Government has given the strongest support to the vast majority of the 339 recommendations of the Royal Commission into Aboriginal Deaths in Custody. My Government will continue tackling issues of injustice and disadvantage until the Aboriginal people can take their rightful place in society.

33. Major reviews of the arts statutory authorities have been conducted recently, and will result in greater efficiencies in arts activities in this State. The first of a number of Bills will establish a Country Arts Trust. The legislation indicates the high priority given by my Government to the arts throughout all regions of the State.

34. My Government wishes to promote the celebrations in 1994 of the passage of the Constitution Act Amendment Bill, 1894, which gave women the right to vote in South Australia. The Bill was a pioneering achievement of South Australia and of great significance to Australia and the world. The objectives of the celebrations are to stimulate artistic, cultural, sporting, community, political and intellectual activities which involve individuals, organisations and groups within and beyond South Australia. The Women's Suffrage Centenary will be a timely reminder of the important role which women have played, and continue to play, in South Australia. The Steering Committee will be looking to the South Australian community to provide ideas for the commemoration events.

35. Finally, on a technical matter, I refer to the Gaming Machines Bill, 1992. After presentation of the Bill to me for assent by the Speaker, it was drawn to my attention that there was an inconsistency between the Bill passed by the Legislative Council and the amendments subsequently agreed to by the House of Assembly. Accordingly, I request the House of Assembly to reconsider the Bill.

36. I now declare this Session open and trust that your deliberations will be guided by Divine Providence to the advancement of the welfare of the people of this State.

The Governor retired from the Chamber, and the Speaker and members of the House of Assembly withdrew.

The President again took the Chair and read prayers.

GAMING MACHINES BILL

The Hon. K.T. GRIFFIN: Mr President, I rise on a point of order. I seek an indication from you as to the procedure that you intend to follow in relation to the Gaming Machines Bill considered by this Council in the last days of the last parliamentary session. As I understand it, you propose to authorise a message be sent to the House of Assembly with all the amendments passed by the Legislative Council in the last session, correcting an earlier message. If this occurs, obviously there will be no opportunity for the Council to vote again on that issue.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: Since the Council last considered the Gaming Machines Bill, Parliament has been prorogued, and constitutionally that means that all unfinished business lapses. That position, I would suggest, is confirmed by Erskine May on Parliamentary Practice. I also refer to section 57 of the Constitution Act, which addresses the issue of Bills which have passed the second reading in one House or the other, but the Gaming Machines Bill is not before this House, so there is nothing, I suggest, upon which this Council can send a message in this new session. In indicating the procedure that you intend to follow, I ask you to deal with the complication which I suggest is caused by prorogation and indicate whether or not you are satisfied that there is no constitutional problem with what you may propose to follow.

The PRESIDENT: I point out that, in accordance with Standing Orders, the only means of communication with

the other House is by message or by conference. The message has nothing to do with the restoration of the Bill in the House of Assembly, because the Legislative Council is not aware whether this has eventuated. I merely forwarded a corrected version of the schedule of amendments, which should have been transmitted with the House of Assembly Bill when it was returned to the House of Assembly on Friday morning 8 May 1992. The error was discovered immediately the Houses rose and, therefore, the corrected schedule was refused by the officers of the House of Assembly, and this day I simply ensured that the corrected schedule was retransmitted immediately the session of Parliament was convened.

It is important for members to realise that no motion is ever moved in the Council for a message to be sent to the other House in relation to a Bill. Messages are a machinery mechanism which merely give effect to the Council's will.

Likewise, members should be aware that, when an Assembly Bill is amended by the Legislative Council, the Bill is reprinted, as was done in this case, incorporating all of the 79 amendments made by the Council. The schedule is merely a list of the amendments to which the Council sought the agreement of the House of Assembly. These amendments were never voted on individually but rather as a package in the Assembly—in other words, the question was 'That the amendments made by the Legislative Council be agreed to'. Having been agreed to, the House of Assembly conveyed its agreement by message to the Council.

Since then, prorogation has intervened. The effect of prorogation, according to May's 'Parliamentary Practice', is that 'it terminates all of the current business of Parliament'. In other words, not only are the sittings of Parliament at an end, 'but all proceedings pending at the time are quashed . . .' Whilst it is necessary for the Bill to be restored as a lapsed Bill in the House of Assembly to the stage reached in the previous session, the Council in the previous session had already agreed to 79 amendments, not 77—in other words, it had completely dealt with the Bill. It was the House of Assembly that had not agreed to the additional two amendments.

The Council is unable to consider the Bill, or these amendments, further at this stage as it is no longer in possession of the Bill which was returned to the House of Assembly with amendments and reprinted. As usual, no specific motion was moved to ensure this process, it is so unnecessary for a motion to be moved now to merely forward a further copy of the schedule of amendments. The Bill has been finally disposed of by the Legislative Council. I, accordingly, have forwarded the amended schedule to the House of Assembly, such course being merely a clerical procedure. At this stage I am not prepared to uphold the point of order.

[Sitting suspended from 12.52 to 2.30 p.m.]

MERTIN, Mr C.H., RETIREMENT

The PRESIDENT: I would like to advise the Council that Mr Clive Mertin has retired as Clerk of the Legislative Council, to take effect from 11 August 1992. Mr Mertin has been on pre-retirement leave since 29

June. Following upon this I recommended to Her Excellency the Governor that Mrs Jan Davis be appointed Clerk of the Council. I am now pleased to notify the Council that as from 11 August 1992 Mrs Jan Davis, who is now acting, will officially be Clerk of the Legislative Council. Mrs Davis has served a term of 13 years as Usher of the Black Rod and has fulfilled the requirements of the position to the Council's complete satisfaction.

At this stage I would like to pay tribute to Mr Clive Mertin, who joined the parliamentary staff on 28 March 1960 as Clerk of Papers and Records, after serving in the Royal Australian Navy from 1951 to 1955, having enlisted during the Korean War, followed by employment with the Orient Line in Adelaide. Throughout this time Mr Mertin has worked diligently to follow parliamentary procedures, and he progressed through the ranks to become Usher of the Black Rod and Deputy Clerk in 1978.

He became Clerk of the Legislative Council in 1979 and has carried out that role with the respect of both sides of the Council. At all times, Mr Mertin has placed the Parliament beyond any political arena and has executed the duties in accordance with the true traditions of the Legislative Council, being a firm believer in the bicameral system of Parliament. Mr Mertin has given 32 years of continued and loyal service to this Parliament in Legislative Council and I speak on behalf of all members in wishing him a healthy and happy retirement. I am sure his successor will give of her best, in the same manner as Mr Mertin.

HANSARD

The PRESIDENT: I refer to *Hansard* alterations. I have to inform honourable members that as from tomorrow the form in which members receive their daily *Hansard* proofs will change. As a result of new technology installed in the *Hansard* area it will now be possible to provide members with a separate volume of each day's sitting, which will probably become known as the 'Daily Hansard', in addition to the current weekly volume. This 'Daily Hansard', to be available by 9.30 a.m. on the day following a sitting, will replace the present proofs. It will be delivered in the same way as proofs were delivered and will be marked 'Confidential and subject to revision'. It is most important, if *Hansard* is to be produced efficiently, that members return to *Hansard* by 4 p.m. on the day following a sitting any corrections that they may have to the daily edition, for inclusion in the weekly. Members are asked to be patient if any teething problems are experienced as the new technology is introduced.

JOINT SITTING

The PRESIDENT laid on the table the minutes of the proceedings of the Joint Sitting of the two Houses held on Tuesday 26 May 1992 to choose a person to hold the place in the Senate of the Commonwealth rendered vacant by the resignation of Senator John Wayne Olsen, whereat Mr Alan Baird Ferguson was the person chosen.

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

That the minutes of the proceedings be printed.
Motion carried.

PAPERS TABLED

The following papers were laid on the table:

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

Director of Public Prosecutions Act 1991—Attorney-General's Directions to the Director of Public Prosecutions.

Supreme Court Act 1935—Report of the Judges of the Supreme Court of South Australia, 1991.

State Government Insurance Commission Act 1992—SGIC Charter.

Remuneration Tribunal—Reports relating to Determinations No. 3 and 4 of 1992.

Treasury Department—Response to Economic and Finance Committee Report—Public Asset Management Developments, 1988-91.

Rules of Court—District Court of South Australia—General—

Legal Practitioners Act 1981—Calling of Witnesses from Interstate.

Magistrates Court of South Australia—

Civil Jurisdiction—General.

Statutory and Criminal Jurisdiction—General.

Supreme Court Act 1935.

Correction of Errors—Reviews of Schedules.

Criminal Rules—General.

Listening Devices—Separation from Criminal Justification Rules.

Listings—Appeals.

Uniformity of Rules between Supreme and District Court.

Uniformity of Rules between Supreme and District Court—Amendment.

Regulations under the following Acts—

Boating Act 1974—

Murray Bridge River Murray Bathing Zones.

Port Stanvac Zoning.

Stansbury Zoning—Speed Limits.

Boilers and Pressure Vessels Act 1968—Fees—General.

Classification of Publications Act 1974—Exemptions—Jundah Aboriginal Corporation.

Dangerous Substances Act 1979—Fees—General.

District Court Act 1991—Court and Transcript Fees.

Explosives Act 1936—Fees—General.

Harbors Act 1986—Reduction in Charges to Price Sensitive Trades.

Industrial Relations Act (S.A.) 1972—Awards—Disabled Workers.

Lifts and Cranes Act 1985—Fees—General.

Lottery and Gaming Act 1936—Expiry Extension.

Magistrates Court Act 1991—Court, Transcript and Bailiff Fees.

Marine Act 1936—

Crewing Qualifications—Commercial Vessels. Fees—

Marine Floating Establishments.

Survey, Equipment and Loadline.

Navigation and Fishing—Murray River and Inland Waters.

Occupational Health, Safety and Welfare Act 1986—

Asbestos Removal Licences.

Construction Safety—Fees.

Employer Registration Fee.

Sheriff's Act 1978—Court and Bailiff Fees.

Summary Offences Act 1953—Emergency Vehicles—Give Way.

- Summary Procedure Act 1921—
 Industrial Offences.
 Witness Fee and Expenses.
- Supreme Court Act 1935—
 Court and Transcript Fees.
 Probate Fees.
- West Lakes Development Act 1969—Development
 Control—Incorporation within Planning Act.
- Workers Rehabilitation and Compensation Act
 1986—
 Agencies and Instrumentalities of the Crown.
 Exclusion—
 Ministers of Religion.
 Wall and Floor Tiling Subcontractors.
 Non-economic Loss—Variation.
- By the Minister of Corporate Affairs (Hon. C.J.
 Sumner)—
 S.A. Office of Financial Supervision Act 1992—Regu-
 lations—
 Financial Interests of Members and Employees.
 Financial Interests of Members and Employees
 (Amendment).
- By the Minister of Consumer Affairs (Hon. Barbara
 Wiese)—
 Australian Agricultural Council—Record and Resolu-
 tions, 137th Meeting, 14 February 1992.
 Electricity Trust of South Australia—Report, 1991-92.
 South Australian Health Commission—
 Responses to Economic and Finance Committee
 Report—Public Sector Asset Management
 Developments, 1988-91.
 Royal Adelaide Hospital—Amendment By-laws.
 Racing Act 1976—Rules of Harness Racing.
 Forestry Act 1950—Proclamations—
 Southern Hills Forest District—Land Ceasing to be
 Forest Reserve.
 Murray Lands Forest District—Land Ceasing to be
 Forest Reserve.
 Mount Gambier Forest District—Land Ceasing to
 be Forest Reserve.
- Regulations under the following Acts:
 Chiropractors Act 1991—
 Election of Board Members.
 Registration—Miscellaneous.
 Controlled Substances Act 1984—
 Declared Prohibited Substances.
 Ethylamphetamine.
 Pesticides.
 Poisons—Monitor and Control.
 Poisons—Possession.
- Electricity Trust of South Australia Act 1946—
 Insulated Unscreened Conductor—Vegetation
 Clearances.
- Firearms Act 1977—Fees—General.
 Fisheries Act 1982—
 Finger Point Sewer Outfall.
 Fish Processor Registration Fee.
 Gulf Waters Experimental Crab Fishery—
 Blue Crabs.
 Licence Fees—
 Abalone Fisheries.
 Fish Processors.
 General.
 Lakes and Coorong Fisheries.
 Miscellaneous.
 Prawn Fisheries.
 River Fisheries.
 Licence Fee and Pot Allocation—Rock Lob-
 ster Fisheries.
 Licence Transfer and Fees—Marine Scalefish
 Fisheries.
 Use of Buoys.
- Mines and Works Inspection Act 1920—Fees—
 General.
 Mining Act 1971—Fees—General.
 Optometrists Act 1920—General—Optometrists
 and Optical Dispensers.
- Physiotherapists Act 1945—Fees.
 Psychological Practices Act 1973—Registration
 Renewal Fee.
 Public and Environmental Health Act 1987—
 Swimming and Spa Pools.
 South Australian Health Commission Act 1976—
 Compensable and Non-Medicare Patients
 Fees.
 Nursing Home-type Private Patient Fees.
 Urban Land Trust Act 1981—Seaford Land.
- The Commissioners of Charitable Funds—Report and
 Statement of Accounts, 1990-91.
- Regulations under the following Acts—
 Births, Deaths and Marriages Registration Act
 1966—Fees—General.
 Builders Licensing Act 1986—Fees—General.
 Commercial and Private Agents Act 1986—
 Fees—General.
 Commercial Tribunal Act 1982—Fees—General.
 Consumer Credit Act 1972—Fees—General.
 Consumer Transactions Act 1972—Fees—General.
 Cremation Act 1891—Fees—General.
 Fees Regulation Act 1927—Fees—General.
 Goods Securities Act 1986—Fees—General.
 Land Agents, Brokers and Valuers Act 1973—
 Fees—General.
 Landlord and Tenant Act 1936—Fees—General.
 Liquor Licensing Act 1985—
 Fees—General.
 Five Year Extension—Dry Areas—
 Ceduna.
 Thevenard.
 Places of Public Entertainment Act 1913—Fees—
 General.
 Second-hand Motor Vehicles Act 1983—Fees—
 General.
 Trade Measurements Act 1971—Fees—General.
 Travel Agents Act 1986—Fees—General.
- By the Minister for the Arts and Cultural Heritage
 (Hon. Anne Levy)—
 Reports, 1991-92—
 Engineering and Water Supply Department.
 Department of Environment and Planning.
 Department of Lands.
 Department of Road Transport.
 State Transport Authority—
 Responses to Economic and Finance Committee
 Report—Public Sector Asset Management
 Developments, 1988-91.
 Metropolitan Taxi-Cab Act 1956—Applications to
 Lease.
 Regulations under the following Acts—
 Beverage Container Act 1975—Glass Con-
 tainers—Point of Sale Return—Exemptions.
 Bills of Sale Act 1886—Fees—General.
 Botanic Gardens Act 1978—Fees and Charges
 Increase.
 Building Act 1971—Adoption—Building Code of
 Australia—Bushfire Prone Areas.
 City of Adelaide Development Control Act
 1976—Heritage Register Additions.
 Clean Air Act 1984—CFC's Phase Out—Exemp-
 tions.
 Crown Lands Act 1929—Fees—General.
 Dog Control Act 1979—District Council of Rid-
 ley—Truro Dog District Number.
 Education Act 1972—School Council—Open
 Access College, Marden.
 Fees Regulation Act 1927—Motor Registration—
 Licence—Sundry Fees.
 Motor Vehicles Act 1959—
 Motor Registration—Licence Fees.
 National Demerit Points Scheme.
 Proof of Age Card—Fees.
 National Parks and Wildlife Act 1972—
 Fees—Take, Keep, Sell Native Fauna.
 Park Entry Fees—Alligator Gorge.

Pastoral Land Management and Conservation Act 1989—Fees—General.
 Planning Act 1982—
 Incorporation of Development Control—West Lakes.
 Mount Lofty Ranges Water Protection Area.
 Real Property Act 1886—
 Certified Surveys—Exemptions.
 End of Month Lodgment Fee—Amendment.
 Fees—General.
 Land Division—Application Fees.
 Lands Titles Registration Office—Variation—End of Month Lodgment Fee.
 Transferable Title Rights.
 Registration of Deeds Act 1935—Fees—General.
 Roads (Opening and Closing) Act 1991—Fees—General.
 Road Traffic Act 1961—
 Blood Analysis—Lameroo District Hospital.
 Fees—Inspection and Exemption.
 Revocation—Emergency Vehicles Give Way.
 Tyres and Rims.
 Sewerage Act 1929—Fees—General.
 Strata Titles Act 1988—Fees—General.
 Summary Offences Act 1953—Traffic Infringement Notice—Expiation Fees.
 Technical and Further Education Act 1975—General.
 Waste Management Act 1987—Fees.
 Water Resources Act 1990—Fees—General.
 Waterworks Act 1932—
 Fees—General.
 Mount Lofty Ranges Water Protection Area.
 Wilderness Protection Act 1992—General.
 Worker's Liens Act 1893—Fees—General.

By the Minister for Local Government Relations (Hon. Anne Levy)—

Regulations under the following Acts—
 Local Government Act 1934—
 Council Auditor—Appointment Eligibility.
 Rationalisation—Valuation Appeal Application Fee.
 Superannuation Board—Employer Contributions, Benefits and Investments.
 Recreation Grounds (Regulations) Act 1931—
 Glenelg Oval.
 Corporation By-laws:
 City of Brighton—No. 1—In Respect of Regulating Bathing and Controlling of Foreshore.
 City of Glenelg—No. 6—Public Conveniences.
 City of Henley and Grange—No. 14—Amendment—Liquor Control.
 Town of Thebarton—No. 2—Streets and Public Places.
 D.C. of Beachport—No. 6—Animals and Birds.
 D.C. of Kingscote—
 No. 1—Permits and Penalties.
 No. 2—Height of Fences Near Intersections.
 No. 3—Garbage Removal.
 No. 4—Inflammable Undergrowth.
 No. 5—Camping Reserves.
 No. 6—Bees.
 D.C. of Loxton—No. 39—Dogs.
 D.C. of Mount Remarkable—
 No. 1—Permits and Penalties.
 No. 2—Streets and Roads.
 No. 3—Fire Prevention.
 No. 5—Animals and Birds.
 No. 6—Bees.
 D.C. of Port MacDonnell—
 No. 1—Permits and Penalties.
 No. 2—Council Land.
 D.C. of Tumby Bay—No. 24—Control of Dogs.
 D.C. of Victor Harbor—No. 33—Garbage Removal.
 D.C. of Yorketown—No. 8—Garbage Removal.

DIRECTOR OF PUBLIC PROSECUTIONS

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

Leave granted.

The Hon. C.J. SUMNER: I wish to advise that as from 6 July 1992 Mr Paul Rofe, QC was appointed as South Australia's first Director of Public Prosecutions. This followed the passage last year of the Director of Public Prosecutions Act. Mr Rofe's appointment marks the beginning of a new era in the conduct of criminal prosecutions in this State. The creation of the office of Director of Public Prosecutions means that formally the day-to-day control of criminal prosecutions has passed from the Attorney-General to the Director of Public Prosecutions. While the South Australian Director of the Public Prosecutions Act establishes the independent functions of the Director of Public Prosecutions, the Act enables the Attorney-General to give directions and furnish guidelines to the Director in relation to carrying out the Director's functions. Such directions and guidelines must be published in the *Government Gazette* as soon as possible and must be tabled in Parliament.

As with a number of other DPP Acts interstate and at the Commonwealth level, the South Australian DPP Act preserves and retains the constitutional and legal role and responsibilities of the Attorney-General as first law officer of the Crown. Day-to-day prosecutions will be made by the Director or his officers. It would only be in exceptional cases that the Attorney-General would give a direction in a particular case, but the possibility is provided for in the act so that the Attorney-General may be able to discharge his ultimate responsibility to Parliament and to the people for the conduct of the prosecution process. In performing this function the Attorney-General is not subject to direction by Cabinet.

At the time of the appointment of Mr Rofe to the position of Director of Public Prosecutions, he released the text of the Director of Public Prosecution's prosecution policy for South Australia pursuant to section 11 of the Act, and on that day I released the Attorney-General's directions to the Director of Public Prosecutions pursuant to section 9 of the Act concerning the rights of victims of crime.

The directions which I gave pursuant to section 9 have been tabled earlier and they relate exclusively to ensuring that the guidelines that apply to all Government departments in their dealings with victims of crime also apply to the Office of the Director of Public Prosecutions. As I said, they have been tabled in accordance with the Act. The prosecution policy is required to be reported by the Director of Public Prosecutions in his annual report but, for the information of members, I also seek leave to table the text of the prosecution policy for South Australia prepared by the Director of Public Prosecutions and issued on 6 July 1992.

Leave granted.

REPLIES TO QUESTIONS

NUMBER PLATES

In reply to **Hon. DIANA LAIDLAW** (1 April).

The Hon. ANNE LEVY: My colleague the Minister of Transport has advised that the Motor Vehicles Act currently allows motor vehicle owners to obtain number plates, bearing the number allotted to their vehicle, from either the Registrar of Motor Vehicles or another person approved by the Minister.

The only persons currently approved to supply number plates to vehicle owners are the Adelaide Number Plate Company, 10 Gilbert Street, Adelaide, and their subagent, Engraving Services Co., 85 Main North Road, Nailsworth.

In view of the recent increased use of illegal number plates, the Registrar of Motor Vehicles implemented the following arrangements with Adelaide Number Plate Company on 3 April 1992:

Motor Trade Account Customers

A record is kept of all plates supplied to each customer.

Motor Trade Cash Customers

A record is kept of all plates supplied to the motor trade on a cash sale basis. In addition, staff are required to satisfy themselves that the quoted business name is *bona fide* by sighting an official order, cross-checking telephone book entries, etc.

Other Customers

Sales to casual customers are only permitted where:

- the current registration certificate is produced
- a driver's licence is produced (and the details recorded)
- a 'one for one' exchange of damaged plates occurs

and in all cases the plate number supplied along with the identification method accepted and details of the confirmed identity of the purchaser are recorded to ensure all plates can be traced if required.

Sub Agencies

Adelaide Number Plate Company has further agreed to only accept sub agency orders where the above conditions are enforced.

Number plates ordered through Motor Registration offices are cross-checked against the register to ensure that client, plate type and plate number are correct prior to ordering replacement plates on behalf of a client.

STATE TRANSPORT AUTHORITY

In reply to **Hon. DIANA LAIDLAW** (14 April).

The Hon. ANNE LEVY: The Minister of Transport has provided the following response:

As the honourable member knows, in 1990 the State Transport Authority (STA) was subjected to several attacks by vandals at various depots costing thousands of dollars damage to the community's public transport assets.

Since November 1990, the authority has undertaken extensive measures to increase its security at all bus depots, compounds and premises. There is presently being implemented a long-term project to install electronic surveillance at all of those STA premises. Whilst

this project is being implemented it has been desirable, for the protection of those considerable assets, that temporary security be maintained. This has involved the hiring of P.D. Security for varying times at all bus depots and compounds.

The services of P.D. Security have progressively declined over the past 18 months, as electronic surveillance equipment has replaced dogs and guards. The total cost to this date for hiring of P.D. Security is \$1.2 million. This has been far more cost effective than the employment of permanent staff that would later become redundant as electronic surveillance equipment replaced their duties. It is envisaged that the services of P.D. Security will no longer be required by December 1992.

The use of P.D. Security in support of Transit Squad Officers has been spasmodic over the past 18 months. Their services have been utilised at only two locations, namely, Salisbury Passenger Interchange and Modbury Passenger Interchange. Their role has always been secondary to that of Transit Squad Officers, and only when other duties have resulted in the Transit Squad being unable to maintain a security presence during periods when such presence is desirable.

Since the increase of Transit Squad personnel in July 1991, the role of P.D. Security in assisting the Transit Squad has decreased, to the stage that it is not anticipated that P.D. Security will be required to assist Transit Squad Officers in the future patrol duties at either Salisbury or Modbury Interchanges.

In reply to **Hon. DIANA LAIDLAW** (15 April).

The Hon. ANNE LEVY: The Minister of Transport has provided the following response:

1. The State Transport Authority employs Transit Officers, Special Constables, Police Officers and Field Supervisors who are involved in public security.

Transit Officers derive their powers from the State Transport Authority Act and Regulations while Special Constables have the same powers as State Police, being appointed by the Commissioner of Police, Transit Officers do not have the power to arrest and handcuff an individual on the streets but Special Constables do have that power. The incident referred to in the preamble to the question involved a Transit Officer and a Special Constable.

2. Special Constables have the power to require the assistance of a member of the public in the execution of their duties. The Field Supervisors acted in accordance with a request from the Special Constable for assistance. Field Supervisors are made aware of their powers and advised that if they are uncertain in particular situations then they should seek clarification.

In reply to **Hon. DIANA LAIDLAW** (28 April).

The Hon. ANNE LEVY: The Minister of Transport has provided the following responses:

1. Consultation with staff has begun and will continue to occur where the proposed reorganisation affects people's work, career or reporting relationships.

With relation to service changes, consultation will continue to be carried out with STA customers, the general public and other interested groups.

2. The STA is seeking to achieve at least \$24 million in savings over the next three years.

3. Consultants are not currently being employed to determine a new organisational structure for the STA. However, this does not rule out their participation if found necessary.

4. The time scale set for the Project Teams to achieve the goals of the Corporate Plan, released on 12 May 1992 is the next three years.

The reorganisation component of this change is expected to be finalised by July 1992.

In reply to **Hon. DIANA LAIDLAW** (1 May).

The Hon. ANNE LEVY: The Minister of Transport has advised that to fund the retention of late night and fringe services the STA will be building all future bus and tram rosters strictly in accordance with award provisions. Rostering and crewing arrangements for trains will not be specifically affected by this internal funding initiative.

Until the new rosters are built it is not possible to determine what effect on the take home pay of operators the new method of rostering would have. The honourable member may well be referring to an erroneous statement reported in the press that over-award payments of approximately \$3 000 were to be removed from bus operators. The statement was not true.

DRIVER TESTING

In reply to **Hon. DIANA LAIDLAW** (5 May).

The Hon. ANNE LEVY: The Minister of Transport has provided the following response:

1. A series of initiatives are being implemented in the driver training and testing arena involving revised roles for the private and public sectors in what has long been a mixed industry. These include the opportunity for private driving instructors to undertake a driver assessment function that is integrated with the historic training function. An integral part of the proposal is the provision of a choice for applicants to elect a training-in-lieu-of-testing option which will ultimately result in a reduction in the demand for testing services. How much this opportunity is taken up by private instructors and their clients will be a matter of market forces, so the extent to which the driver testing workload will be shared with private instructors cannot be predicted with any certainty. In so far as an expanded role is emerging for private driving instructors, there will be an increase in the corresponding responsibility of Department of Road Transport employees for the training, accreditation and auditing of the driving instruction industry.

As part of its efficiency measures under the Government Agency Review and Structural Efficiency initiatives, the Department has amalgamated and retrained the Road Safety Officer and Licence Examiner employee groups; has restructured, broadbanded and upgraded their roles into a new Driver Development Officer category; and is about to overhaul the previous booking system. This overhaul will achieve greater efficiencies, resulting in further reductions in waiting times for licence tests.

As a result of these efficiency measures, the Department has predicted that, by 30 June 1994, a reduction of 12 former Licence Examiners and Road Safety Officers will be achieved consistent with the Government's no

retrenchment policy. As at 1 June 1992 reductions of eight such employees had been achieved.

2. The prevention of any tendency by driving instructors conducting assessments to improperly fail learner drivers or extend their period of instruction will be achieved in a number of ways. Firstly, learner drivers will be free at any stage (as they are under the existing system) to undertake the departmentally conducted practical licence examination. It is reasonable to suppose that repeated errors of judgment by an instructor as to a learner driver's readiness to take the test would ultimately result in a significant loss of business to the instructor. Secondly, the proposed system accreditation and authorisation of driving instructors will involve departmental monitoring and auditing of their performances. Where there is a dispute between a client and an instructor regarding the learner driver's level of competence, an assessment may be provided by a Departmental Driver Development Officer. Disciplinary procedures applying to driving instructors will be linked to the arrangements for maintaining accreditation and authorisation.

3. Departmental staff will be responsible for training and selecting driver instructors seeking accreditation or authorisation for these new tasks. The auditing or performance review system will be linked with quality assurance procedures set in place through the training and selection arrangements. Where necessary, retraining will be recommended in order for a driving instructor to retain accreditation or authorisation.

4. The accreditation and authorisation of selected driving instructors to provide a testing service will be an additional service to those available under the existing system of driver training and testing. The new system provides a choice of testing methods and a wider service delivery mechanism. Means testing those who choose to use the new system has not been proposed. The least cost option of driving test only will continue to be available.

ROAD MAINTENANCE

In reply to **Hon. I. GILFILLAN** (29 April).

The Hon. ANNE LEVY: The Minister of Transport has provided the following response:

1. Yes. The issue has been re-examined. The correct information has been presented to the Council, which is that the bulk of the haul would be on the arterial road network with only a minor part of local roads.

2. It is known that the Penrice stone traffic is not a profitable operation for Australian National. Australian National wishes to retain the traffic, and is implementing a series of cost cutting measures to improve its profitability.

Penrice Products has confirmed that rail is the preferred option, but it has to be economically competitive with road. It has been feasible in the past during rail strikes to move the stone traffic by road, but Penrice appreciates, as does the Government and Australian National, that there are environmental and social disbenefits of using road transport.

It has not been possible to verify the accuracy of the rumours circulating about closure of the rail line serving the quarry. If the honourable member would like to reveal the 'reliable sources (and I can verify that)' that

have provided the 'renowned warnings' it will then be possible to decide whether it is necessary to discuss this issue with Australian National, Penrice and the councils. Contrary to the honourable member's claims, the district clerk of the council of Angaston advises that she has only heard second hand rumours, none from 'reliable sources'. The honourable member might like to clarify the information he has presented to Parliament.

3. Yes.

MITCHAM COUNCIL

In reply to **Hon. I. GILFILLAN** (7 May).

The Hon. ANNE LEVY: The Minister for Environment and Planning has provided the following response:

1. The Mitcham Council was given over two weeks in which to comment on the draft Sturt Gorge and Craighburn Regional Open Space and Residential Supplementary Development Plan (SDP).

The time available for council to comment on this SDP was discussed with council staff before setting the response time in order to ensure that an agenda item would be available for the next council meeting.

There was considerable public debate on the draft SDP during the consultation period. In view of this, it was considered more appropriate to place it on public exhibition as soon as possible rather than delaying its public release as requested by Mitcham Council.

This approach was agreed to by representatives of Mitcham Council at a meeting with the Minister for Environment and Planning. This was done with the knowledge that the council has the opportunity to provide further comments during the two months public exhibition period.

2. It is not possible to extend the time for Mitcham Council to comment on the SDP prior to its public exhibition as it is already on exhibition. However, council has until the close of the public exhibition period, which is 27 July 1992, to provide further comments. Council representatives have acknowledged this.

Issues relating to the SDP, such as traffic, can be addressed by council in their comments during this time. The Department of Environment and Planning and the Advisory Committee on Planning will consider all submissions made on the SDP and advise the Minister.

In the end, concerns about the SDP and the potential for residential development on portion of Craighburn Farm must be balanced against the development rights that the existing zoning gives to Minda Inc., the opportunity to achieve a major area of regional open space, and the many advantages of siting new housing on this site in the middle suburbs rather than on the fringes of metropolitan Adelaide.

EDUCATION DEPARTMENT RESPONSIBILITIES

In reply to **Hon. M.J. ELLIOTT** (14 April).

The Hon. ANNE LEVY: The Minister of Education has provided the following response:

1. No, an interagency and community approach is appropriate. Schools may provide the most accessible venue for programs delivered by other groups/agencies.

2. Yes. The one-line budget discussions are happening with the acknowledgement that schools will continue to be resourced at different rates based on the nature and size of their student populations and social justice criteria.

LOCAL GOVERNMENT ELECTIONS

In reply to **Hon. BERNICE PFITZNER** (5 May).

The Hon. ANNE LEVY: Investigations undertaken by the Local Government Services Bureau indicate that the person who was refused a vote was Mrs Maria Melino, who jointly owns the property with her husband at 83 and 83A Roberts Street, West Croydon. Mr Merlino is a naturalised Australian citizen but Mrs Melino is not.

Mrs Melino has never made application to be enrolled on the voters roll for Woodville council elections in accordance with the provisions of section 91 (1) (a) (ii) of the Local Government Act 1934 which provides for the enrolment of a person who "is resident at a place of residence within the area or ward and has lodged the prescribed declaration with the council". Persons enrolled as an elector for the House of Assembly and resident in the council area are automatically included in the council's voters roll.

Mrs Melino did not vote at the 1987 elections and was not on the voters roll for that election. In order to be entitled to vote at future local government elections, Mrs Melino should make application to the council for inclusion on the voters roll in accordance with the provisions of section 91 (1) (a) (ii) of the Local Government Act.

AQUAPLANING ON ROAD SURFACES

In reply to **Hon. R.I. LUCAS** (28 April)

The Hon. ANNE LEVY: The Minister of Transport has provided the following response:

1. The only section of the Mount Barker Road and the South-East Highway which has not been resurfaced using an open graded mix is from Mount Barker to Callington. This section has been programmed for resurfacing during 1992-93, subject to Federal Government funding. In the interim, repair work on the worst areas of rutting is programmed to be undertaken by the end of June 1992.

2. There have been two areas of work recently undertaken on Main South Road. The first was widening at the junctions of Black Road and Majors Road. Open graded surfacing was not used as the whole area was not resurfaced and it was matched into the existing. In addition, open graded surfacing does not perform well in areas where it is subjected to higher forces resulting from vehicles braking at intersections.

The second area of work was the application of a levelling course on badly deformed areas between Black Road and Chandlers Hill Road. Open graded surfacing was not used on these areas because it is generally only used in wearing course layers and, due to its high porosity, is not suitable for use for repairing depressions.

3. The Department of Road Transport erects warning signs at any location when it becomes aware of a potential hazard. Signs were erected on the South-East Highway near Callington on 30 April 1992.

ROAD TOLLS

In reply to **Hon. J.C. IRWIN** (9 April).

The Hon. ANNE LEVY: The Minister of Transport has provided the following response:

1. For local roads, tolling may have merit in only a number of very limited situations. These include cases where the users are clearly identifiable, that is, log trucks, and cases where the road facility is built for other than local traffic. In general, however, administrative and enforcement considerations, together with low traffic volumes, high costs of toll collection and the state of current technology dictate the use of tolls on local roads as impractical.

2. The State Government position is one of recognition that toll roads represent one of many options for funding local roads, but an option that is currently not being pursued by this Government. The honourable member should seek the Federal Government's position on this matter directly from Canberra.

3. As indicated in 1., tolling of local roads may have merit in only a number of very limited situations. Accordingly, local road tolls are not seen as playing a major part in any local road charging system.

However, for the few local roads for which tolling may be a viable option, the tolling option should be assessed in the context of other charging and funding options, and any decision should be based on merit.

COURT TOURS

In reply to **Hon. K.T. GRIFFIN** (5 May).

The Hon. C.J. SUMNER: I refer to your parliamentary question asked on 5 May 1992 relating to court tours.

Funding for the position of tour guide for the Sir Samuel Way Building was withdrawn as from 1 July 1992. However, tours have not been stopped. Students are still touring the Sir Samuel Way Building albeit without a Government guide.

However, in an effort to control and coordinate large groups of students gaining access to the courts in a scheduled manner, guidelines have been established. Such guidelines direct student tours to suitable trials and maintain disruption to the courts at a minimum level.

The situation is being kept under review on an ongoing basis in conjunction with the Judiciary.

DUCHY'S RESTAURANT

In reply to **Hon. K.T. GRIFFIN** (1 May).

The Hon. C.J. SUMNER: I refer to your parliamentary question asked on 1 May 1992 regarding Duchy's Restaurant. The Minister of Mines and Energy has provided the following details:

- ETSA is owed \$1 358.35 from the February account (due 11 March).
- The March account \$1 092.30 is also overdue (due 7 April).
- The April account \$1 244.35 is due on 12 May.
- We learnt on 28 April that the business was in provisional liquidation as at 27 March 1992.

- ETSA has called twice previously to disconnect but, because of circumstances given by the operators with offer to pay on 29 April (not honoured), the power was left on.
- The power is also due for disconnection in respect of the March account.
- A similar situation to Duchy's existed in 1990. A Full Court decision confirmed ETSA's right to demand payment in these circumstances through the disconnection of supply.
- For ETSA not to pursue payment in this way results in the community carrying the debt through higher tariffs.
- The attitude of the liquidator has been less than cooperative in this matter.
- The tactic of a few liquidators is often to leave notification of the liquidation to the last possible moment, and then to delay payment hoping to find a buyer in the meantime.
- Once the business is sold, ETSA has lost its position to recover the 'pre-liquidation' debt. It then becomes a bad debt which the rest of the community is forced to bear.

DRUGS BOOKLET

In reply to **Hon. K.T. GRIFFIN** (9 April).

The Hon. C.J. SUMNER: I refer to your parliamentary question asked on 9 April 1992 regarding a drugs booklet.

In my response to you at the time I indicated that I would seek information from the Classification of Publications Board as to whether it has classified the booklet to which you referred in your question.

I have now been advised that the South Australian Board has not seen a copy of this publication. However, the Federal Film and Literature Board of Review has seen the publication and refused classification. This decision also applies to South Australia so that anyone distributing it in South Australia would be breaching the Summary Offences Act.

As indicated in my response on 9 April, if the offending material is used in some other publication which has not been classified, distributors would be liable for prosecution under the Summary Offences Act.

POLICE VIDEO SURVEILLANCE

In reply to **Hon. K.T. GRIFFIN** (30 April).

The Hon. C.J. SUMNER: My colleague the Minister of Emergency Services has provided the following information.

South Australia Police have been investigating the video surveillance system in police vehicles for over two years. The equipment was seen by the police member from this State who visited various police forces in the USA.

The system was first discussed by a Traffic Management Study Group committee who were charged with the responsibility of investigating the equipment. A formal project was raised and the matter was investigated and discussed a number of times by this committee.

Recently, the Australian agent for the 'Eyewitness' brand of surveillance camera provided the Traffic Services Division with information referred to in the media reports on 28 and 29 April 1992.

A Traffic Strategic Plan makes provision for all forms of technology to be investigated which may assist and enhance traffic policing.

No decision has been taken to use this equipment in South Australia. Information is available on the equipment and its use in the USA.

The matter has not been taken past this point.

Should a decision be taken to seriously consider the use of this equipment, the issue of civil liberties would be addressed, as it has been in the USA.

QUESTIONS

WORTHINGTON INQUIRY

The Hon. R.I. LUCAS: I seek leave to make a brief explanation prior to asking the Minister of Consumer Affairs a question about the Worthington inquiry.

Leave granted.

The Hon. R.I. LUCAS: When the Government established the Worthington inquiry in April to inquire into allegations of conflicts of interest by the Minister, the Premier outlined the procedural steps to be followed by Mr Worthington. One of those procedural steps the Government asked Mr Worthington to follow in making his investigation required him to afford any person against whom a possible adverse finding might be made the opportunity to comment and make submissions to the finding. Has the Minister received any advice from Mr Worthington QC that he may make a finding adverse to her under his terms of reference, and has she commented or made submissions to Mr Worthington on those findings?

The Hon. BARBARA WIESE: I think it is a nice try, but I must advise the honourable member that I will not be answering any questions whatsoever in relation to any matter concerning the Worthington inquiry. I think it would be quite improper to do so. The inquiry has not reported, so it is still under way, and I believe that in those circumstances it would be improper of me to make any comment about any part of that inquiry. The honourable member will just have to wait and see.

JUDGES' CARS

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about judges' cars and allowances.

Leave granted.

The Hon. K.T. GRIFFIN: In June this year some controversy erupted over substantial increases in the salaries of judges and magistrates, particularly in relation to the awarding of cars to judicial officers in the District Court and the Magistrates Court. In the *Advertiser* of 29 June it is reported that the Attorney-General said that the increases in salaries and allowances for judges and magistrates were 'not particularly satisfactory'. He is also reported to have said that increases in salaries and

allowances for the judiciary had 'come to the end of the road'. The article to which I have referred has a headline which reads 'Sumner attacks deal'.

The Hon. C.J. Sumner: 'Sumner attacks judiciary'.

The Hon. K.T. GRIFFIN: The copy of the report of 29 June 1992 to which I refer has the heading 'Sumner attacks deal; end of road for judges' pay rises'. The tenor of the article was that the Attorney-General was distancing himself from the Remuneration Tribunal decision. Television and radio reports created the impression that the Attorney-General and the Government had had nothing to do with the awarding of cars or increases in salary. In fact, one television reporter indicated that the Attorney-General said to him that the determination had been opposed.

A week or so after the determination the report of the Remuneration Tribunal became public. It is clear from that report that the Government had agreed with the judiciary on a joint submission in favour of the increases in salaries and the awarding of cars. In one place, the report refers to the tribunal's disposition to 'accept the collective view of the judiciary and the Government (the parties) in relation to salary increases for puisne judges'.

In relation to cars, the report of the Remuneration Tribunal states, in part:

The tribunal is asked to extend, in accordance with the agreement between the judiciary and the Government, the existing provisions in respect of motor vehicles . . . The agreement reached between the parties seeks to significantly extend the provision of motor vehicles to include all other members of the judiciary and commissioners of the Industrial Commission.

So, there appears to have been some agreement and also in relation to some change to the standard of motor vehicles to be provided to the judiciary. At the same time that that issue was raised, there was an indication that the full-year cost will be something like \$12 million in the first year, with annual running costs of about \$750 000. My questions to the Attorney-General are:

1. Why did the Attorney-General try to create the impression that the Government was not supportive of the increases in salaries and the provision of cars?

2. Who in the Government was responsible for the negotiation of the agreement with judges and magistrates?

3. Did the Attorney-General in fact support the Government's position for increases in salaries and the provision of cars?

The Hon. C.J. SUMNER: I can only assume that the honourable member has been a victim of misreporting or alternatively—which I suspect—of not very selective references to the media reports that occurred on this particular matter. First, had the honourable member read the editorial in the *Advertiser* of Monday 29 June, which I think was the first day on which there was any public comment on the matter—the decision of the Remuneration Tribunal having appeared in the *Advertiser* the previous Saturday and upon which, as I recollect, I was not asked to comment (and this is the first public comment on the matter as I recollect it, apart from the straight reporting of the decision)—he would have seen that it was as follows:

The Remuneration Tribunal is independent of Government. It has made its determination on the basis of comparisons in other jurisdictions, in light of a major restructuring of the South Australian courts, and after a significant compromise package was endorsed by all the parties before it.

So, there it is: the first day that there is any comment on the matter—an indication that there was a compromise package endorsed by all the parties before it, and this included the Government. The article to which the honourable member then referred, apparently to give some credence to his story, was the one about Sumner attacking the deal. Well, I did not attack the deal. The article that I have from the *Advertiser* states that 'Sumner attacks judiciary'.

Members interjecting:

The Hon. C.J. SUMNER: There it is: 'Sumner attacks judiciary'. Well, I can advise the Council that neither statement is true: I attacked neither the deal nor the judiciary.

The Hon. L.H. Davis: You have been misrepresented again!

The Hon. C.J. SUMNER: Well, it is a common practice, Mr President. But, for some reason, the *Advertiser* in one edition had me attacking the deal and the next minute had me attacking the judiciary. All good fun, I suppose, but really it did not bear any relationship to the facts of the matter. Then in the article—and this is more accurate I must say than the headline—it states:

The Attorney-General, Mr Sumner, said yesterday that increases in salaries and allowances for judges and magistrates were 'not particularly satisfactory'.

I am quite happy to repeat that, and repeat it again: it is not a particularly satisfactory situation to have increases in salaries to the judiciary awarded at this particular time. However, what I went on to say makes the Government's position quite clear and the *Advertiser* editorial on this occasion was correct. The headline was its interpretation and, of course, one could end up with anything as a headline interpreting what was said but, nevertheless . . .

The Hon. Anne Levy: It is the subeditor.

The Hon. C.J. SUMNER: Yes, the subeditor; there is always someone to blame. The quote, however, is accurate.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The *Advertiser* states:

It is not particularly satisfactory but the Government believes it was the best it could have in the circumstances. The Government felt it could not oppose them, given the standard set interstate.

I would have thought that was clear enough to the honourable member, except about 10 days later he then got himself into a lather. He got in touch with Rex Jory and contrived to get a story in the *Advertiser* which was headed 'Judges got cars with Government help'. The Hon. Mr Griffin is quoted to some extent in this article of 8 July, which is some 10 days after the initial story and 10 days after I said on 29 June that the Government felt it could not oppose them, given the standard set interstate. It then becomes a major news story in the *Advertiser* headed 'Judges got cars with Government help' because the . . .

The Hon. K.T. Griffin: They did, we are agreeing with you.

The Hon. C.J. SUMNER: Yes, and here it was; the story was there on 29 June, which was 10 days before it became a headline . . .

The Hon. K.T. Griffin interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Because the Hon. Mr Griffin beetled off to Rex Jory and said, 'Look, you can beat another story out of this if you want; I will give you a couple of quotes' and that is exactly what they did, despite the fact that it was quite clear from the *Advertiser* editorial of Monday 29 June, the first day that there was any press comment on the topic and after a significant compromise package was endorsed by all the parties. The *Advertiser* editorial writer knew on Monday 29 June the Government was a party to it and it had been endorsed by it.

That fact is quite clear from the substance of the newspaper of Monday 29 June because, as I said, we felt we could not oppose it given the standards interstate and then, 10 days later, they turn up with 'Judges got cars with Government help'. I suspect the *Advertiser* got this headline with a little help from the Hon. Mr Griffin who, believe it or not, had not read the earlier statements.

I did not attack the judiciary and I did not attack the deal, but I did say it was not particularly satisfactory and I stand by that absolutely. I did say that future pay rises are at the end of the road and I stand by that. I confirm what I have said on previous occasions, namely, that the judiciary in this State will not be pacesetters for judicial salaries around Australia—and neither should they be. If some unknown television journalist said to the Hon. Mr Griffin that I had said the Government had opposed the claims, that is also true, because the initial claim that was put in by the judges to the Remuneration Tribunal was vigorously opposed by the Government; we were not going to have a bar of it.

The District Court judges wanted 95 per cent of a Supreme Court judge's salary. I said publicly that was not on. I said that we were not going to have a situation where judges in South Australia were leading the pack around Australia in terms of judicial salaries and conditions. So the Government did oppose the initial claim.

However, after discussions—I think that, as far as the District Court judges are concerned, we got back to about 88 per cent of a Supreme Court judge's salary—the initial claim by the District Court was vigorously opposed. As far as the Government is concerned there will be no circumstances in which it will agree to District Court judges getting that sort of level of salary. If it is awarded by the tribunal, of course there is not much we can do about it. That has answered the honourable member's first question. The negotiations were conducted by the Department of Labour and the Crown Solicitor's Office.

TRAMS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister representing the Minister of Transport a question about driver-only trams.

Leave granted.

The Hon. DIANA LAIDLAW: At the instigation of the manager of the State Transport Authority tram depot, tram drivers and conductors met at 12.30 p.m. today to discuss an STA proposal to introduce driver-only trams. Tram drivers and conductors are alarmed at the need for this meeting because, since the Minister's decision last

year to remove guards from trains, tram employees have been repeatedly assured by their own union representatives of the ATMOEA and the State Transport Authority itself that the State Transport Authority was not planning to remove conductors from trams and operate driver-only services. Currently all trams on the Glenelg/Adelaide line are operated with both a driver and a conductor. The State Transport Authority employs 57 people for this purpose. The tram employees and the ATMOEA believe that the configuration of the historic tramcars is unsuitable for driver-only operations from both a passenger safety and a fare evasion perspective.

On 1 May this year I asked a question of the Minister on the subject, because I was concerned about the State Transport Authority's intentions with respect to driver-only trams, in the context of proposed new rostering and crewing provisions, to retain some late night and fringe bus, train and tram services. I note from his reply dated 27 May, a copy of which was inserted today, that the Minister of Transport deliberately avoided all reference to future rostering and crewing arrangements for trams. So, again I ask the Minister:

1. Does the STA intend to introduce driver-only tram operations in single and/or coupled tram services? If this is proposed, is it intended that the State Transport Authority will commence driver-only operations with the new summer roster for next year?

2. What is to be the fate of the conductors? Are they to be retrained for other work within the State Transport Authority, offered redeployment opportunities and/or redundancy packages?

3. What measures does the State Transport Authority intend to take to redesign the historic or veteran tramcars to cater for driver-only operations and to address concerns about fare evasion, and at what cost?

The Hon. ANNE LEVY: Much as I would like to answer the honourable member's question, I think it would be improper for me to do so, and I shall refer her question to my colleague in another place and bring back a reply.

ROYAL ADELAIDE HOSPITAL THEFTS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General, as first law officer of this State and Minister for Crime Prevention, a question about investigations into large-scale thefts at the Royal Adelaide Hospital.

Leave granted.

The Hon. I. GILFILLAN: I have been informed by the salvage officer at the Royal Adelaide Hospital of theft and pilfering on a massive scale over the past three years, theft that has included a range of hospital plant, equipment and other goods worth tens of thousands of dollars. Some of the stolen items have been found for sale at salvage yards, and police have been conducting some sort of investigation for the past 16 months. Hospital administration is also aware of the scale of theft taking place, but so far has done little to remedy the situation by stepping up security through patrols or the installation of security cameras, so, I am advised, large-scale theft is continuing.

There are 13 exits at the hospital and only two are patrolled, but only to 3 p.m. each day, so that for most of the time hospital exits are left without supervision. I have been advised that at least 38 break-ins have been recorded on the hospital's stores section in the past three years and in some instances trucks have been sighted leaving hospital grounds in the early hours of the morning following those break-ins.

The hospital's salvage officer has diligently kept records and files on all incidents in the past three years and has conducted his own form of internal investigation leading to a group of prime suspects, all of whom work at the RAH. However, there appears to have been recitence on the part of the police and hospital administration to investigate the matter fully, despite the extensive records kept on all incidents by the salvage officer. Several folders containing three years of records on thefts were subsequently handed to the police by the salvage officer. For unknown reasons those folders were then given by the police back to the hospital's Deputy Administrator, who then passed them on to the group of prime suspects.

The information in the folders contained the names of the suspects, along with the names of witnesses who had made statements on the thefts. I have now been informed that at least one witness to the thefts has been the subject of intimidation and standover tactics by a group of suspects. Meanwhile, the police appear to be doing little to speed up the investigation and, apart from some initial inquiries 16 months ago when complaints were first made, the police investigation appears to have been haphazard and patchy at best. According to the salvage officer there have been gaps of several months between investigations and it has been at least three months since any police officer visited the hospital or undertook further investigation into the matter. I therefore ask the Attorney:

1. Will he, as a matter of urgency, inquire into and inform the Council of the current state of the police investigation?

2. In particular, why has the investigation taken so long; why have police handed vital documents on the hospital thefts back to the hospital administration; and why were those documents then given to the prime group of suspects in this case?

3. What security is in place or planned in the hospital to prevent further large-scale thefts?

The Hon. C.J. SUMNER: Police investigations are a matter for response by the Minister of Emergency Services, and I will refer the question to him for a reply. On the general question of fraud prevention in Government agencies, this Government has established a public sector fraud policy and a committee, chaired by the Commissioner of Police and comprising also the Chief Executive Officer of the Attorney-General's Department and representatives of the Auditor-General, which has responsibility, apart from developing the fraud prevention policy (which they have done and promulgated), for conducting education and training sessions with public sector managers to identify areas where fraud may occur and to provide suggestions and advise as to what can be done to minimise the possibility of fraud in those identified areas.

I believe that committee has done some very good work; it has certainly raised the level of information

about fraud prevention in the public sector by its educative process and of course it continues in operation as a prevention mechanism for fraud. However, the specific question is obviously one that I cannot answer, but I will get the Minister of Emergency Services to do it.

The Hon. I. GILFILLAN: Will the Attorney-General undertake to ensure that the fraud committee is aware of this situation applying at the Royal Adelaide Hospital?

The Hon. C.J. SUMNER: I will refer it to the fraud committee, but the honourable member must understand that the fraud committee is not an investigative committee; the investigation of fraud must remain the province of the police, quite clearly. However, it does not mean that the fraud committee ought not be aware of any instances of significant fraud so they can address their minds to it from a prevention point of view. The fraud committee is principally involved in prevention, identifying problems, possibilities of fraud and indicating how those possibilities can be minimised.

If there is to be something to learn from this, then I am sure the fraud committee will be interested in it, assuming the honourable member is correct. He may or may not be; it would not be the first time that the honourable member has raised issues in this Chamber in this sort of area which have turned out to be incorrect, to put it at its kindest. Often, they have turned out to be just patently wrong, beat-ups or lies and of absolutely no credence whatsoever. We did not hear a bleat from the honourable member when the final report of the NCA was tabled, which indicated that virtually none of the allegations he made over a long period of time in this Chamber were sustained. He shut up about those, of course. In fact, we have not heard anything from anyone in relation to those allegations, because it was all just too much, too embarrassing. He is quite happy to come into the Chamber and have a go. I know the honourable member is very good at it and knows the issues to pick to get a bit of a headline, and has done it—

The Hon. Carolyn Pickles interjecting:

The Hon. C.J. SUMNER: The Hon. Ms Pickles interjects, saying he makes them up, and he probably does that too.

Members interjecting:

The Hon. C.J. SUMNER: He does in relation to the NCA; he made them up.

The Hon. I. GILFILLAN: On a point of order, I believe the honourable member is reflecting on the integrity of a member of this Chamber.

The PRESIDENT: I think the point of order is upheld.

The Hon. C.J. SUMNER: It would be terrible to reflect on the honourable member, Mr President, and I certainly did not intend to do that. If I did, Mr President, I am perfectly happy to withdraw any reflection, if for no other reason than it is opening day and it is usually a day of goodwill and bonhomie, and I would not want to get this session of the Council off to a bad start. However, whether or not he made up the stories, the fact of the matter is that he came into the Council with lots of allegations of criminal activity which in the final analysis and after millions of dollars of taxpayers' money having been spent on them were found not to have any substance. That is not a reflection on the honourable member

in any direct sense, but that is certainly the fact of the matter, as he knows.

The Hon. I. Gilfillan: Which allegations are you talking about? The abalone fishing on the West Coast?

The Hon. C.J. SUMNER: Read the report. One only has to read the report—

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: The final report of the NCA; the earlier one or any of them, if you like. Generally, they do not support the honourable member's allegations, but I should say that is largely as an aside, because I was trying to establish that we do not know at this stage whether there is any substance in his allegations.

Members interjecting:

The Hon. C.J. SUMNER: Quite. There may be substance in his allegations, and I said I would refer them to the police, who are responsible for investigating these matters. He then asked if I would refer it to the Public Sector Fraud Committee, and I said that I would do that. I said that I was sure they were interested in the matter if there was any substance in it, and that is the only qualification I put on it.

WORTHINGTON INQUIRY

The Hon. L.H. DAVIS: I direct my question to the Attorney-General. In view of the reply just given by the Minister of Consumer Affairs to a question from my colleague the Hon. Robert Lucas, will the Attorney advise whether or not the Government has received a copy of the report of the inquiry by Mr Worthington, QC, into the allegations made against the Minister of Tourism in relation to possible conflicts of interest? If not, when does the Attorney-General expect that the report will be received, and when will it be tabled in Parliament?

The Hon. C.J. SUMNER: The answer to the first question is 'No'. The answer to the second question is that the latest advice I have is 14 August. The answer to the third question is that it will be tabled as soon as it has been considered by the Government, and any decisions in relation to the report have been taken by it.

CHILD PROTECTION POLICIES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in this Council, a question on recommendations of the Select Committee on Child Protection.

Leave granted.

The Hon. J.C. BURDETT: I refer to the report of the Select Committee of the Legislative Council on Child Protection Policies, Practices and Procedures in South Australia laid on the table of this Council on 8 October 1991. I point out that 28 specific hard recommendations were made in the report, all of which are capable of Government implementation, but they were not all in one portfolio area, not all in the area of the Minister of Family and Community Services, and it is for this reason that I have directed the question to the Attorney-General as Leader of the Government in this Council. I realise

that without consultation he will not be able to give an answer to the question, but it is: what progress has been made towards the implementation of some or any of the 28 recommendations?

The Hon. C.J. SUMNER: The report has been subject to consideration by the Government and its various agencies and also by the Child Protection Council and by the Justice and Consumer Affairs Committee of Cabinet. Some of the matters dealt with in that report were referred to in the Governor's speech in opening Parliament today, as I am sure the honourable member would be aware from his attentive listening to Her Excellency's speech, but other matters have been considered. It is probably fair to say that the Government does not necessarily agree with all the recommendations. However, I am happy to provide the honourable member with a report on the matters. As I said, some matters obviously had decisions taken about them while others have not. I will see whether a report on progress can be provided to the honourable member.

MENTAL HEALTH

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs, representing the Minister of Health, a question relating to the provision of mental health services in regional centres.

Leave granted.

The Hon. M.J. ELLIOTT: My questions mainly relate to Mount Gambier, but they have a broader impact across regional South Australia. In the Adelaide metropolitan area there is a ratio of one psychiatrist for every 10 000 people. Given that ratio, the South-East region of the State should have at least six psychiatrists. In reality, it had been visited by two psychiatrists every fortnight but now is served by only one. The inadequacy of this situation can be illustrated by the example of one young man having to wait four months from the onset of problems for an initial appointment. He reached a crisis before the psychiatrist reached him and ended up hospitalised in Adelaide for a lengthy time, a traumatic and costly experience which could have been avoided had he received professional attention earlier.

There is a Community Mental Health Service in Mount Gambier, staffed by psychiatric nurses, which I am told does a valiant job providing support services between psychiatrists' visits. However, there is a limit to what they can do. They cannot for example diagnose new patients, change prescriptions, dispense drugs or order relocation of patients. Difficulties in contacting absentee psychiatrists often means the decision to hospitalise a patient is borne by the patient's family. The example of the young man is illustrative of the false economies at work in this situation. While a full-time psychiatrist in Mount Gambier would have cost implications, so does the need for patients to be transported to and cared for in Adelaide hospitals, because care is not available when it is needed, where it is needed. A psychiatrist permanently located in Mount Gambier would be able to provide quick diagnoses, prescribe treatment and update treatment when required—a service available to residents in metropolitan Adelaide. The closure of Hillcrest Hospital and

relocation of services into the wider community is imminent. Relatives and friends of people requiring mental health care in the regional areas of South Australia are understandably concerned that they get their fair share, something which has not happened to date. My questions to the Minister are:

1. What plans exist to relocate mental health services to regional centres when Hillcrest Hospital is closed?

2. What guarantee can the Minister give that Mount Gambier and other regional centres will have improved mental health services in the future?

3. What steps are being taken to recruit psychiatrists for regional centres?

4. Is it planned to have a psychiatrist permanently at the proposed new Mount Gambier Hospital?

The Hon. BARBARA WIESE: I will refer the questions to my colleague in another place and bring back a reply.

STATE BANK

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question on State Bank practices.

Leave granted.

The Hon. PETER DUNN: I understand that the State Bank and for that matter the ANZ Bank have used a courier service to transfer bank documents and other papers from Adelaide to country areas for at least 10 years. Many of the larger towns have either a regular passenger transport (RPT) system—for example, Port Lincoln, Ceduna, Whyalla and Mount Gambier—or a land-based courier service. However, there are a number of smaller towns particularly on Eyre Peninsula that do not have daily RPTs. They do, though, have State Bank branches and to these towns fly small twin-engine aircraft carrying only bank papers and documents. Until several months ago it was my understanding that both the State and ANZ Banks shared the one aircraft but that recently both banks run separate aircraft to deliver what could only amount to 10 kilograms total weight of documents to these small towns. The routes taken by these courier aircraft are as follows: Adelaide to Minlaton, Cowell, Cleve, Kimba and return; and Adelaide to Port Lincoln, Lock, Wudinna, Streaky Bay and return. There are others, but I use these as an example.

The approximate costs for light twin-engine aircraft are: 3.5 hours for Adelaide to Kimba and return, \$250 per hour, which amounts to \$875 plus pilot at \$125 a day—a total of \$1 000 per day. That for five days is \$5 000 a week, and for a year it amounts to \$250 000 per aircraft. Another example would be: 5 hours for Adelaide to Streaky Bay and return, \$250 per hour, which amounts to \$1 250 plus pilot at \$125 approximately—a total of \$1 400 per day, which is \$7 000 per week or \$350 000 for the year. The total cost per bank per year is approximately \$600 000—and remember that that is duplicated, and that is for Eyre Peninsula only. The total cost is \$1.2 million a year, a considerable cost indeed. We should bear in mind that all of these towns have daily postal delivery and also have a Stateliner bus service route. I am sure that both of these daily services could

deliver the necessary documents at a fraction of the present cost. It has been suggested to me by local residents that they are paying for this Rolls Royce delivery service. My questions are:

1. Why is the State Bank using this method of document transfer?
2. Why is the State Bank not using the parallel service run by the ANZ Bank at exactly the same time as was previously used to transfer documents?
3. What are the costs of delivering bank documents to country branches by chartered aircraft?
4. Why are normal postal delivery services not suitable?
5. In the light of the bank's financial demise will it consider a less costly document transfer system?

The Hon. C.J. SUMNER: It appears that the honourable member is in the wrong job.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Obviously the honourable member has taken an interest in finding efficiencies in the State Bank. Whether or not what he says is correct, I do not know. However, I will refer the question to the appropriate Minister and bring back a reply.

DOG SHOOTING

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Emergency Services, a question on the subject of Kanga.

Leave granted.

The Hon. R.J. RITSON: Kanga was a dog or a pooch that is recently deceased. The matter is reported on the front page of this morning's *Advertiser*. The bare story, as one can glean it from the paper, is that a police officer went to a home to interview a householder on a matter of traffic violations. There was no answer at the front door, so the officer opened a side gate, on which a sign 'Beware of the dog' was exhibited, with the intention of trying the back door. The officer was confronted by the dog, which is said never to have bitten anyone, but barks a lot.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.J. RITSON: The officer then drew his pistol and shot the dog in the neck. The dog ran off and was left to die some time later. It was not pursued by the officer, who at this point decided that he need not try further on the back door, or examine the dog situation, and he left. The picture of a grieving family alongside Kanga's grave accompanies the article. This might seem like a minor matter to the law but it has concerned me on two points. The first point is that we must accept the possibility, I suppose, that the *Advertiser* report is all wrong.

Members interjecting:

The Hon. R.J. RITSON: Maybe the officer was admitted to hospital and treated for serious injuries and only escaped with his life by drawing his pistol; but the other opportunity exists that he was merely barked at, that he is one of these people with a terror of dogs or an anger in

relation to dogs. Half the mail people and the meter readers in the State have to confront this situation. But the possibility is that the dog was shot in a fit of pique. However, it is highly likely that if a law-abiding citizen, either a neighbour angered by the behaviour of a pet or a person entering a property in the course of duty, such as a meter reader or a post person, drew a licensed firearm and discharged it in that fashion then that person would be charged with an offence related to discharging a firearm in a suburban backyard, and it is unlikely that a court would listen to the sorts of reasons given by spokespeople for the Police Force in this article, and indeed such action would probably attract charges in relation to animal cruelty. I am one of the greatest defenders of the integrity of our Police Force, and this would be perhaps the only occasion in my 30 years in Parliament that I have raised a matter that could be construed as being critical of the police. It is not a criticism of the police in general. It depends on what facts emerge. If this shooting was not justified in legitimate self-defence, with legal force, and if an ordinary citizen would have been charged under those circumstances, then it is important—

The PRESIDENT: Order! I think the honourable member is debating the issue. I ask him to confine himself to the question.

The Hon. R.J. RITSON: It is important for the public to know either that this was totally justified and that there are some facts not apparent in the newspaper article or that the Police Force protects citizens against the dangers of officers who use firearms lightly. I therefore ask the Minister: will he consult with the responsible Minister in another place and have a report brought back to Parliament, informing Parliament whether the shooting was justifiable in the event, and why; and, if it was not, whether the police officer is a suitable person to bear arms and, if not, what action will be taken?

The Hon. C.J. SUMNER: As it turns out, I have some information on this topic from the Minister of Emergency Services, who has been advised by the Police Department as follows. Police from Holden Hill CIB attended at the address in relation to an investigation. The officers believed that someone was present, but that that person refused to acknowledge their presence. One of the officers entered the rear yard through a closed side gate to ascertain whether anyone was in the rear yard or the rear of the house. Whilst in the yard the officer was confronted by a vicious dog; its teeth were exposed and it growled viciously. The officer attempted to retreat, but the dog ran at him. The officer drew his departmental revolver and fired one shot at the dog, and the dog ran off into the rear yard.

I am informed that the officer believed that he was in imminent danger of being mauled by the dog and took the course of action to avoid personal injury. Following the shot, no person from the house approached the officers. The officers advised a neighbour as to what happened and the neighbour indicated that he would notify the RSPCA in case the dog had only been injured. The officers returned to their station in order to report the matter to their supervisor. Police officers returned to the house later that evening and spoke to an occupant in relation to the shooting of the dog. Obviously, from this

information, the police officer believed that he was in danger of being attacked by the dog.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: In the view of the police, the police officer was justified in resorting to the use of a firearm in order to prevent serious personal injury. I am advised that the police officer complied with South Australian police requirements with respect to the use of a firearm, and I am advised that the police officers had a lawful right to be on the premises. A report has been compiled by the department and has been forwarded to the Internal Investigations Branch. If people are dissatisfied with the response that has been given by the police, the matter can be taken up with the Police Complaints Authority.

The Hon. R.J. RITSON: I forget, from the Minister's response, whether or not he said there was a warning sign on the side gate, because the article says that there was a warning sign about the dog. The second part of the question was whether the Minister really expects that answer to instil confidence in the citizens who are dissatisfied with the course of action.

The Hon. C.J. SUMNER: I do not know about the answer to the second question but, if they are not satisfied, procedures have been established to enable complaints against the police to be dealt with. I can only suggest that the honourable member or the people who are dissatisfied about the incident or the police explanation in relation to it consider taking up the option of reference to the Police Complaints Authority. There is nothing in the note that I have which indicates whether there was or was not a warning sign on the gate.

WORKPLACE REGISTRATION

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, a question about workplace registration.

Leave granted.

The Hon. J.F. STEFANI: On 1 July 1992 the Government increased workplace registration fees to .84 per cent of all salaries and wages paid by employers. My questions are as follows:

1. Will the Minister advise the number of employers that were registered and paid workplace registration fees for the month of July 1992?
2. What amount was collected by the Government for workplace registration fees during the month of July 1992?
3. Will the Minister advise the total number of employers that were registered from 1 July 1991 to 30 June 1992?

The Hon. C.J. SUMNER: I will refer those questions to my colleague and bring back a reply.

REPLIES TO QUESTIONS

COUNCIL AUTHORITIES

In reply to **Hon. J.C. IRWIN** (29 April).

The Hon. ANNE LEVY: The question of the 'intention' of an Act of Parliament is a question of the interpretation of the language used in the Act, which is a question of law, and, as such, I sought a legal opinion with regard to the honourable member's question.

A council's power to raise revenue by 'borrowing money or obtaining other forms of financial accommodation' is derived from section 152(b) of the Local Government Act, 1934. Section 153 enables a council to issue debentures charging its general revenue and to give certain other forms of security for borrowing or financial accommodation.

The 'general' power of delegation conferred on councils under section 41 of the Act does not permit a council to delegate its power to borrow money or obtain other forms of financial accommodation. However, the power of delegation under section 41 only extends to delegations to council committees or officers or employees of councils. The power of delegation under that section does not enable a council to delegate any of its powers or functions to a controlling authority established under either section 199 or section 200 of the Act. In the case of a section 199 controlling authority, section 199(4) of the Local Government Act provides:

The council may, subject to conditions determined by the council, delegate to a controlling authority—

- (a) the power to receive and expend revenue;
- (b) any other of the council's powers that are reasonably required to enable it to carry out the functions for which it is established,

but the power to make by-laws may not be delegated.

If a controlling authority is established by a council to carry out a specific project (which may be a form of commercial activity or enterprise), a power to borrow money or obtain other forms of financial accommodation may well be 'reasonably required to enable it to carry out the functions for which it is established'. I am advised, therefore, that as a matter of the interpretation of section 199(4) there does not appear to be any reason why a council's power to borrow money cannot be delegated to a controlling authority established under that section 199.

A 'joint' controlling authority established under section 200 of the Local Government Act has corporate status, and under section 200(9) it has the 'powers, functions and duties specified in its rules'. As such the powers of a 'joint' authority are not derived from delegation as is the case for a section 199 controlling authority, but are contained in the rules under which the authority is established.

Section 200 does not place any express limitation on the kinds of powers, functions and duties which may be conferred on a 'joint' authority under subsection (9). Any limitations are implied from the scope, purpose and subject matter of the Local Government Act.

In this respect, it is unlikely that a joint authority could be empowered to do, in relation to the areas of the member councils, anything which a council is not empowered to do under the Local Government Act and other legislation conferring powers on councils in relation to its area. Where local government powers are inherently unique to a council (e.g. power to levy rates) they would not be held to be conferred upon a joint authority in the absence of express language.

Taking these factors into account, my advice is that similar powers to borrow money or obtain other forms of financial accommodation as a council has under the Local Government Act could be conferred on an authority established under section 200 of the Act by the rules of the authority.

A possible exception to this would be the power of a council to issue debentures over its general revenue because of the power of the Supreme Court under section 153 of the Act to order a council in default over such a debenture to raise a specified amount by rates to be applied towards the satisfaction of the council's liability under the debenture.

PARKING OFFENCES

In reply to Hon. J.C. IRWIN (30 April and 1 May).

The Hon. ANNE LEVY: On the morning in question an Adelaide City Council parking inspector issued parking expiation notices for meter offences on the northern side of Franklin Street between Post Office Place and Bentham Street where council staff had during road repairs erased white lines denoting parking spaces next to meters. As soon as council administration became aware of the erasure of the lines, it instructed its inspectors to issue notices only where a parked car clearly related to a specific expired meter. I am informed that the relevant spaces have again been marked on the roadway and that parking tickets issued to Mr Howie at that time were subsequently withdrawn.

Parking regulation 6 (11) provides that a council may mark out parking spaces in any zone, or make other pavement (i.e. road) markings in accordance with Australian Standard AS 1742.11 (Parking Controls). With the exception of angle parking, the marking out of parking spaces is a discretionary exercise.

The honourable member claimed that on specific occasions the Adelaide City Council failed to remove temporary control signs until considerable time had elapsed after the expiry of the relevant temporary parking control declarations. My officers have been advised that the council has removed all non-current temporary parking control signs, and the council policy is that parking inspectors do not report on such signs once the period of the control has elapsed.

The honourable member claimed that on 3 April this year Mr Howie received 29 final notices for alleged parking offences from the Adelaide City Council which were printed prior to the introduction of the revised parking regulations in August 1991. I understand that the council issues between 3 000 and 5 000 final advices each week. With such a volume it is not possible to order at short notice, nor is it viable for the council to purchase such a large quantity without some degree of certainty that the regulations will continue in force for a reasonable period of time.

The final advice (notice) is not a requirement under the regulations and therefore only a courtesy by the council, advising the offender that the council may still accept expiation of the offence notwithstanding the expiration of the normal period of time allowed to expiate the offence, subject to payment by the offender of a late payment fee

provided for under section 794a (4a) (b) of the Local Government Act.

I am not aware of any persistent failure by Adelaide City Council to administer the parking regulations other than in a fair and reasonable manner. To the best of my knowledge, the present State Ombudsman, has not made any general criticism of either the parking regulations or their administration by councils.

The Royal Automobile Association has not made any general criticism of the administration of the regulations. At the same time it is acknowledged that recently a staff member of the RAA criticised the Adelaide City Council for penalising a number of motorists for not displaying parking machine tickets on the passenger side of the vehicle. On that occasion the council accepted the criticism and withdrew all parking fines.

In February of this year, at the suggestion of the Hon. Mr Irwin and with my encouragement, the Director of the former Local Government Services Bureau convened and chaired a meeting of council legal advisers, council inspectors and Mr Howie to discuss the revised regulations and their administration. Almost all present, with the exception of bureau staff, were nominated by the honourable member, I understand, with the collaboration of Mr Howie. The Director of the bureau also invited the RAA to be represented but the invitation was declined on the grounds that the RAA did not have any particular criticism to make about the regulations or their administration.

Late last year the Director, Local Government Services Bureau, supplied the Editor of 'A Motor' with a draft article publicising lesser known requirements of the parking regulations and providing further illustrations of the new symbolic parking control signs. As a result, the July-August 1992 issue of 'A Motor' contains an illustrated article in the form of a quiz of 15 questions and answers subtitled 'How well do you know your parking laws?' It is hoped that this educative step will better inform the motoring public about the regulations.

The State Government is no longer in a position to oversee the administration by councils of the parking regulations. The Department of Local Government was disbanded in 1990 and the Local Government Services Bureau ceased operations in June this year. The State Government's role under the new relationship with local government is primarily to establish the legislative framework under which local government is to function. If persons aggrieved with council actions cannot obtain satisfaction by negotiations with council officers and elected members they have recourse to the State Ombudsman and, if necessary, to the courts.

MEDICAL GRADUATES

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about partially trained medical graduates or doctors.

Leave granted.

The Hon. BERNICE PFITZNER: I have a letter on hand from the Health Commission to the Dean of the Faculty of Medicine stating '... the probability exists that some graduates who seek intern positions in South

Australia may not be able to be placed'. These medical graduates have slogged for six full years to graduate as medical doctors. They are still not fully trained until they complete an intern year in a recognised hospital, and only then can they practise independently.

This year these positions, that is, first year internships, are now not available to all South Australian medical graduates as they always have been. There are approximately 175 medical graduates this year, after making allowance for overseas and interstate graduates, and there are approximately 135 intern positions, which leaves a shortfall of 40 graduates who will not be able to obtain an intern position. Therefore, they will not be able to complete their training and will not be able to obtain a job as a health provider, perhaps in our rural areas where there is a dearth of medical doctors.

The Health Commission has stated '... in discussion with the Minister of Health, I have been assured that it is not my responsibility to ensure all medical graduates are employed'. This letter has been communicated to all 186 final year students and has caused panic within their ranks, at a time when the final year workload is at its heaviest. Apparently New South Wales will take our extras, and both the Health Commission and the students themselves are having to contact the New South Wales council to try to ensure their position. It is reported that the students and the community find this situation the responsibility of the Minister of Health and feel that it is irresponsible of the Minister if a solution is not found for some of our best and brightest youths. My questions are:

1. As all South Australian medical graduates will not obtain a first year intern position in South Australia, what plans does the Government have through the Health Commission to try to find extra positions and so ensure that these graduates are fully trained?
2. How did such a situation arise, when we are unable to guarantee the completion of medical training to produce registered medical doctors?
3. What plans has the Government in hand to ensure that there is communication between the universities and the Health Commission so that such a situation will not arise in future?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

GRANGE RAILWAY LINE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister representing the Minister of Transport a question about the Grange railway line.

Leave granted.

The Hon. DIANA LAIDLAW: There is considerable speculation at present about the Government's intentions for the future of the Grange railway line. On Sunday 16 August the STA begins its new transit link bus operation between the city via Woodville and Albert Park to West Lakes. This express bus service will run a short distance along the West Lakes Boulevard adjacent to the Grange railway line turnoff and for much of the length of the Port Road parallel to the Grange-Port Adelaide railway

line. Incidentally, the city stop for this transit link service from West Lakes is on North Terrace outside the railway station.

Meanwhile, I note that the Planning Review's '2020 Vision' strategy released last month places emphasis on the Noarlunga-Gawler rail lines, and that would seem to guarantee their retention. However, the strategy makes no reference to the future of the Grange railway line. Indeed, it makes no reference to the future of the Belair or Outer Harbor lines, either. I therefore ask the Minister: what is the future of the Grange railway line? Has he given instructions, or has the STA developed strategies, for the retention or closure of the line, or are the Government and the STA simply standing back to see what impact the new transit link service between Adelaide and West Lakes will have on passenger numbers, their revenue and the future viability of the Grange railway line?

The Hon. ANNE LEVY: Again, I regret that it would be inappropriate for me to answer that question, so I will refer it to my colleague in another place and bring back a reply.

JOINT SELECT COMMITTEES

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

That the members of this Council appointed to the Joint Committee on the Workers Rehabilitation and Compensation System and the Joint Committee on Parliamentary Privilege have power to act on those joint committees during the present session.

Motion carried.

SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That the select committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 14 October 1992.

Motion carried.

SELECT COMMITTEE ON THE CIRCUMSTANCES RELATED TO THE STIRLING COUNCIL PERTAINING TO AND ARISING FROM THE ASH WEDNESDAY 1980 BUSHFIRES AND RELATED MATTERS

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I move:

That the select committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 14 October 1992.

Motion carried.

SELECT COMMITTEE ON THE PENAL SYSTEM IN SOUTH AUSTRALIA

The Hon. I. GILFILLAN: I move:

That the select committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 14 October 1992.

Motion carried.

SELECT COMMITTEE ON COUNTRY RAIL SERVICES IN SOUTH AUSTRALIA

The Hon. G. WEATHERILL: I move:

That the select committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 14 October 1992.

Motion carried.

SELECT COMMITTEE ON THE CONTROL AND ILLEGAL USE OF DRUGS OF DEPENDENCE

The Hon. CAROLYN PICKLES: I move:

That the select committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 14 October 1992.

Motion carried.

SELECT COMMITTEE ON REVIEW OF CERTAIN STATUTORY AUTHORITIES

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

That the select committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 14 October 1992.

Motion carried.

SELECT COMMITTEE ON THE EXTENT OF GAMBLING ADDICTION AND THE EFFECTS OF GAMING MACHINES

The Hon. T. CROTHERS: I move:

That the select committee have power to sit during the present session and that the time for bringing up the report be extended until Wednesday 14 October 1992.

Motion carried.

SESSIONAL COMMITTEES

Sessional committees were appointed as follows:

Standing Orders: The President and the Hons K.T. Griffin, R.I. Lucas, R.R. Roberts and C.J. Sumner.

Library: For this session, a committee not appointed.
Printing: The Hons Peter Dunn, M.S. Feleppa, R.J. Ritson, R.R. Roberts and T.G. Roberts.

JOINT PARLIAMENTARY SERVICE COMMITTEE

The PRESIDENT: I advise that I have received notification of the Hon. Carolyn Pickles' resignation as alternate member to the President on the committee.

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

That pursuant to section 5 of the Parliament (Joint Services) Act 1985 the Hon. R.R. Roberts be appointed as the alternate member to the President on the committee in place of the Hon. Carolyn Pickles.

Motion carried.

ADDRESS IN REPLY

The PRESIDENT having laid on the table a copy of the Governor's speech, the Hon. C.J. Sumner (Attorney-General) moved:

That a committee consisting of the Hons K.T. Griffin, R.I. Lucas, R.R. Roberts, T.G. Roberts and C.J. Sumner be appointed to prepare a draft Address in Reply to the speech delivered this day by Her Excellency the Governor and to report on the next day of sitting.

Motion carried.

ADJOURNMENT

At 3.52 p.m. the Council adjourned until Tuesday 11 August at 2.15 p.m.