LEGISLATIVE COUNCIL

Wednesday 11 November 1992

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

LEGISLATIVE REVIEW COMMITTEE

The Hon. M.S. FELEPPA: I lay upon the table the twenty-first report of the committee, and I also lay upon the table the minutes of evidence of the committee concerning the Court Administration Bill.

QUESTIONS

SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister representing the Minister of Education, Employment and Training a question about the South Australian Certificate of Education.

Leave granted.

The Hon. R.I. LUCAS: On 22 and 29 October this year, the consultant psychiatrist at the Adelaide Childrens Hospital and Deputy Director of the East Terrace Centre for Children and Adolescents spoke at a South Australian Certificate of Education (SACS) seminar for student counsellors on psychological issues relating to SACE.

This psychiatrist noted that early this year they had numerous referrals of year 11 students who openly stated the cause of their problems had been stress related to the work load of SACE. The psychiatrist's professional judgment about these students was that 'Some of those were faintly depressed and a few suicidal.' The psychiatrist went on to highlight two reasons for this situation arising, one relating to the suddenness of change and the other relating to chronic stress.

The first issue related to SACE requiring a sudden change in style of work and work rate expectations, and I quote from the psychiatrist's address as follows:

> Those who had done little in their previous high school years were literally shell-shocked. Those who had a better work rate coped better, but still commented, the moral being that work ethic is something you build over all their school years not impose suddenly at the end. To do otherwise is very stressful.

The psychiatrist noted that the incidence of this first type of SACE referral had decreased in the second part of the year but raised the question about their being confronted with it again at the start of 1993 with a new group of students. The psychiatrist also noted that SACE was too slow and tedious for the bright students but too demanding for the less academic students, who were now distressed, struggling and sometimes dropping out. The question she left with seminar participants was whether there was the necessary flexibility in SACE to cater for both ends of the spectrum.

Members will recall that the Labor Government pressed ahead with the rushed introduction of SACE this year, even though many educators had joined Liberal Party calls for a one year delay in the introduction of SACE. Members will also note that the Victorian Labor Government was forced to retreat this year on a number of aspects of its Victorian Certificate of Education (the VCE), including the issue of excessive workload requirements on year 11 students. My questions to the Minister are:

1. Does the Minister agree or disagree with the views expressed by this consultant psychiatrist on the effects on students of the introduction of the South Australian Certificate?

2. Does the Minister believe that the SACE has the necessary flexibility to cater for both academically gifted students and less academic students?

3. Will the Minister concede that significant changes in educational approach and assessment of years 8 to 10 are required and that these changes should have been introduced prior to the introduction of the South Australian Certificate of Education?

The Hon. ANNE LEVY: I will refer those three questions to my colleague in another place and bring back a reply.

STATE BANK

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about State Bank salaries.

Leave granted.

The Hon. K.T. GRIFFIN: Yesterday the Deputy Premier and Treasurer made a ministerial statement relating to the number of persons in the State Bank Group with salaries in excess of $100 000 per year. The Deputy Premier asserted that this information was more than was required to be disclosed by a corporation under the Corporations Law. I make the observation that in relation to listed corporations that may well be so. He went on to say that the Government intends that SGIC, the Government Assets Management Division of the State Bank and, where appropriate, other statutory authorities, will also comply with the new standard. He then said that the Government is of the view that all public companies in Australia should be required to disclose all salaries over $100 000, whether received by executives or other staff. To this end the Attorney-General has been requested to make representations to the Federal Attorney-General to achieve this amendment in the law. That is certainly an extension of schedule 5 of the corporations regulations, which requires accounts of listed corporations to disclose the number of executive officers of the corporation involved in that listed corporation or any related body corporate in the management of the affairs of that company or related company where they are over $100 000.

The Deputy Premier and Treasurer's proposal seems to suggest that all public companies, whether listed or not listed, should be required to disclose the salaries of all those earning more than $100 000, whether or not they are involved in the management of the affairs of that corporation. That is a significant extension of the present provisions of the Corporations Law. My questions to the Attorney-General are:

1. Has there been any consultation with anyone outside Government on this policy decision and, if so, will the Attorney-General indicate with whom that consultation has occurred or is this a defensive whim of the Deputy Premier?

2. What submission will the Attorney-General be putting to the Federal Attorney-General and what reasons will support that submission?

The Hon. C.J. SUMNER: This is one of the cases where the Opposition exhibits double standards. It insists on disclosure of public statutory authority salaries, even though they might be statutory authorities that operate essentially in the private sector such as the State Bank and SGIC. They come in to this place and, furthermore, make public statements about the salary levels of State statutory corporations, including the State Bank, and deplore them. I saw recently the former Deputy Leader in another place deploring the number of people in the State Bank who apparently are paid more than $100 000. However, with even the slightest suggestion that there be some disclosure of the salary levels of executives in public companies, they say that we cannot do that, that there should be consultation and that all sorts of things should happen. No doubt the Liberal Party will adopt exactly the same approach as did their colleagues in ministerial council when the issue was discussed previously some years ago.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: It was certainly discussed in ministerial council some years ago. The disclosure of executive salaries was discussed and what occurred in schedule 5 was very much a watered down version of what was originally proposed.

As someone who has their salary disclosed every day of the week to anyone who wants to see it, it struck me as an extraordinary reaction that we in Ministerial council received from the private sector with the suggestion that their salaries should be publicly disclosed in the public interest. They squealed and were very unhappy about it.

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. C.J. SUMNER: They were vehemently opposed to it.

The Hon. L.H. Davis: You are talking about something that happened years and years ago.

The Hon. C.J. SUMNER: It was not years and years ago; it was a number of years ago. I have absolutely no doubt if the same proposal comes before ministerial council again private sector executives will scream again about having their salaries made public. It is difficult enough to get the information out of a statutory authority such as the State Bank, which obviously did not disclose the full extent of salaries over $100 000 in its annual report. Try getting it out of the private sector: I can tell honourable members that one has absolutely no chance. Of all the issues that I recall having to deal with on the ministerial council—

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: Well, it is a fact of life. The proposal to have private sector salaries of executives disclosed provoked the biggest debate and the most vehement opposition that I know on any issue from the private sector. To people like me, it was all somewhat strange. Here was I, an innocent politician who has his salary disclosed to all and sundry, and yet here were all these people in the private sector, being paid by their shareholders, leading salaries around the country up when workers were expected to engage in restraint, screaming when there was a proposal to have the salaries made public in the annual reports.

Initially, because there were more Labor Ministers on the ministerial council than Liberal ones, we decided that there should be quite full disclosure, and the submissions that we got came in meeting after meeting objecting to this. The last thing they wanted was their salaries disclosed in the private sector.

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. C.J. SUMNER: It was five or six years ago, but I can absolutely guarantee the honourable member that when I go along to the ministerial council with this proposal from the Deputy Premier for fuller disclosure of private executive salaries I will get exactly the same reaction from the business community now as what we got when this issue was initially debated. They will scream, they will wriggle, they will complain. They will not want their salaries revealed to the public. They will not want their salaries revealed to their shareholders—because they are quite happy for ordinary workers in this community to exercise restraint, but they do not exercise any themselves.

However, the proposition from the Deputy Premier is one that he has asked me to look at. I certainly intend to write to the Federal Attorney-General about the matter. The exact nature of that submission has not been formulated yet, but I am certainly happy to let the honourable member have details of it, when I write to the Federal Attorney.

STATE TRANSPORT AUTHORITY

The Hon. DIANA LAIDLAW: I seek leave to make an explanation prior to asking the Minister of Transport Development a question about STA results.

Leave granted.

The Hon. DIANA LAIDLAW: Over the past 10 years patronage on STA services has plummeted by 65 million journeys or 18.5 per cent. These figures reveal that the STA has lost nearly one-fifth of its patronage over the past 10 years. Over the same period, Government funds, or taxpayer funds, required to subsidise the STA operations increased from $55.4 million to $136.1 million last financial year. Last year passenger journeys on STA journeys fell by a further 7 per cent, from 56.86 million to 52.8 million, while the STA's operating subsidy increased by $9 million to $138 million. Both these results last year defy trends forecast in the STA Corporate Plan for 1991-94, released in March this year.

In fact, contrary to this 1991-94 plan, the General Manager and Chairman (Mr Brown) is now predicting that the STA will continue to lose passengers for another four or five years. The plan has forecast that patronage will start to pick up in two years' time, thereby reversing the 10-year downward spiral. My questions to the Minister are:

1. Does she agree with STA's senior management that the authority's corporate plan for the year 1994 is now obsolete?

2. What are the Government's revised forecasts for passenger journeys and operating subsidies over the next four to five years?

The Hon. BARBARA WIESE: During the past couple of weeks or so, the honourable member has been spending a great deal of time through the media and in other places doing her best to misrepresent the current situation of the State Transport Authority and interpreting information that is available through the annual report in the most negative possible light, which I do not think is in the interests of the State Transport Authority or of the South Australian community. The honourable member fails, in all the comments that she makes publicly and in other places—

Members interjecting:

The PRESIDENT: Order! The honourable member will come to order.

The Hon. BARBARA WIESE: —to acknowledge the very significant steps that have been taken by the State Transport Authority over this past three or four years to reduce costs and to improve the public transport system. As far as I know, the honourable member never talks about the fact that $25 million has been cut out of the State Transport Authority in operating costs during the past three years, nor about the fact that it is projected that a further $24 million or so is to be cut out of the operating costs of the authority over the next three years.

Instead of being denigrated in the way it constantly is by the Opposition, the authority should be applauded. It is doing a very good job in attempting to gain control of the costs of the organisation. The honourable member also fails to acknowledge in her public statements that the cost of ownership of rolling stock and other assets has increased significantly during that period. Part of the reason for that is that currently an extensive program for upgrading buses, trains and other assets of the authority is under way, in order that the authority can become a public transport system which is attractive to passengers and which will encourage more people to use public transport.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Laidlaw will come to order.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: The fact is that, over a period of some 30 years or so, some of the investment in rolling stock that should have been made has not been made and, in fact—

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. BARBARA WIESE: —the decisions that have been taken in the recent past to replace some of these vehicles will, when implemented, ensure that the public transport system becomes a more attractive proposition for prospective passengers. The other aspect of the changes that are occurring with respect to the authority is the introduction of transit link services in various parts of the metropolitan area as well as the concentration by the State Transport Authority on providing rapid transit systems for people in the outer suburbs of Adelaide, which is encouraging more people to use public transport.

We do not ever hear congratulations coming from Ms Laidlaw and other Opposition members about the operation or performance of the transit link services since they were established.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: The fact is that patronage has been growing on those service links because they are the sort of service links that people are looking for. Currently there are three bus links, and train links are involved with them. A new transit link service will begin from the Port Adelaide area into the city early next year and hopefully it will meet with the same sort of success that the previously introduced transit link services have met with.

In addition and complementary to those arrangements various projects are under way, some as pilot projects and others as more permanent arrangements, to provide appropriate feeder services into the transit link services that are being provided. Through those modem methods of developing our public transport system and with the injection of capital to improve the vehicles that are used, over time we will be in a position to improve patronage of the State transport system Coupled with that—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —very significant work is being done to cut costs within the public transport system. A lot of that has led to considerable dislocation within the organisation and uncertainty for staff who are employed within the State Transport Authority. Instead of receiving encouragement from the Opposition in bringing about these changes and making our public transport system more efficient and effective—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —we have day after day members of the Opposition standing up and raising petty issues.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. Everybody gets a fair go at Question Time and the opportunity to ask questions is not limited. If members want to ask more questions they should ask them in a proper manner. The interjections across the Chamber are not doing anybody any good. The honourable Minister.

The Hon. BARBARA WIESE: Instead of a global view being taken and applause being given for the steps forward that have been made through the State Transport Authority, we have people such as the Hon. Ms Laidlaw and other members of the Opposition standing up and attacking these side issues—the No. 18 bus that ran 10 minutes late and other things—when a major restructuring of our public transport system is under way. This has already shown considerable results in terms of improved patronage in the areas where the right sort of public transport service is being provided to people.

The Hon. DIANA LAIDLAW: As a supplementary question, following the valiant effort by the Minister to defend the indefensible, I ask her on what basis she is now forecasting that the current investment in railcars

and buses will lead to increased STA passengers when both the Chairman and General Manager have indicated that the STA will continue to lose passengers for the following four to five years. Will the Minister also address the questions I asked earlier: does she agree with the STA senior management that the authority's corporate plan to the year 1994 is now obsolete; and what are the Government's revised forecasts for passenger journeys and operating subsidies over the next four to five years?

The Hon. BARBARA WIESE: The STA's corporate plan is currently under review, so the projections for the next few years are still being determined as part of the review that is currently under way. The statements that I have made about the changes taking place in the public transport system and the introduction of different and new services are still appropriate statements to be made.

The fact is, whether you like it or not, that the transit link services and the changes that are being made to the way public transport is delivered are bringing about improved patronage where they have been introduced. That is a fact of life, and the Government, through the State Transport Authority, will continue with the introduction of such measures and bring about, over time, a restructured, more efficient and effective public transport system at a cost that the community will stand. The fact is, as we all know, that if we want a public transport system the community must pay, and the ultimate question is: how much are people prepared to pay for a public transport system?

The Government recognises that there is the need for an efficient and effective public transport system. There is a social justice component in the provision of such a service to the public, and we are doing our best to keep operational costs down whilst improving the level of service to the public, and over time the benefits that have already been extracted from the system will start to flow through with respect to the financial arrangements as well.

ENGINEERING AND WATER SUPPLY DEPARTMENT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage a question about E&WS Department staff cuts.

Leave granted.

The Hon. M.J. ELLIOTT: As part of a plan to trim 800 people from the E&WS Department payroll, I have been told that the customer services area is to lose a minimum of 14 per cent of its present staff. The Public Service Association has told me that as a result of this cut in customer services staff levels could be 17.4 per cent down on those of June 1991. As an aside, there seems to be some concern that the job cuts were happening there and not at the senior level within the E&WS Department. Association officers say that the remaining staff will be under pressure from increasing work loads and increasingly irate and dissatisfied customers having to wait longer for mail queries and connection and concession applications to be processed.

It is also feared that the reduction will mean a loss of staff with the valuable knowledge and experience needed to handle over the counter and telephone inquiries from the public. Other results of the cuts to the customer service area will be longer waiting times for special meter readings for property conveyances; delays in the collection and recovery of outstanding rates and charges; increased mistakes in the ratings area due to pressure on remaining staff; and a loss of expertise in the section which provides advice and information to the plumbing industry. I believe there may also be some concern about a role that they play in the supervision of the installation of new plumbing work in new housing. The PSA has indicated that, far from improving efficiency in the E&WS, the cuts will foster inefficiency. My questions to the Minister are:

1. Can she show that the staff to be trimmed from the E&WS customer services section are excess to requirements?

2. How will service delivery standards be maintained with fewer staff?

3. Will the Minister give to this Council a breakdown as to precisely what positions are to be axed within the E&WS Department?

The Hon. ANNE LEVY: I will refer those questions to my colleague in another place and bring back a reply.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. CAROLYN PICKLES: I move:

That the members of this Council appointed to the committee have leave to sit on the committee during the sitting of the Council on Thursday 12 November 1992.

Motion carried.

WORKCOVER

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Attorney-General, representing the Minister of Labour Relations and Occupational Health and Safety, a question about WorkCover.

Leave granted.

The Hon. L.H. DAVIS: Claims have been made by WorkCover in recent months that WorkCover claims are generally determined, that is accepted or rejected, within the time frame specified by the Act. I have received information from within WorkCover Corporation that a number of weeks ago a work team within the corporation, namely group 8, was discovered to have well over 500 undetermined claims, with some dating back over 15 months. There are five long-term groups within the corporation and group 8 is only one of them. My questions to the Attorney are:

1. Has there been a build-up in the number of undetermined claims within WorkCover?

2. Will WorkCover detail the number of claims remaining undetermined for longer 12 months, 18 months and two years as at 31 October 1992 and 31 October 1991?

3. What is the standard time frame set by WorkCover to determine a claim?

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

CHILD ABUSE

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health, Family and Community Services questions about child abuse.

Leave granted.

The Hon. BERNICE PFITZNER: A few weeks ago I asked a question of the Minister regarding child physical abuse. At that time members may recall that over a 10 month period 206 children were physically abused. That means that approximately one child is being significantly physically abused every other day. The majority of these children were under the age of two years. I now have statistics of children who were sexually abused over a 10 month period. The total number was 885—more than four times the number of physically abused children were referred for a suspected sexual abuse. If we take into account the difficulty of confirming sexual abuse and the figure of 30 per cent confirmation rate, a child is physically abused every day, on these figures.

We note that 75 per cent are females, 50 per cent of this group are in the age range of five to 12 years, and that other groups in order of highest frequency were two to four year olds, 13 to 17 year olds and under one year olds. These statistics over a 10 month period and in one hospital do and should give grave concern. Also, one ought to note the large number of difficult cases that one unit in one understaffed hospital has to cope with. My questions to the new FACS Minister are:

1. Again, is he aware of the unacceptably high number of sexually abused children?

2. Will he fully staff the hard working and overworked child protection unit at the Women's and Children's Hospital?

3. As one will note that the majority of sexually abused children are of primary school age, what strategies will the Minister put in place to try to improve the situation?

4. Of what use are the child protection panels, and will the Minister look into whether the FACS worker's time would be more effectively used if he or she were released from the panel sessions and got on with his or her backlog of work?

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

CHEMICALS, HANDLING

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Emergency Services, a question about the handling of dangerous substances.

Leave granted.

The Hon. PETER DUNN: A couple of months ago a truck carrying dangerous chemicals rolled over on the highway between Port Augusta and Port Lincoln, south of Arno Bay. The alarm was raised. There was no fire and there were no injuries, but the CFS was obliged to attend, because a person noticed there were dangerous chemicals on board. These chemicals usually have instructions on the side of the can as to what to do, but generally it is just a phone number to ring when one finds a chemical spill. The CFS duly arrived at the scene and via VHF radio they contacted the CFS headquarters, which put them in contact with the Waste Management and Public Health Board.

Waste Management and Public Health offices are only in Port Lincoln and Whyalla, as I understand it, and they are 160 kilometres either way from where the accident occurred. However, when they contacted these people they were instructed to remain on site. As you would imagine, Sir, these people are volunteers and it was some three hours before these others arrived on the scene. The CFS people were a bit perturbed at the long time they had to be away from their jobs, which they are still being paid for. Some were employed and some were self-employed. Can the Minister change the method of controlling dangerous chemicals when they are spilt, as in this case, and perhaps ask local police officers to stand by in cases like this where CFS personnel are involved, or use some other official who is not employed by local government?

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

PARKING REGULATIONS

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage a question about parking matters.

Leave granted.

The Hon. J.C. IRWIN: I read a letter in today's *Advertiser* which states in part:

> In the light of the recent furore created by the imposition of fines on motorists by the Adelaide City Council for displaying tickets from the new high-tech parking meters, I thought there might be interest in this little story. On November 2 [which was a Monday] my wife had occasion to park in Morphett Street, City. Not knowing quite how much time she would get for her money, she put 10c in the machine and received a ticket.
>
> Noting that this was insufficient time for what she needed to do, she then put 20c in the machine and received another ticket. On examining this ticket, she realised that both tickets were in fact totally incorrect- They were printed 'Monday 30 October', a non-existent day.

In fact, the 30th was a Friday. The letter concludes:

> . . . if the council is going to be petty and pedantic about the letter of the law on where the ticket is displayed, etc., then it had better make sure the machines issue correct tickets. If it had been me, and not my wife, I probably would not have noticed the incorrect date and could have received a parking fine from it.

I wonder how many other motorists were fined for having incorrect details on the ticket displayed on the dashboard.

I turn to a different matter. I read from a police summons to a person called to appear in the Adelaide Magistrates Court yesterday, as follows:

> On 26th day of APRIL, 1992 at ADELAIDE in the said State on a road namely NORTH TERRACE permitted a vehicle namely a CAR to remain standing on a Clearway. Regulations 4.07 and 11.01 of the Road Traffic Regulations, 1962. This offence is designated as a summary offence.

The offence was supposed to have occurred in front of Parliament House at 10.45 p.m. in a 'no standing any time' area. The day of 26 April was a Sunday and there

is no clearway in front of Parliament House. North Terrace, Adelaide, is hardly an accurate description of a roadway that goes through at least two council areas.

Will the Minister remind local government and the police of their responsibility to make it fair for motorists using parking ticket dispensing machines and ensure that the police do not waste scarce resources by giving inaccurate details in a summons?

The Hon. ANNE LEVY: I will refer those questions to my colleagues in another place. The first question certainly can be looked at by the Minister of Housing, Urban Development and Local Government Relations, but I think the second question is probably more appropriately addressed to the Minister of Emergency Services, as the Minister of Local Government Relations has no responsibilities towards this area. I do not represent the Minister of Emergency Services in this Chamber, but I will see that the question reaches him so that he can take the matter up with the police.

STATUTES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General a question about the publication of regulations, rules, proclamations, etc.

Leave granted.

The Hon. J.C. BURDETT: Up to and including 1989 we had two appendices at the back of the annual volumes of the statutes, one being the table of amendments and cases and the other a table of regulations, rules, proclamations and so on. Personally I have always found those two appendices most useful and easy to access. Anyone who had the State statutes had access to it. Many other people have said that that was the situation. In 1989 they were there and in 1990 they were not. This may have been explained in some way, but certainly I was not aware of it and many other people were not aware of it. From having chased up the matter—

The Hon. C.J. Sumner: Haven't you looked at one for two years?

The Hon. J.C. BURDETT: Yes, I have. Having chased up the matter, I found that in 1989 they were there and in 1990 they were not. There was a green volume containing tables and it was more extended in 1988, and that was published from 1988 on, but many people with whom I have discussed the matter were not aware of that and I found that the Parliamentary Library was not. In 1988 it received the green volume and was not alerted to what it was all about. It has not received those volumes since. So, in 1989, 1990 and 1991 it did not receive them. Surely, for members of Parliament that is the place to go to get them. It is available within Parliament House—the Clerks have them, as my inquiring discovered. I find it alarming that the Parliamentary Library does not have it, as it ought to have been advised about the procedure. I have inquired from some practitioners, who say the same. As far as they knew it had just stopped and they did not know what was the new procedure.

My questions to the Attorney-General are: what method was used to advise people of the change in procedure? I am not complaining about the change in procedure as it is good because the green volume provides more information than was provided in the past. What procedure was used to advise contributors to the annual statutes that the system was changed?

The Hon. C.J. SUMNER: I will obtain information and advise the honourable member.

AUSTRALIAN SECURITIES COMMISSION

The Hon. K.T. GRIFFIN: Has the Attorney-General a reply to a question that I asked on 13 October about the Australian Securities Commission and the National Crime Authority?

The Hon. C.J. SUMNER: I have the answer and seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

At the most recent inter-governmental committee of the National Crime Authority held in Adelaide on 12 June 1992, the Chairman of the National Crime Authority, Mr Sherman (who was appointed on 26 February 1992), gave, an oral report in relation to the policy directions undertaken by the authority. Mr Sherman reported on the National Crime Authority's legislative mandate to counteract organised crime, and stated that, although serious white collar crime is an important part of organised crime, it is still only one aspect of it. He referred to the future directions statement made by Mr Justice Phillips in November 1990 as representing a particular focus at that point in time. He stated that he believed the National Crime Authority should not withdraw from other significant areas of organised crime such as narcotics. The inter-governmental committee, at its meeting on 12 June 1992, resolved to note the oral report of the chairman in relation to the policy directions undertaken by the authority, and supported the role of the authority as outlined by the chairman.

The honourable member should note that the National Crime Authority's annual report from 1991-92 will be tabled in the South Australian Parliament (pursuant to s.32 of the South Australian National Crime Authority (State Provisions) Act 1984) following consideration of the report by the inter-governmental committee at its next meeting in Melbourne on 20 November 1992, and following transmission of the report to the Commonwealth Attorney-General with any comments of the inter-governmental committee, pursuant to s.61 of the Commonwealth National Crime Authority Act 1984. The National Crime Authority annual report, and in particular the chairperson's report, will deal with the authority's role in relation to these issues.

TRANSPORT OPERATORS

The Hon. DIANA LAIDLAW: I direct my question to the Minister of Transport Development. Further to statements by the Chairman and General Manager of the STA as contained in the *Advertiser* of 9 November 1992 forecasting a greater role for local councils and private sector operators in the delivery of public transport services in the metropolitan area, I ask the Minister:

1. What is the rationale for limiting the role for private sector operators to the operation of feeder routes to and from transit link terminals and not permitting their operation within the metropolitan area as a whole?

2. What is the rationale for extending the payment of Government subsidies to councils but not to private sector operators if they can perform short distance hauls more efficiently?

3. What amount of the STA's current operating subsidy is to be used to subsidise services operated by councils?

4. Is the STA's plan to involve the private sector in the operation of public transport services to be confined to taxi-cab and hire vehicles or to be extended to include private bus operations?

The Hon. BARBARA WIESE: It sounds to me as though the honourable member is attempting through me to get her own research done for the long-awaited public transport policy that she has been promising for the past 12 months. These sorts of questions seem fairly fundamental to the development of any public transport policy. At least for the past 12 months the honourable member has been talking about the Liberal Party producing such a policy document, and during the past two months we have heard that it is two weeks away but the date is continually pushed out. Now, at the last minute—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —we have a new round of questions and presumably the answers will be used to flesh out the last parts of this long-awaited policy document. The fact is that the State Transport Authority has made in the past, as I understand it, some fairly clear statements about its desire to work with local government authorities and people in the private sector to provide a community transport service for metropolitan Adelaide and to work with people interested in providing complementary services to the rapid transit link services being provided in various parts of the metropolitan area.

Already arrangements have been made with some local government authorities about the provision of community bus services. A trial project is taking place currently with a taxi company providing a transit service for people who alight from the Noarlunga train service and who live in the local Hallett Cove area. That has been operating now for a number of weeks and appears to be meeting with considerable success. Possibly many other opportunities exist for people in the private sector or for local government authorities to become involved in the provision of such services. It seems that the options are limited only by people's imagination and of course by the economic viability of proposals as they come forward.

As to amounts of money that have been paid to councils and to future subsidy arrangements that may be contemplated, that is something about which I will see further information from the State Transport Authority. The STA is taking a very flexible approach to these matters generally with respect to the sort of opportunities that exist in such places as the southern suburbs for the provision of transport services for people in those areas. Already innovative ideas have come forward and funding arrangements have been determined according to the nature of the proposition at the time. It may be difficult to suggest that there will be a hard and fast rule about the subsidy arrangements in such cases. I would think that to a large extent particular propositions will be taken on their merits and subsidy arrangements, if an idea is a good one, will be determined on the nature of the proposition put forward. I will ask the State Transport Authority to give me a report on the situation that exists at the moment and I will provide a reply as soon as I can.

The Hon. Diana Laidlaw: On all matters or just the subsidy?

The Hon. BARBARA WIESE: On all matters, if you like.

ELECTRICITY TRUST

The Hon. PETER DUNN: I understand that the Minister for the Arts and Cultural Heritage has an answer to a question I asked on 13 October about ETSA inspections.

The Hon. ANNE LEVY: Yes, Mr President, and I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

The Minister of Public Infrastructure has informed me that annual inspections are carried out on all distribution lines, to reduce the fire start threat in bushfire risk areas across the State.

In order to get through ETSA's annual program of work, inspections are carried out from 1 July and any defects found are repaired by the start of the bushfire season.

If this work is not done, the risk of a fire start is increased which would ultimately reflect in higher insurance premiums and the cost of electrical energy to the people of South Australia.

Further, driving vehicles off-road presents the potential of fire starts in grass during the dry summer months and extensive damage to the land during the wet winter months, restricting the period in which patrols can be carried out.

CAFHS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about the Child, Adolescent and Family Health Service's Christmas close-down.

Leave granted.

The Hon. BERNICE PFITZNER: A CAFHS staff bulletin has stated that there will be a two-week closure in the 1993-94 Christmas period, and I quote from the bulletin:

The two-week close-down will save at least $69 000 in payments for relief staff and higher duties. In addition, we could expect some savings in administrative costs and overheads.

Further, the bulletin goes on to say:

Exemptions from the close-down will be the 24-hour telephone advice service and a few staff selected to provide any emergency services needed by children or their parents during the two-week close-down.

I have worked with CAFHS for over 10 years and its major role is not in emergency services—rather it is in preventive services. As to this closure, although sufficient time has been given, the long time frame will only help staff to organise their time but not the clients who are served by CAFHS, as one cannot predict when health problems for infants or young children will arise. This move will certainly put more pressure on Adelaide

Children's Hospital, which itself is working to a tight budget. My questions are:

1. Where will the clients of CAFHS go if they need hands-on assessment?

2. Has the South Australian Health Commission made any other contingency arrangements with, say, Adelaide Children's Hospital or Flinders Medical Centre for a possible increase in casualty attendance?

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

POLICE ROAD BLOCKS

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about reports on roadblocks.

Leave granted.

The Hon. K.T. GRIFFIN: Several weeks ago the Attorney-General made a ministerial statement and tabled reports by the Police Commissioner that are required to be tabled in Parliament under section 74b of the Summary Offences Act. Section 74b allows roadblocks to be established and requires that the Commissioner must, as soon as possible after each successive period of three months, submit a report to the Minister stating the number of authorisations granted under the section and, in relation to each authorisation, the place at which the establishment of a roadblock was authorised, the period or periods for which the authorisation was granted or renewed, the grounds on which the authorisation was granted or renewed, and any other matters that the Commissioner considers relevant.

In the reports that the Attorney-General tabled there was reference, on one occasion for example, to Mount Barker Road, Glen Osmond. There was no indication whether that is near the Tollgate or near the Devil's Elbow, or somewhere else on Mount Barker Road. Mount Barker Road, Glen Osmond is a fairly long road. The period of authorisation is stated to be one hour. There is no indication whether it was in the morning, the afternoon or in the evening. I suggest that the Act contemplates something more than that bland statement. Another one refers to a roadblock authorisation for National Highway 1 at Port Pixie. National Highway 1 at Port Pixie can be anything within perhaps 10, 15, 20 or 30 kilometres of Port Pirie, and the period is for eight hours—and so the reports continue.

There is an identification of the very general location and the period, but not the time, except on one occasion where a period of authorisation was one hour, from 10.40 p.m. to 11.40 p.m. Will the Attorney-General have the content of those reports examined in the context of section 74b of the Summary Offences Act to determine whether the information which is provided by the Commissioner is adequate or whether some further information needs to be provided as to a more specific location and more specific detail as to the times within which the authorisation was granted, rather than the general statements which are made in these reports?

The Hon. C.J. SUMNER: I will examine the issues raised by the honourable member and bring back a reply.

FORESTRY

The Hon. J.C. BURDETT: I understand that the Minister for the Arts and Cultural Heritage has an answer to a question that I asked on 7 October about forestry schemes.

The Hon. ANNE LEVY: I do, Mr President. In response to the honourable member, I indicate that the Commissioner for Consumer Affairs has previously received one complaint against the company referred to by the honourable member. The Commissioner has undertaken to conduct an investigation into the matter and will, if warranted, issue a public warning.

TARIFFS

The Hon. I. GILFILLAN: I am advised that the Attorney-General has an answer to a question that I asked on 14 October about tariffs.

The Hon. C.J. SUMNER: I have, and I seek leave to have it inserted *in Hansard* without my reading it.

Leave granted.

The Minister of Business and Regional Development has provided the following response:

1. The South Australian Government has adopted a pragmatic approach to the Federal Government's policy of tariff reductions. While agreeing that industry needs to attain international competitiveness, we have argued that South Australian industry remains more vulnerable to the effects of tariff reductions than does Australian industry as a whole. Therefore, in the case of particular industries such as motor vehicles and textiles, clothing and footwear (TCF), we have made strong representations to the Federal Government.

2. The South Australian Government has made strong representations to the Federal Government on behalf of both the motor vehicle and TCF industries. We put strong submissions to the Federal Government when the proposal for the tariff reduction on motor vehicles was being debated prior to the formulation of the Federal Government's policy. The tariff reductions originally contemplated would have had a devastating effect on the car industry in South Australia, and partly as a result of the submissions from the South Australian Government the original proposals were modified and the current policies put in place. In the case of the TCF industry in South Australia, the Government made a joint submission with the Victorian Government for a slowdown in the rate of tariff reduction and positive assistance measures without retreating from the target levels of protection. On the broader front, the Government is looking at strategies for obtaining structural adjustment assistance from the Federal Government. Any submission in support of such measures will be based on the argument that, even on the assumption that there will be national benefits, South Australia expects to be a net loser from the tariff phase-down.

3. Employment Impact of Tariff Decline in South Australia.

Recent work undertaken by the National Institute of Economic and Industry Research (NIEIR) has indicated that during 1990-91, the tariff phase-down and structural change in import demand accounted for 20 per cent of the increase in South Australian unemployment. This means approximately 3,500 of the 16,900 persons added to official unemployment statistics between June 1990 and June 1991 could be attributed to the tariff phase-down. Work also undertaken by the NIEIR during 1990 indicates that under the option of zero or negligible tariff, South Australia's

gross state product (GSP) would fall by $1 billion in 1990 prices by the year 2000. The associated increase in unemployment would be just under 20,000 by the year 2000. Employment losses from the current tariff phase-down policy (5 per cent general rate and 15% for automotive as well as 15% to 25% for TCF), have had a less adverse impact on South Australian employment to date. However, it has not been possible to quantify these impacts.

CLASSIFICATION OF PUBLICATIONS (DISPLAY OF INDECENT MATTER) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 October. Page 449.)

The Hon. I. GILFILLAN: I indicate my opposition to this Bill. I believe that the matter raised originally as a move towards more properly displaying material regarded as offensive to certain members of the community is an important aspect of the way Parliament looks at and how legislation is drafted to deal with the sensitivities of the community at large. We have largely addressed that by legislation, which has been dealt with in this place and federally. I have taken note of several of the points made by the Attorney-General in his second reading contribution to this Bill and agree with him that the opposition to the Bill is not to be taken as a negation of or opposition to the intention in general but to the intention specifically.

This really rocketed to stardom, one could say, with the infamous cover of *People* magazine depicting a naked female figure in what is obviously interpretable as a demeaning posture. The public debate and the actions following that were very salutary to the publishers, to the public and to those people selling and displaying this material. It has, therefore, already had a beneficial effect for those people—and I agree with them—who wanted to see control on the type of material publicly displayed in magazines for general display and in general circulation. It is important to reflect that *Picture* and *People* are virtually unrestricted in their display, sale and access to members of the community.

The other significant point that the Attorney-General emphasised was uniformity, where possible. I support a uniform standard applying across Australia, so that it is predictable from State to State and so that the product, particularly in this case, can be marketed from State to State without there being confusion and a possible conflict of interpretation of what public standards and public requirements are.

Having said that, I think that it is also important to recognise that from community to community different standards may apply from time to time, and what may have been tolerated here in an enlightened community, one could say, in South Australia in the 1970s and 1980s would not have been tolerated in the Sir Joh Bjelke-Petersen led community of Queensland. There will always be variations from place to place but, in general, where there is a Federal move to obtain uniformity, I would prefer that to apply.

I believe from the Attorney-General's statements in his second reading contribution that this is in hand and that some decisions have already been made, the most significant being the addition of a principle to the guidelines controlling what is and what is not acceptable as far as displayed material for publications is concerned. I will quote a paragraph to put this addition into context. In relation to *Picture* and *People*, the Attorney-General said:

> Following the concern about that, as I said, the South Australian Classification of Publications Board placed these publications in category 2, because it felt that the publishers were not taking adequate action to modify the publications. Since then, they have been removed from category 2 again. In other words, the determination made by the South Australian Classification of Publications Board in May 1992 to place these magazines in category 2 has now been revoked so that they are back in the unrestricted category again. The Classification of Publications Board did this following the meeting of censorship Ministers in Perth on 2 July 1992. That meeting of Ministers agreed that the classifications principles should be altered by including the following phrase:
>
> ...additionally, material which condones or incites violence or is demeaning may be restricted or refused.
>
> I think the reference to condoning or inciting violence was there previously, but what was added was that, in considering an appropriate classification for magazines, for publications, the Commonwealth censor could consider whether or not the material was demeaning.

That is a very important addition to the guidelines and principles, and one in which, almost certainly, the cover of *People* would have been found offensive, therefore the publishers of that magazine, one assumes, could have been prosecuted if they had persisted with it or, indeed, could have had to withdraw that particular edition. The Attorney-General says that there are moves for Commonwealth and State Ministers to consider a compulsory classification system for publications which, as he pointed out, is similar to that which applies as far as videos are concerned.

I am glad to hear that that is happening, albeit slowly. I do not think that there is a mad, scampering rush to get this in place, although I take it from this evidence that it is progressing. I further quote from the Attorney-General's speech as follows:

> However, I merely add that to the debate to indicate to the Council that at the national level there are a number of matters that are happening, in particular, the proposal for compulsory classification, which will be examined over the next few months . . . One further point that I should add is that the censorship Ministers meeting also considered the Australian Law Reform Commission report, which was looking to implement a uniform scheme throughout Australia. That report will be available publicly to honourable members if they are interested in it.

Having read the Attorney-General's contribution, I asked for some background material to enlighten me further. In particular, I asked about the Australian Law Reform Commission report, so that I would have a chance to look at that. With a note of appreciation to the Attorney-General, I have the following memo:

> Re Australian Law Reform Commission Report on Censorship Procedure:

I have been asked to advise on progress regarding the above report. As a result of the ALRC report, a Law Reform Commission working party has been established, comprised of State and Commonwealth officials. The working party has had an initial meeting at which it was agreed that:

(i) Officials would consider the LRC's recommendations and each would develop a State-Territory position that could be discussed at the next meeting. At that meeting we hope to identify the common ground and areas of difference between us. From there we should consider in which areas it may be possible to accommodate alternatives; and

(ii) A paper would be prepared for consideration by the Ministers at their July 1993 meeting.

Each official will receive working party papers and will be kept informed about progress.

Apparently officials complained about Sydney not being a central location so the next meeting is to be held in our conference room on 19 and 20 November 1992. I will keep you informed as to the progress of the working party.

This is dated 20 October 1992. It is obvious that things are not happening at Olympic sprint rate. However, they are progressing. In the context of the issue raised, which I do not regard as one of the most dramatic threats to society as we know it in Australia, I am content with this rate of progress.

As this particularly significant alteration to the guidelines (namely, if material is demeaning it may be restricted or refused) had been accepted in July, I did ask the Attorney what application it had had since it was accepted, and he was kind enough to give me a memo in reply, which is as follows:

Re: New Commonwealth Guidelines for Classification

Mr David Haines, Deputy Chief Censor, has advised that it has not been necessary to invoke the new guideline dealing with demeaning material as the publishers of *Picture* and *People* have acted responsibly since the new guidelines have come into operation. The publishers have clearly responded to community pressure to tone down their covers and posters. The Classification of Publications Board has been monitoring public complaints and looking at all covers since the new guideline, and it has been our view that the publications have changed markedly. I think the new guideline as well as the action taken by Western Australia and South Australia, as well as the continuing debate about the portrayal of women in the media, has seen the publishers try to respond to community concern. For your information the new guideline provides as follows: additionally, material which condones or incites violence, or is demeaning may be restricted or refused.

That is dated today, and the wording is identical to that which I read previously.

I summarise my position in this way. We have broken out of what I believe to have been a very oppressive censorship and moralistic approach to print and the pictorial display of material over the past 25 years. To me, it is a risk to overreact to an example, and certainly an unacceptable example, of abuse of the freedoms that we currently offer to those people who publish material in our society.

I think the incident itself has been self-curing. To act as proposed in the Hon. Bernice Pfitzner's Bill to put things out of sight in racks that do not offer any visual opportunity to see by casual glance or to make sure that that material is opaquely wrapped is an overreaction where the area is not well defined. Anyone who cares to ook in a newsagent today will find that the covers of *Womens Weekly* or *Woman's Day*—and I am not sure about the current edition—from time to time have a female figure which, in some people's judgment, I put to this Council, could be described as demeaning.

The other material which from time to time has the female figure in various degrees of undress arguably may not be at all demeaning—in fact, it may be enhancing. There is a myriad of personal views in relation to the reaction to a whole range of published pictorial material—advertisements for films, and displays on the cover of novels in book shops and at railway stations and airports.

We need to be very careful and quite clearly convinced before we take the step of restricting display or publication so as to avoiding returning to what I think were the dark ages of censorship and restriction. I think it is proper for us to see how this new guideline will be implemented. Groups and individuals have a very useful and active role to make sure that the Chief Censor knows about the front cover of publications which they find demeaning.

Without hesitation, I emphasise the other side of this caution, because we are much too ready to respond to what is seen as being the unacceptable demeaning or titillating sexual material and to allow violence in all forms, and many of those forms are subtle and difficult to pick. We do not often find the same energy in picking out and trying to remove from public display material which is an incitement to violence—and I welcome the inclusion of that in this new guideline.

I will be interested to find what will happen over the next 12 months when the Classification of Publications Board has been using this new guideline, to see how many times it has seen fit to implement it. I think it will be a challenge for the community and the board to define what it means by 'demeaning'. How is one to interpret what is or is not demeaning and the degree which applies to each of the photographs or portrayals or pictures that are displayed.

I conclude my contribution to the second reading debate by acknowledging that the matter raised is important. It is a serious issue. I believe it has been addressed, and that the results which have occurred in the form of this new guideline and the action of the publishers, who were somewhat surprised by the public reaction against that cover and the salutary lesson they have learnt from it, have been as effective as anything could or should be at this stage. I certainly pause, with the evidence that we currently have before us, in relation to taking what I think is a very substantial step of restriction that would take place if this Bill were passed. I indicate my opposition to the Bill.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

HARBORS AND NAVIGATION BILL

The Hon. Anne Levy, for the Hon. BARBARA WIESE (Minister of Transport Development), obtained leave and introduced a Bill for an Act to provide for the administration, development and management of harbors;

to provide for safe navigation in South Australian waters; to repeal the Harbors Act 1936, the Marine Act 1936 and the Boating Act 1974; and for other purposes. Read a first time.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

The Harbors and Navigation Bill 1992 when enacted will provide for the administration, development and management of harbors, for safe navigation in South Australian waters and will repeal the Harbors Act 1936, the Marine Act 1936 and the Boating Act 1974. Following an extensive review of the Australian waterfront industry by the Interstate Commission in 1989, a comprehensive restructuring program implemented during 1989-90 by the Department of Marine and Harbors to support a user-pays public sector business approach and the deregulation policy of the Government announced in 1987 the department has taken the opportunity provided by these catalysts to review the Harbors, Marine and Boating Acts.

One of the principal objectives of the proposed Bill is to provide for the efficient and effective administration and management of South Australian harbors and harbor facilities for the purpose of maximising their use and promoting trade. It is imperative that the Department of Marine and Harbors operate in a manner that is geared to effectively service its customers and that its business be conducted in a commercial manner and that services are competitive. The proposed Harbors and Navigation Bill will ensure that this public sector business is served by appropriate legislation which reflects coherent corporate objectives and modem port management practices.

This Bill will enable efficient and reliable cargo transfer facilities to be established and existing facilities to be maintained within the State's commercial ports. This is vital for successful trade and essential development of South Australia's economy. To promote the safe, orderly and efficient movement of shipping within harbors relevant sections of the existing Harbors Act concerning vessels' navigation have been reviewed. In major South Australian ports pilotage is compulsory and can only be performed by licensed pilots or ships masters who hold pilotage exemption certificates. Presently, all licensed pilots are employed by the Department of Marine and Harbors. However, there is provision in the proposed Harbors and Navigation Bill to allow for suitably qualified and experienced persons to be licensed as pilots. This may lead to private pilotage in the future but recognises the need to control safe navigation practices in ports and the related need to protect the integrity of the port infrastructure. This Bill will assist to promote the economic and proper commercial use of harbors and harbor facilities which will provide a basis for a rational pricing system to maximise trade, to reflect customer service and infrastructure needs and to operate as an incentive for commercial port services.

Another main objective of the proposed Harbors and Navigation Bill is to provide for the safe navigation of vessels in South Australian waters and to promote safe practices by those involved in commercial and recreational boating activity on the State's navigable waters. Many of the services under the existing Marine Act, and the proposed Harbors and Navigation Bill, are derived from the Australian Transport Advisory Council Uniform Shipping Laws Code which ensures uniformity among the States and Territories in areas such as marine qualifications and survey. This Bill includes updated provisions for certificates of competency (including motor boat operators licences), survey, equipment and loadline requirements, courts of marine inquiry and the State Crewing Committee.

A section of the Harbors and Navigation Bill relates to alcohol and other drugs. This section mirrors existing legislation under the Road Traffic Act and will ensure uniformity throughout the State. The proposed Bill will provide for the safe use of South Australian waters for recreational and other aquatic activities. The Bill refers to the recreational boating fund, which is a separate fund into which all fees and charges (in relation to recreational vessels) must be paid to defray the costs of administering the Harbors and Navigation Bill in so far as it relates to recreational vessels. This includes the provision of marine safety officers who are involved in patrolling and policing the waters of South Australia and educating the public in matters relating to boating safety. Provision has been made to restrict the use of waters for the purposes of an aquatic sport or activity and regulate the entry and operation of vessels within specified waters. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 sets out the objects of the new Act.

Clause 4 contains the definitions required for the purposes of the new Act.

Clause 5 provides that the new Act is to apply throughout the jurisdiction, that is, the area of the State and adjacent navigable waters extending to three nautical miles from the State boundaries.

Clause 6 provides that the Minister is to be responsible for the administration of the new Act.

Clause 7 establishes the Minister as a corporation sole.

Clause 8 deals with the responsibilities of the CEO.

Clause 9 requires the CEO to make an annual report on the administration of the new Act and provides for the tabling of the report in Parliament.

Clause 10 provides for the delegation of statutory powers by the Minister and the CEO.

Clauses 11, 12 and 13 provide for the appointment of authorised officers and confer on them various powers necessary for the enforcement of the Act.

Clause 14 vests maritime property in the Minister.

Clause 15 empowers the Minister to acquire property for the purposes of the new Act.

Clause 16 provides for the resumption of certain land.

Clause 17 deals with the care, control and management of property vested in the Minister under the new Act.

Clause 18 provides for the granting of leases and licences over maritime property by the Minister or some other person or authority in which the property is vested.

Clause 19 exempts land vested in the Minister from rates under the Local Government Act 1934. The exemption does not apply however to land occupied under lease or licence.

Clause 20 creates a strict liability for damage caused to property of the Minster, or harbor facilities vested in private ownership, by a vessel.

Clause 21 provides that the Minister is entitled to possession and control of all navigational aids except those vested in the Commonwealth.

Clause 22 empowers the Minister to establish and maintain navigational aids. The clause also empowers the Minster to require any person who carries on a business involving the

mooring, loading or unloading of vessels to establish and maintain navigational aids.

Clause 23 makes it an offence to interfere with a navigational aid.

Clause 24 empowers the Minister to require the clearance of wrecks or materials which may obstruct navigation or cause pollution to waters within the jurisdiction.

Clause 25 empowers the CEO to grant licences authorising sports or other aquatic activities in waters within the jurisdiction.

Clause 26 empowers the Governor, by regulation, to restrict the use of defined areas of the waters within the jurisdiction.

Clause 27 places harbors and harbor facilities under the care control and management of the Minister.

Clause 28 empowers the Minster to carry out dredging work to clear or extend a harbor.

Clause 29 empowers the Minster to carry out work of any kind for the development or improvement of a harbor.

Clause 30 provides for the fixing of fees and charges by the Minister.

Clause 31 provides for the control of vessels within a harbor.

Clauses 32 and 33 provide for the granting of pilots' licences and pilotage exemption certificates.

Clause 34 deals with the cases where pilotage is compulsory.

Clause 35 sets out in general terms the duty of a pilot and exempts the pilot for liability for negligence.

Clauses 36, 37 and 38 deal with the obligation to ensure that a vessel has an adequate crew so that it may be safely navigated.

Clauses 39 to 44 deal with the constitution of the State Crewing Committee and with its procedures and powers.

Clauses 45 to 49 deal with the issue and withdrawal of certificates of competency.

Clauses 50 to 52 deal with the issue of licences authorising the licensees to carry on a business involving the hiring out of vessels.

Clauses 53 and 54 provide for the registration of vessels.

Clauses 55 to 59 provide for the periodic issue of certificates of survey in respect of vessels.

Clauses 60 to 63 deal with the issue of loadline certificates in respect of vessels.

Clause 64 prohibits the operation of a vessel in the jurisdiction if the vessel or its equipment is unsafe or if the vessel is overloaded.

Clause 65 empowers the CEO to prohibit the operation of unsafe vessels.

Clause 66 empowers the Minister to exercise extraordinary powers in an emergency to avert a serious danger to life or property.

Clause 67 empowers the CEO to require the owner of a vessel that is reasonably suspected of being unsafe to have the vessel surveyed.

Clause 68 makes it an offence to operate a vessel at a dangerous speed or in a dangerous manner or without due care.

Clauses 69 to 73 are the provisions dealing with the consumption of alcohol or drugs in circumstances which may affect the safe navigation of a vessel. These provisions are similar to corresponding provisions in the Road Traffic Act.

Clause 74 requires the reporting of casualties to the CEO or an authorised person.

Clause 75 requires any person who is in a position to do so to take reasonable action to avert or minimise a risk to life or property resulting from a marine accident.

Clause 76 constitutes the Court of Marine Inquiry. The court is to consist of the Magistrates Court sitting with assessors.

Clause 77 empowers the court to inquire into a casualty on the application of the Minister.

Clause 78 empowers the court to inquire into alleged misconduct or incompetence.

Clause 79 empowers the court to review administrative decisions taken under the new Act.

Clause 80 provides for the application of the Commonwealth Navigation Act to matters within the jurisdiction of the State.

Clause 81 provides for the sharing of administrative responsibilities between officers of the State and officers of the Commonwealth.

Clause 82 provides for the granting of exemptions from the requirements of the Act in respect of regattas and other similar functions.

Clause 83 makes it an offence for a person to behave in an offensive or disorderly manner while on board a vessel, or to molest a passenger or member of the crew of a vessel.

Clause 84 makes it an offence to operate or interfere with a vessel without the owner's consent.

Clause 85 provides for the expiation of offences.

Clause 86 is an evidentiary provision dealing with the proof of certain formal matters.

Clause 87 provides for prosecutions to be brought within 12 months of the date of an alleged offence.

Clause 88 exempts the Crown and officials of the Crown from liability for various acts concerned with the administration of the new Act.

Clause 89 provides for the maintenance of the recreational boating fund.

Clause 90 empowers the Governor to make regulations for the purposes of the new Act.

Schedule 1 lists the harbors that are currently under the Minister's care control and management.

Schedule 2 repeals the Boating Act 1974, the Harbors Act 1936 and the Marine Act 1936 contains some necessary transitional provisions for the purposes of the new Act.

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

STATUTES AMENDMENTS (MOTOR VEHICLES AND WRONGS) BILL

The Hon. Anne Levy, for the Hon. C.J. SUMNER (Attorney-General), obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959 and the Wrongs Act 1936. Read a first time.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

It seeks to amend the Motor Vehicles Act 1959 ('the Act') to extend indemnification for third party death or injury to a passenger in or on a motor vehicle.

In *Clinton v Scheirich and Gotthold* (Action No. 2575 of 1985) a passenger in a motor vehicle opened his car door into the pathway of an oncoming motor cycle. The motor cycle rider suffered injury and sued both the passenger and the driver. The court held that none of the allegations had been made out against the driver but that the passenger was guilty of the negligence which caused the collision. As the relevant policy of insurance only provided cover to the owner of the motor vehicle or any person who drove the vehicle, the passenger was required to meet the sum of $65 000 (including interest and legal costs) from his personal resources. This sum was ultimately met by SGIC, on instructions from the Treasurer, as an *ex gratia* payment.

As it is regarded as unreasonable to expect people to take out extra insurance cover to provide for this possibility, an amendment has been made to the Act which extends third party insurance cover to passengers who may cause death or bodily injury by some act or omission in relation to a motor vehicle.

There are also a number of amendments to the Act which are consequential to the amendments extending third party insurance cover to passengers. As a part of these, amendments are made to allow recovery against the nominal defendant in respect of an unidentified vehicle where the person liable is the driver, the owner or a passenger.

SGIC have, in addition, requested certain miscellaneous amendments to the Act and the Wrongs Act 1936.

Section 124a of the Act allows the insurer under a third party insurance policy to recover the full amount where the insured person was under the influence of alcohol, such that he or she was incapable of exercising effective control over the vehicle. SGIC has in the past indemnified drivers who have deliberately used motor vehicles to injure other persons. Such persons may be prosecuted but avoid the civil consequences of their actions.

SGIC has recommended that an amendment be made to the Act to address this anomaly. An amendment has been made to the Act which adds, as a ground for full recovery, any case where the insured person intentionally or recklessly drove the vehicle, or did or omitted to do anything in relation to the vehicle, so as to cause death or bodily injury to another person or to his or her property.

Section 124ab is also amended to increase the excess recoverable by the insurer, where the insured person is liable to the extent of more than 25 per cent for an accident, from $200 to $300. This amendment was approved by Treasury.

SGIC has also requested certain amendments to the Wrongs Act 1936. Section 35a (1) *(i)* provides that where damages are to be assessed for or in respect of an injury arising from a motor accident, the damages will be reduced at least 15 per cent if the injured person was not a minor and was in breach of the seatbelt requirements under the Road Traffic Act 1961. The Act has been amended so that the exception in relation to minors is narrowed to persons under 16 years.

Section 35a (1) *(j)* provides that minors are excepted from a finding of contributory negligence where a seatbelt is not worn or where that person is a passenger in a vehicle in which the driver's ability to drive is impaired as a result of drug or alcohol consumption, even if the minor was aware or should have been aware of the impairment. There is a general community awareness, supported by expert opinion, of the desirability to wear seatbelts to reduce the risk of injury. Accordingly, an amendment has been made to the Wrongs Act to narrow the exception in relation to minors to persons under the age of 16 years.

Lastly, section 35a (1) *(a)* provides that no damages for non-economic loss due to injuries sustained in a motor accident will be awarded unless the injured person's ability to lead a normal life was significantly impaired for seven days or the person has incurred medical expenses of at least the prescribed minimum. The prescribed minimum, previously set at $1 000 has been increased to $1 400. This amendment has also been approved by Treasury. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Clause 1: Short title is formal.

Clause 2: Commencement

This clause provides for the measure to be brought into operation by proclamation.

Clause 3: Interpretation

This clause is a formal interpretation provision only.

PART 2

AMENDMENT OF MOTOR VEHICLES ACT 1959

Clause 4: Amendment of s. 99—Interpretation

Section 99 defines terms used in Part IV of the Motor Vehicles Act 1959 relating to compulsory third party insurance.

The clause makes an amendment designed to make it clear that the definitions set out in the section for the purposes of Part IV also operate for the purposes of the fourth schedule (which sets out the terms of the insurance policy provided for by Part IV).

A definition of 'passenger' is inserted for the purposes of subsequent amendments which extend the third party insurance coverage to passengers who may cause death or bodily injury by some act or omission in relation to a motor vehicle, for example, opening a door, or leaving a door open, in the path of an oncoming cyclist. 'Passenger' is defined widely for this purpose so as to include any person in or on a vehicle whether or not the person is travelling, has travelled or is proposing to travel in or on the vehicle.

Section 99 (3) limits the compulsory insurance coverage to liability for death or bodily injury that is a consequence of—

(a) the driving of a vehicle;

(b) a collision, or action taken to avoid a collision, with a vehicle when stationary;

(c) a vehicle running out of control.

The clause amends this provision so that the reference in paragraph *(b)* to a collision, or action taken to avoid a collision, with a vehicle extends to a vehicle in motion as well as a stationary vehicle. One effect of this would be to make it clear that coverage would extend to a situation where a passenger opens a door or does some other dangerous act while a vehicle is in motion and death or bodily injury results from a collision or action taken to avoid a collision with the vehicle. In these circumstances, it would not be clear that such an accident would fall within subsection (3) *(a)* (a consequence of the driving of the vehicle), while subsection (3) *(b)* in its current form and subsection (3) *(c)* would not be applicable.

Clause 5: Amendment of s. 100—Application of this Part to the Crown

The amendments made by this clause are all consequential to clause 6 which extends third party insurance coverage to passengers.

Clause 6: Amendment of s. 104—Requirements if policy is to comply with this Part

Section 104 defines the coverage required for third party insurance as coverage for the owner and any driver (whether with or without the owner's consent) of a motor vehicle in respect of all liability for death or bodily injury caused by or arising out of the use of the motor vehicle. The clause extends this coverage to a passenger in or on the vehicle (whether with or without the owner's consent).

Clause 7: Amendment of s. 110—Liability of insurer to pay for emergency treatment

These amendments are consequential to the amendments extending third party insurance coverage to passengers.

Clause 8: Amendment of s. 113—Liability of insurer where the insured is dead or cannot be found

This clause makes an amendment of a drafting nature designed to clarify the intent of section 113. Section 113 currently provides for recovery against the insurer in respect of death or bodily injury caused by or arising out of the use of an insured vehicle where 'the insured person is dead or cannot be served with process'. The clause amends this provision so that it operates where 'any person insured under a policy of insurance in respect of the vehicle who is wholly or partly liable for the death or bodily injury is dead or cannot be served with process'.

Clause 9: Amendment of s. 115—Claims against nominal defendant where vehicle not identified

Section 115 currently provides for recovery against the nominal defendant where a vehicle involved in an accident is unidentified and judgment could have been obtained against the driver. The clause amends this provision so that it operates where judgment could have been obtained against 'a person insured under a policy of insurance in respect of the vehicle (assuming that the vehicle had been an insured vehicle at the relevant time)'. The section will, as a result of the amendment, allow recovery against the nominal defendant in respect of an unidentified vehicle where the person liable is the driver, the owner or a passenger.

Clause 10: Amendment of s. 116—Claim against nominal defendant where vehicle uninsured

The clause amends section 116 (2) to replace a reference to damages in respect of death or bodily injury caused by

negligence in the use of an uninsured vehicle with a reference to such damages caused by or arising out of the use of such vehicle, the latter being the expression defined for the purposes of Part IV by section 99 (3).

Section 116 (3) fixes the amount recoverable against the nominal defendant in respect of death or bodily injury caused by or arising out of the use of an uninsured vehicle by reference to the amount that could have been recovered against the driver. The clause recasts this provision so that it will operate by reference to the amount that could have been recovered against a person who would have been an insured person had the vehicle been insured at the relevant time, that is, the driver, the owner or a passenger.

Section 116 (7) allows recovery back by the nominal defendant from the driver or a person liable for the negligence of the driver of the uninsured vehicle. The clause recasts this provision in several respects—

(a) so that it provides for recovery of part of the sum paid by the nominal defendant to cater for the case where the driver was *only* partly liable for the accident;

(b) so that it does not refer to the negligence of the driver since conceivably some other tort might form the basis of the driver's liability;

(c) to relax the terms in which the defence is framed (compare the new paragraph *(d)* with the current paragraph *(b)*).

Clause 11: Repeal of s. 118

Section 118 provides for actions for vehicle injuries to be maintained between spouses. This section is redundant in view of the later enacted general provisions in the Wrongs Act 1936 (section 32) and the Family Law Act 1975 of the Commonwealth (section 119).

Clause 12: Amendment of s. 124a—Recovery by the insurer

Section 124a (1) allows the insurer under a third party insurance policy to recover the full amount incurred by the insurer in respect of a vehicle accident where the insured person was driving the vehicle while so much under the influence of liquor or a drug as to be incapable of exercising effective control of the vehicle or while having .15 grams or more of alcohol in 100 millilitres of his or her blood. The clause adds to this provision, as a ground for full recovery by the insurer, any case where the insured person intentionally or recklessly drove the vehicle, or did or omitted to do anything in relation to the vehicle, so as to cause the death of, or bodily injury to, another person or damage to the property of another person.

Clause 13: Amendment of s. 124ab—Recovery of an excess in certain cases

Section 124ab provides for recovery by the insurer under third party insurance of an excess of $200 where the insured person is liable to the extent of more than 25 per cent for an accident. The clause increases the amount of the excess to $300.

Clause 14: Repeal of s. 130

Section 130 provides that actions in respect of vehicle injuries are to be tried without a jury. This provision is redundant in view of section 5 of the Juries Act 1927 which precludes trial by jury in civil actions generally.

Clause 15: Amendment of s. 131—Insurance by visiting motorists

This clause is consequential to the earlier amendments extending third party insurance coverage to passengers in or on vehicles.

Clause 16: Amendment of s. 133—Contracting out of liability

Section 133 is amended to replace the reference to contracting in advance out of any right to claim damages or any other remedy for 'the negligence of any other person in driving a motor vehicle' with the expression defined by section 99 (3): 'death or bodily injury caused by or arising out of the use of a motor vehicle'.

Clause 17: Amendment of fourth schedule—Policy of Insurance

The fourth schedule sets out the terms of a third party insurance policy. The clause amends the terms of the policy so that it extends to cover the liabilities of passengers. The clause also adds to the matters that an insured person will be taken to have warranted a term to the effect that he or she will not intentionally or recklessly drive the vehicle, or do or omit to do anything in relation to the vehicle, so as to cause the death of, or bodily injury to, another person or damage to the property of another person.

PART 3

AMENDMENT OF WRONGS ACT 1936

Clause 18: Amendment of s. 35a—Motor accidents

Section 35a (1) *(i)* provides that where damages are to be assessed for or in respect of an injury arising from a motor accident, the damages will be reduced by at least 15 per cent if the injured person was not a minor and was in breach of the seat belt requirements under the Road Traffic Act 1961. The clause amends this provision so that the exception in relation to minors is narrowed in scope to persons under the age of 16 years.

Section 35a (1) *(j)* provides in the same way that if the injured person was not a minor and was a voluntary passenger in a vehicle being driven by a person whose ability to drive the vehicle was impaired in consequence of the consumption of alcohol or a drug, then, if the injured person was aware or ought to have been aware of the driver's condition, the damages will be reduced on the basis of the injured person's negligence in failing to take sufficient care of his or her own safety. The clause makes a corresponding amendment to this provision so that the exception in relation to minors is narrowed in scope to persons under the age of 16 years.

Section 35a (1) *(a)* provides that no damages will be awarded for non-economic loss due to vehicle injuries unless the injured person's ability to lead a normal life was significantly impaired by the injuries for a period of at least seven days or the person has reasonably incurred medical expenses of at least the prescribed minimum in connection with the injuries. The prescribed minimum is currently fixed by section 35a (6) at $1 000. The clause increases this amount to $1 400.

PART 4

TRANSITIONAL. PROVISION

Clause 19: Transitional provision

This clause provides that the amendments made by this measure will not affect a cause of action, right or liability arising before the commencement of the measure.

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

PARLIAMENTARY COMMITTEES (PUBLICATION OF REPORTS) AMENDMENT BILL

The Hon. Anne Levy, for the Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Parliamentary Committees Act. Read a first time.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

The Parliamentary Committees Act 1991 came into operation in November 1991 and following that members were appointed by the respective Houses to membership of the four committees.

Throughout 1992 the committees have been extremely busy in establishing operational procedures and in undertaking investigations. There is no doubt that the committees established under the Act had developed an identity and a profile that is much greater than the committees they replaced. This is certainly what was envisaged by the Act; it has enabled backbench members and the Parliament itself to become actively involved in the discussion of important contemporary issues. It has also led to a greater involvement of the public in parliamentary activities and a more serious reporting of committee work by the media.

While all four committees have been equally busy, the Economic and Finance Committee is the one which had

attracted most interest—some might say notoriety. In the main, this has come about because of the issues which it has addressed—issues like the financial activities of statutory authorities, consulting services to Government and so on. Because they are very much issues of the day, the question has arisen about the speed with which completed and interim reports can be tabled in the House of Assembly and thereby be available for wider discussion.

This Bill will overcome an impediment that would otherwise arise if a committee completed a report just after the Parliament had risen for the Christmas/New Year break or the winter recess.

The Bill provides for the committee to present a report to the relevant Presiding Officer and for the Presiding Officer to authorise publication. This will ensure that in nearly all circumstances there need be no delay between the conclusion of an examination and the reporting and publication of this examination to the wider public arena.

The committees are committees of the Parliament and must by necessity report to it so that Parliament can examine and debate the committee's work. Given the timetable that committees are working on, that will occur in most situations. However, for those occasions where there is a mismatch of timetables, this mechanism will allow the Presiding Officer to consult with a committee where work has been completed and will allow the Presiding Officer to authorise publication. I commend the Bill to the Council. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause l—Short title. This clause is formal.

Clause 2—Amendment of s. 17—Reports on matters referred. Section 17 of the principal Act currently provides for each committee to report on a matter to its appointing House or Houses. The clause adds to this section a new provision providing that if more than 14 days elapse from the day on which a report of a committee (whether a final report or interim report) is adopted by the committee until the next sitting day of the committee's appointing House or Houses, the committee may present the report to the Presiding Officer or officers of the committee's appointed House or Houses and the Presiding Officer or officers may, after consultation with the committee, authorise the publication of the report prior to its presentation to the committee's appointing House or Houses. The clause also adds a further new provision designed to make it clear that any such report or other document published by or on behalf of a committee will be taken to be a report or paper of Parliament published under the authority of the committee's appointing House or Houses. This provision is intended to operate in conjunction with section 12 of the Wrongs Act 1936, which provides for a stay of civil or criminal proceedings or a defence to civil or criminal proceedings in respect of the publication of any report or paper or an extract from any report or paper that either House of Parliament has authorised to be published.

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

FRUIT AND PLANT PROTECTION BILL

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

STATUTES AMENDMENT (PUBLIC ACTUARY) BILL

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

DANGEROUS SUBSTANCES (EQUIPMENT AND PERMITS) AMENDMENT BILL

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

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

That this Bill be now read a second time.

As this has previously been considered by the other place, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Dangerous Substances Act provides for the keeping, handling, packaging, conveyance, use, disposal and quality of toxic, corrosive, flammable or otherwise harmful substances. The Act places a general duty of care on people who undertake any of these activities to ensure that the health and safety of any person or the safety of any person's property is not endangered.

This Government is committed to public safety and will not tolerate the cost to the community, and to Government, in terms of injury, damage to property and damage to the environment due to poorly maintained plant and equipment. Past events have highlighted the risks associated with the storage and use of dangerous substances, and the lack of responsibility shown by persons in charge of plants, in relation to proper maintenance and use of the equipment.

The conversion of cards to run on liquefied petroleum gas as an alternative fuel to petrol has become routine but the number of complaints about the quality of the work continues. The business proprietor may contribute to unsafe conversions, in that he or she has to meet the consumer's demands, and expectations, and in doing so may ignore the Government's stringent public safety standards. In attempting to meet those consumer demands, the proprietor, with ultimate control over the worksite, may compromise those public safety standards. An inspector under the Dangerous Substances Act may take action against the gas fitter for not meeting the safety standards but is not able to take action against the proprietor for endangering public safety.

The proposed amendment to the Act will ensure that while individuals carrying out gasfitting work will still be required to meet the current safety standards, the employer/business proprietor will also be liable for any unsafe or defective work that is carried out.

Extending the general duty of care provision to include plant we will ensure that all people and groups accept their responsibilities and provide a safer environment for employees, employers and the public.

The proposed amendment also allows for an appeal to the Industrial Court against decisions made by the Director in matters relating to licences under the Act and permits under the regulations.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 relates to the definitions used in the Act. Reference is no longer to be made to 'the Chief Inspector'. The definition of 'Director' needs updating. A consequential amendment must be made to the definition of 'inspector' and it is intended to include a definition of 'plant' in conjunction with new section 12a.

Clause 4 relates to the appointment of inspectors. It has been decided to no longer appoint a Chief Inspector under the Act. In addition, inspectors will be appointed by the Minister in future.

Clause 5 is a consequential amendment.

Clause 6 inserts a new provision relating to the proper care and precautions that should be taken in relation to plant that is used, or reasonably expected to be used, in connection with a dangerous substance. The provision will apply to any person in charge of such plant, who uses such plant, or who performs work in relation to such plant. It will also be an offence to misuse or damage any plant to which the section applies.

Clause 7 provides for the repeal of section 23. This provision presently provides for an appeal to a local court of full jurisdiction against a decision of the Director under Part III. It is proposed to replace this avenue of appeal with the arrangement set out in new section 24a.

Clause 8 relates to improvement notices under the Act. It is intended to extend the operation of the provision so that a notice can be issued where a person has contravened a provision of the Act in circumstances that make it reasonable to require that the contravention be remedied. This amendment will result in the improvement notice being more like a 'default notice' under other legislation, and will enhance the ability of inspectors to ensure that remedial action is taken in the event of a contravention of the Act.

Clause 9 enacts a new section 24a relating to appeals. An appeal will now lie to the Industrial Court. An appeal will be available against a decision of the Director relating to a licence under Part III, a decision not to grant an exemption under section 24, or a decision of the Director relating to a permit under the regulations.

Clause 10 relates to the period within which a prosecution can be commenced under the Act. The Act is presently subject to the operation of the six-month limitation on the initiation of prosecutions prescribed by the Justices Act. It is intended to allow prosecutions to be instituted at any time within three years after the date on which the offence is alleged to have been committed (or such longer period as the Attorney-General may allow in a particular case). This will allow prosecutions to occur in cases where a breach of the Act is not detected for some time (for example, when faulty work is carried out on an LPG installation in a motor vehicle).

Clause 11 relates to the regulations under the Act. The principal amendment is to place various duties on a person who carries on a business at which permit holders work. In particular, the person will be required to ensure that the relevant work is carried out safely and in accordance with the regulations, and that suitable and safe plant is used in the performance of the work.

The Hon. J.F. STEFANI secured the adjournment of the debate.

THE STANDARD TIME (EASTERN STANDARD TIME) AMENDMENT BILL

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

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

That this Bill be now read a second time.

The Hon. ANNE LEVY: As this has previously been considered in another place, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill provides for the adoption of Eastern Standard Time throughout South Australia by stipulating standard time as the mean time of the meridian of longitude 150° east of Greenwich (England).

This has the effect of advancing our clocks by 30 minutes bringing this State in line with the time zone of States on the eastern seaboard.

The Government has announced its commitment to moving to Eastern Standard Time in response to the Arthur D. Little report. Although this issue has previously been debated in Parliament, the current economic circumstances require action to be taken to link business activity in South Australia with the wider Australian market place.

The adoption of Eastern Standard Time is an issue of direct importance to the future of our State and should not be viewed as a matter of regional distinction.

The chronometrical advancement of 30 minutes is more than simply a change to Eastern Standard Time; it sends a signal to our community, and in particular to the business sector, that the regional economy of this State is most definitely and inextricably linked to the eastern seaboard. The strategic alteration to our current time zone is important to those doing business with the biggest markets in Australia and is an overdue micro-economic reform.

The Government is aware of the diversity of views expressed on this issue and of the specific concerns of the rural communities in the western section of this State. However, the benefits of this change in time zone make the move an economic imperative.

Proposals by the Government for South Australia to become a transport hub highlight the significant intrinsic importance of being on Eastern Standard Time. Other advantages of the proposed time change are:

- An improvement in the competitive position of South Australian firms in the Australian market by an increase in the communication time available during office hours with the eastern States. Approximately 80 per cent of the nation's population lives in that region making it the main market for the consumer goods industries.
- Improved communications for firms with interstate branch offices and particularly for South Australian companies that source their supplies or raw materials from other States.
- Time or cost disadvantages which Adelaide money market operators and the Stock Exchange suffer would be removed.
- The State's recreation and tourism and entertainment industries will reap the benefits of South Australia's unique summer climate.
- The impression of South Australia's 'remoteness' from the eastern seaboard would be eliminated for business and tourism alike.
- Timetable and scheduling of interstate transport links will be simplified.

The benefits to South Australia in adopting Eastern Standard Time make this move one which must proceed for the continued development of the State.

I commend this Bill to the House.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause is formal.

Clause 3: Substitution of s. 3

This clause repeals section 3 of the principal Act and substitutes a clause that provides that standard time in South Australia is the mean time of the meridian of longitude 150° east of Greenwich in England.

Clause 4: Transitional provision

This clause provides that the principal Act, as amended by this Act, applies to any Act, order in council, rule, regulation, by-law, deed or instrument enacted or made before the commencement of this Act.

The Hon. R.I. LUCAS secured the adjournment of the debate.

AMBULANCE SERVICES BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 711.)

The Hon. R.J. RITSON: When the Hon. Ms Laidlaw said in her second reading contribution that mine would be a learned response, she was far too kind because it will be an angry response. This day represents the obituary of the traditional St John Ambulance Service with all its former dignity and all its former immaterialist service, caring and concern for the community. It represents the triumph of union greed, the triumph of unprincipled industrial action over the spirit of the St John Service as it once was. I will go over briefly the history of St John and its structure and how it became involved in an ambulance service and how it is now something different from the St John Ambulance.

Indeed, the covering up by the AEU members of the St John insignia was perhaps somewhat appropriate because now members of the public pay hundreds of dollars more than they need pay when carried by an ambulance. The hospitals and the public purse are being raped as a result of the history of this union greed. Until about 1950 the ambulance service of which I am aware in South Australia was a private for profit service called the Hindmarsh and Adelaide Ambulance Service. I am groping back into childhood memories, but at about that time the St John Order came to an arrangement with the South Australian Government to render a public service, and the brigade, which is different from the Order (the brigade is that organisation dedicated to training the public in first aid and voluntarily rendering first aid at public events, its members wearing the black uniform with which we are all so familiar), undertook to perform an ambulance service as a separate legal entity.

So, we had three different legal entities: the Priory representing the Order, the brigade which is the training organisation (and one does not have to be a member of the Order to be a member of the brigade) and, in the early 1950s, the newly created ambulance service to be run substantially by volunteers seconded from the brigade to the new ambulance service. It was necessary to have a few full-time employees of this service to assist the volunteers with administration, vehicle maintenance and some work during the daytime when the volunteers were at their normal work. Right up until the effective demise of the volunteers they outnumbered the paid people by about three or four to one. The paid people were almost entirely people who were previously volunteers, had their training in the brigade and had been seconded to the ambulance service as volunteers before being transferred to full-time ambulance work for a salary.

One can understand that these people, having become salaried employees of the organisation that they once served as volunteers, would want to unionise (and I have never denied the right to unionise or to negotiate for pay and conditions), but I cannot understand the hatred that developed in that union for the volunteers. I know that the union movement generally has opposed voluntarism on the basis that volunteers take away work that paid people should be doing. A difference exists between holding that belief on the one hand and on the other hand behaving in such a way as to gain great monopolistic power over an essential service. That is what happened through the types of industrial action taken by the paid people. The tail wagged the dog mightily.

A crucial point was reached where a particular paid ambulance driver, who was also a prominent activist in the cause of anti-voluntarism, refused a priority one call on the ground that he might finish that carry after the time that he was supposed to knock off and there was no overtime agreement with the union. It is quite a brave thing to refuse a priority one call, but that is what happened and he was dismissed for it. He had recourse to law and the dismissal was reinstated simply because there was no overtime agreement and therefore the employer could not require him to work overtime. Obviously, the court looked at the dry bones of the law and could not allow itself to be influenced by the emotions of the importance of a priority one call. That man having been reinstated, an overtime agreement was eventually negotiated, but not before the unions had screwed the then Minister, John Cornwall, to provide an extra shift in the afternoon to cover this hiatus of people knocking off and not being required to stay on with others coming on and possibly being late.

The afternoon changeover occurred at about 4 p.m.—a time when many of the clinic patients need to be driven home from their afternoon visit to public hospital outpatient clinics, at a time when the traffic is just starting to build up as people knock off work. There was extra demand for our ambulance services at that time when the offgoing shift would not run the risk of working overtime and the oncoming volunteers might be a bit late. Therefore, we needed an extra shift. That shift was granted at a cost of some millions of dollars. It was about $12 million or so—a lot of money. As soon as the extra shift was put on to cover the hiatus caused by the refusal to do overtime, they sought and got an overtime agreement. Do you know what happened internally with administration? A memo went out that the opportunity to do overtime must be given to the offgoing shift before the ongoing shift was allowed to have those carries.

So the extra shift would get to work and have to sit around under-employed, while the people who had gone as far as to refuse a priority one carry, on the grounds of overtime, now having an overtime agreement, wanted to do all the overtime and so the people who would not do that carry had priority claim to the overtime. That is the sort of thing that has been going on. It is more just an objection to voluntarism. The people who objected to volunteers in school tuckshops did not raid the tuckshop and burn it down, but St John has just about been raided and burnt down over this issue.

Other methods that were employed over the integration dispute are not worthy of the spirit of the organisation under whose name they give their service. Integration sounds like a two-way phrase, but it was one way. Integration was that more paid employees were to be put on the night-time shift, traditionally worked by the volunteers, but volunteers were not allowed to integrate during the daytime with the paid people, and during the integrated shift there were incidents such as the hiding of keys to lockers containing essential equipment for the ambulances, the letting down of tyres so that ambulances could not be used, the insulting of volunteers when they

came on, and refusal to speak to volunteers. It really was very nasty.

The upshot of this is that both the essential and non-essential functions of the ambulance service which still bears the insignia of St John is a monopoly run by people who have behaved nastily. I do not think they deserve any longer that monopoly. I will not be part of the next Liberal Government, and I will not be part of the next Parliament—I am leaving as members know—but I hope that a Liberal Government will look long and hard at this and say, 'Hey, these people now have a call out fee of $400—it is dearer than calling three neurosurgeons—what do they do?' They drive clinic cars backwards and forwards to hospitals; they drive patients who are convalescing to less high-tech hospitals for convalescence; and they carry patients from home to hospital where there is an attending doctor who is aware of the level of care, if any, required during the carry.

There is the priority one call whereby they require a fairly reasonable level of training in resuscitation, and could perhaps justify a fee—not the present callout fee, but a smaller although substantial fee. Then there are the retrievals, where gravely injured people requiring in-carry treatment or in-flight treatment are conveyed urgently to a major hospital. But they do not have to all be done by the same organisation, by the same screwers of the public purse. I do not see why we have to have one monopolistic licence. If we have standards, anyone that comes up to that standard should be able to compete. We would certainly see the carry fees come down if competition was allowed, provided the standards were met.

It is my hope that the Liberal Government will have the courage to confront some of these thugs that have done this with the question of licensing several people and licensing services of a different level. In relation to house calls for patients, if I found that the person had an abdominal pain that I believed to be appendicitis, I would ring up a hospital and ring up a surgeon and arrange admission, and if I knew someone that would carry the patient for $100 or $150 instead of $400 I would certainly tell the relatives that I intended to ring up the economic ambulance—but the union will not allow it, and the Government does the union's bidding.

The Hon. T.G. Roberts: They would turn up like tow truck drivers then!

The Hon. R.J. RITSON: They only turn up if the attending physician calls them. Is the honourable member suggesting that the physician get a spotting fee from them?

The Hon. T.G. Roberts: Quite possible.

The Hon. R.J. RITSON: What if the public hospitals which pay through the nose for inter-hospital transfers and clinic cars, could run their own service? I would bet that they could do that more cheaply. What if they could contract out the clinic cars to a nursing service with cars, to help the people who are going into hospital—because most of those people are going because they have a painful foot and cannot get up the step of the bus, and a lot of them could probably use access cabs. I just think that the monopolistic power that was sought and gained with the sort of methods that I have outlined has led to a structure that could not withstand external cost analysis.

I believe that an incoming Liberal Government should look very seriously at the different kinds of functions that are carried out and should allow multiple licences, and let some aspects of this service feel the cold wind of competition. However, the happy day when the Liberals are in office has not yet arrived. The fundamental principle is incapable of solution by amendment and so I accept the fact that this Bill is going to pass and for that reason I support the second reading at this stage. But I do look forward to that happy day, and if the Liberals do this I will read about it in the papers. I support the second reading.

The Hon. J.C. BURDETT: The ambulance service that we now have, which until recent times was an excellent one, was brought about by an agreement between the late Sir Edward Hayward of St John's and the late the Hon. Sir Thomas Playford who was then Premier. It was as a result of that agreement that the excellent system was set up, and it was excellent until it was destroyed by militant unionism.

I, the Hon. Dr Ritson, who preceded me, and others in this Chamber were members of a select committee conducted some years ago and chaired well by the Hon. Dr Cornwall. That committee went at some length into matters relating to St John and to the ambulance service, and the main problem then was the problem that my colleague the Hon. Dr Ritson has been talking about, the clash between the professionals, the union and the volunteers. The militancy was clearly on the part of the unions; there was no question about that.

The select committee produced a quite complex Bill that set up a board and a reasonable structure for carrying the ambulance service in South Australia into the future, and that continued to work well until these recent times when the AEA made it impossible and brought about this present Bill. One thing that I should say on the question of volunteerism, which has been referred to by my colleague the Hon. Dr Ritson, is that we can understand the concern of professionals to see that their jobs are not taken away by volunteers, but that was not the case with the St John Ambulance Service, nor is it the case with the Country Fire Service, for example.

That is where we already have a problem and will increasingly have a similar sort of problem. The Bill before us is very short. The Bill that was introduced as a result of the select committee was much more detailed, setting out the position in regard to the service in the country, the service in the city and all sorts of things. This is a very brief and brutal Bill which, virtually, says that the Minister can do anything—subject, I must say, to an appeal to the Administrative Appeals Tribunal. However, subject to that, the Minister can do anything.

There is no reference at all in part 2 to St John, although there is in part 3. Clause 6 provides:

(1) The Minister may grant a licence to a person to provide ambulance services if, in the Minister's opinion—

(a) the person has the capacity to provide ambulance services of a high standard and is a suitable person to hold a licence in all other respects;

and

(b) the granting of the licence is not likely to have a detrimental effect on the ability (including the

financial ability) of an existing licence-holder to provide ambulance services of a high standard.

Under 'Conditions of licences', clause 7 provides:

(1) The Minister may attach such conditions to a licence as he or she thinks fit.

There is a power of revocation of a licence (clause 8) and the power of delegation (clause 9) is quite alarming. It provides:

(1) The Minister may delegate any of his or her powers under this part to the South Australian Health Commission, except the power to revoke a licence and this power of delegation.

I have much more confidence in the very wide powers of this Bill being exercised by the Minister than their being exercised by the South Australian Health Commission. Part of the Bill that mystifies me considerably is part 3, which relates to the SA St John Ambulance Service Inc., and states who the service is; that it is incorporated; it sets out the governing body and the advisory committee; details accounts and audit procedures and refers to an annual report; yet the whole of the Bill says nothing else whatever about the part that St John plays in the ambulance service.

I suppose that it is only because it is an existing licence holder, but the rest of the Bill says nothing whatever about the part that St John plays under the Bill or the resulting Act; it merely imposes certain standards upon it. I believe that this action on the part of the AEA and what is happening with the CFS is part of the demise of an excellent voluntary service that we have had in South Australia over a long period. St John has been a disciplined service displaying a fine spirit, a great *esprit de corps*. I have been to very many of its functions, which I believe the CFS also attends.

As my colleague the Hon. Dr Ritson has indicated, perhaps he and I are both at the end of a legislative era that has seen South Australia served well by such voluntary organisations. Obviously, that has been overtaken by militant unionism and by the actions of this Government. I have very grave reservations about this Bill, since I think that it heralds the end of an era of service in South Australia, and I think that is a shame.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. M.J. ELLIOTT: I will keep this brief: we have quite a few speakers to this Bill, and the points will probably be made a number of times. The Democrats view with great concern the attack that has taken place on volunteerism in South Australia, not only in the ambulance service but also in the Country Fire Service, another very similar area. The Government needs to be very careful that it does not go too far in this attack on volunteers.

It is particularly true in country areas that we could never afford to pay for the service that volunteers have provided so well to this State for so many years. I find it intriguing that, when we have a Government that does not have enough money to go round, which has been evident now for some years, it continues the assault on the valuable work being done by volunteers and seeks to replace them with paid staff.

Recognising that the Government is strapped for cash, the likely outcome is that some of the volunteers will be replaced by paid staff and that other volunteers will disappear altogether, and we will end up with a contraction in real services. That would be a deep loss to us. It is not just a matter of the fact that country people particularly could end up losing services that is a worry: I think it is also a worry that we should attack the goodwill of people who are willing to give up their time for the community. We should be seeking to encourage people to do so, but we seem to be doing precisely the opposite in this State at this stage. If we want a society in which people care for each other, we should be looking to encourage that to occur and not the exact opposite.

That is not an attack on the paid employees of either the ambulance service or the fire service. There is a very clear role for paid employees, and there is no doubt that the level of skill required in both those areas is perhaps beyond that of volunteers. However, it is also true to say that many volunteers can gain very high skills. I am not attacking the role of paid employees, but I fear that the balance has not been struck appropriately and that there is a continual push for expansion of the paid service at a time when we clearly cannot afford to pay for it. The likely outcome is disgruntled volunteers pulling out and loss of services in country areas.

I do not intend to take my contribution any further at this stage as I will have more to say during Committee on particular clauses. I have already tabled several amendments which seek to reinforce the position of volunteers within the ambulance service. I simply wanted to put those concerns on the record, and I think they are the same sorts of concerns that a number of other members of this place have already put on the record.

The Hon. PETER DUNN: I want to use this time to pay a tribute to the tremendous work that has been done by St John—and I include in that the Flying Doctor, which now is inextricably linked to St John in the country—and for the great service that they provide to country people. Australia is a funny place. It is a huge area with a few people who, as we all know, live around the periphery of the country. Nevertheless, people do live inland and they require the same services as the people who live in the city when it comes to being transported from one place to another when they are ill.

Much has been said about this matter, but in my opinion volunteers in the country are the only way to go. I do not think we can afford to have a paid staff in the country. South Australia is not like Victoria; it is not as densely populated in the country. When compared to Europe, we are not densely populated. We cannot afford to have paid staff of any quantity in the country, because we could not pay for them—and country people would not expect to be cross-subsidised to a great extent by city people to have that service.

So, what we have is a volunteer service, which I think in the past has provided us with a marvellous service. Country people accept that the standard is not quite as high as that of the paid staff.

The Hon. M.J. Elliott: At least they have a service.

The Hon. PETER DUNN: Exactly. We know that they cannot practise every day; we know they cannot get lectures about resuscitation and hear from experts in keeping people alive and all the things that they must do as ambulance officers—and sometimes I have seen them

offer just a shoulder to cry on. They are not experts in that: they are ordinary people from the community, and they need as much assistance and support as we can give them.

The volunteers do it for nothing. They put much time and effort into training—and at no expense, although I admit that from my observation they enjoy it enormously. They put in more time for training than any other volunteer organisation that I know of in this country. Because of that, I pay them a great tribute. Fortunately, I have not had to use them but I do know of people who have used them, and I know how appreciative they were of that service.

I believe that the volunteers run about three to one to paid staff throughout the State, and that will be important in later debate. I notice on file two amendments to this Bill—one from the Democrats and one from the Hon. Diana Laidlaw—which are similar. I believe that both those members recognise that a large number of volunteers need their voice to be heard in the organisation. After all, St John was started as a volunteer organisation, and its history goes back to volunteerism.

To bring in a Bill which gives the paid staff this enormous amount of power in the running of the organisation, particularly in the city, I think is a little wrong. I cite one example. I remember John Cornwall coming back to this Parliament after he had just been to Tarcoola and seen the great work done by the great bush church aids who man the small hospital in Tarcoola. Apparently on the day—

The Hon. Anne Levy interjecting:

The Hon. PETER DUNN: All right—staff the hospital at Tarcoola. I pay homage to my colleague and declare that it was staffed. They did not man it. It is unfortunate that 'man' is a dirty word in the English language today.

The Hon. Anne Levy interjecting:

The Hon. PETER DUNN: They happened to be two ladies who were there at the time Cornwall was there, and they had been out and brought in in the back of a Toyota utility a boy who had fallen off a horse or motor bike and broken his leg. They offered him care; he was medically evacuated by air, recovered and was fine. But it impressed Cornwall, as I understand it, and he made sure that they received a proper ambulance after that. That ambulance is revered in the area.

They have a race meeting and a gymkhana twice a year, and that was on about three weeks ago. Unfortunately I could not get to that meeting because of the weather. But at that meeting all the funds go towards St John, the Flying Doctor and the ambulance in the town of Tarcoola. It covers a huge area; it goes from Tarcoola to the Western Australian border and north very nearly to Coober Pedy.

The Hon. Diana Laidlaw: What area is that?

The Hon. PETER DUNN: The area would be something like a 200 mile radius from Tarcoola, so it covers a very large area, and there would not be a sealed road other than the main highway going to Alice Springs in the area. Tarcoola is tiny, and I do not expect it to have full representation. However, I do expect them to be able to ring up someone who understands their problems and to explain that they have a problem, and for that person go along to the board and have that input. As I read the composition of the governing body, that voice is likely to be very weak and unheard.

The aerial ambulance is an important part of South Australia's evacuation system. I am the first to admit that it is extremely expensive, but, equally as important, we have large areas from which to evacuate people. In this respect I refer to the Eyre Peninsula, where there is a lot of abalone diving and from which it is essential to evacuate a diver who gets bent, or, for that matter, the Far North, where people have accidents.

The Hon. R.R. Roberts: You mean 'get the bends'?

The Hon. PETER DUNN: The term is 'bent'. They are suffering from nitrogen narcosis, which is nitrogen bubbles in the blood system. It has a very undesirable effect on you if it gets to your brain. However, that aside, people who become bent from deep diving need to be brought to Adelaide to be decompressed so that they can gradually come back to normality. However, that can only be done quickly and rapidly by aerial evacuation. Those people appreciate the aerial ambulance.

The north-south Road from Adelaide to Alice Springs is seeing an increasing number of people travelling on that road and, because it is a sealed road, there tends to be accidents if in that area. We have seen a few rather nasty accidents there, and the only way to get those people into care, which sometimes is quite intensive, is to aerial evacuate them.

We have two aerial ambulances in Port Augusta and a couple in Adelaide which travel east and south. All country hospitals appreciate very much the fact that we have that service. However, it does cost a huge amount of money. Each King Air, if bought new, costs close to $2 million, and that is very expensive. The other day the ABC in a fundraising program raised about $200 000, all of which is to go to St John and the Flying Doctor.

As I mentioned before, the make-up of the governing body needs to be changed. We have, as I read in the Bill, three persons nominated by the Minister and four by the Priory, one of whom is a volunteer. To me, that sounds totally out of whack. I think it needs sorting out. There is one person from the Ambulance Employees Association and one from the UTLC, but for the life of me I cannot think why we would need one from the UTLC, the Hon. Ron Roberts and the Hon. G. Weatherill excepted. If they can get up and explain to me why the UTLC would want a representative on the St John board, I will go he.

Members interjecting:

The Hon. PETER DUNN: It has no relevance, in my opinion, to this. I agree with the fact that you have a union. I belong to the United Farmers and Stockowners, as it was, or the South Australian Farmers as it is now, and I agree with that. But, why should they not have a representative on the board if that is the case? I see no relevance in this. You, could put my red kelpie on the board and do just as good a job; it would be about as relevant. Therefore, I think one of those persons should disappear off the board, and the amendments seem to be very adequate as I read them now.

For all the history that has gone on and what has been said about this organisation, it must exist. It does not matter what we do: it will exist. If the Government does not get it right, the local people will fix it up; they will have it running themselves.

I can refer to some terrible iniquities in it. A classic example is the Port Lincoln Hospital, which has a day care centre for older people and which was transferring people from the Flinders Aged Home to give them a bit of therapy, games, and a change from their environment. The distance would be no further than from here to the Art Gallery, yet it was charging $86 for every transfer of patient to and from the Flinders Aged Home. That is plain stupidity. I know that that is how it was funded.

If I want to call out St John at my own home town of Cleve, the call-out fee is $370; that is excessive. The volunteers are not getting that money. Where is the money going?

The other case I cite is that if an aerial ambulance goes to Ceduna and picks up one person the fee is about $1 800. If they pick up two people it is $3 600. If the ambulance goes there surely there is a fee to get there and back, and I would have thought that would be roughly covered, plus all the subsidies on it. However, to charge twice the amount because two people are picked up is probably going a bit far. In fact, a return air fare on Kendall Airlines is not double the amount of a single fare. I think that matter could be looked at. Somebody is getting into the system more than they should. They are a couple of iniquities that I find in the Bill.

I would like to see the Bill go ahead. I would like to see the board changed so that it runs smoothly. As I see it, with the governing body as it is, I do not believe it will run smoothly. I do not believe it will have all the concerns explained in detail or in the right balance when problems arise, either in the country or the city, because we know now that nearly all the staff in the city are paid and the people in the country are volunteers, yet they have no representation. A third of the population of this State live in the country. It is reasonable to believe that a third of the representation on the governing body could be volunteers. It is not in this Bill, and I would like to see it there.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

WATERWORKS (RESIDENTIAL RATING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 722.)

The Hon. PETER DUNN: This Bill has a fair amount of heat and fire in it because of mismanagement in the past. I am sure that if the Government had given a considerable amount of thought to this, particularly in the days of Minister Lenehan, we may have avoided this. However, because of its ideology, the present Government has lost sight of the actual fact. The point is that water is the most essential commodity that we have got. It is necessary for everyone to have water, and it ought to be as cheap as possible.

I am the first to recognise that in South Australia water is not a commodity that is everywhere, but we do have a very good source and, if we look at history, we will find that Adelaide is one of the few capital cities that has not had severe restrictions in the past 15 years or so, but just about every other capital city has, and that is because we have the Murray River from which we are able to pump and get our water. Many of us recognise that the water from the Murray River is not what we would call pristine; if we put it in a glass it is a little muddy and it is not as good as perhaps it ought to be, but Adelaide is supplied by about 60 per cent from what it catches in the Adelaide Hills. Probably it could have caught 120 per cent this year, but we did not have the storage capacity. However, that is all by the by. What we are trying to determine with this is how much we ought to be paying for that water and, unfortunately, the Democrats agreed with the previous Bill which provided for a rating system which had absolutely nothing to do with water.

I cite the case of the person in perhaps North Adelaide who has a nice big home on LeFevre Terrace, which has a very high council rate. They would have paid considerably more per litre of water in the long terse than would the person who lived in Elizabeth, but who knows? The person in LeFevre Terrace might have inherited that property from their father and, prior to the Tonkin Government, there would have been probate and succession duties and the poor devil would have had nothing left after the Government had got at him. He might have had a car accident and be paraplegic and unable to earn money but that is his home and he then finds himself being pinged because the home value is way up. He would probably not want to shift from that area, and so we had this situation that was quite iniquitous. There are a lot of older people in that situation whose homes had gone up in value over the years because the city had spread and relatively they were closer to the centre of the city, so they were paying through the nose for something that they could not foresee. It was most unfair.

Eventually, the Minister got the message and decided to change the system. Yesterday I was interested in the on. Mike Elliott's comment about stepped charging for water rates, and he used the example of Streaky Bay. It does show that he does not really understand what that was about. Streaky Bay was running out of water and there was nowhere else the people there could get water; it had nothing to do with putting the price up to stop the use of water. What happened was that the department went to them and said, 'You are running out of water.' There was a small lenticular underground basin from which they were getting their water and it was getting a little salty because they were beginning to draw water from the bottom of the basin. The people said, 'Well, what are we going to do?' The department said, 'Well, there is another basin, but that is very small.' So, the people themselves said to the E&WS, 'There are one or two ways we can fix this. We can use less water and, to help people use less water, we will give them shower roses; we will introduce them to gardens that use less water—perhaps native gardens. We will have smaller lawns and we will try to recycle some of our waste water.' The people themselves said they were prepared to wear a higher price on water if that was necessary, but they never applied it, so the honourable member is quite wrong in saying that Streaky Bay—

The Hon. M.J. Elliott interjecting:

The Hon. PETER DUNN: But they never had to apply it. They said they would apply it—

The Hon. M.J. Elliott interjecting:

The Hon. PETER DUNN: No; they said they would apply it if they had to and bring water from the pipeline or look for water in another area but, because they were able to reduce their water consumption, they did not have to do so, so there never was stepped rating in the Streaky Bay area. The point is that it was a good example of how people can reduce their water consumption, but I am not sure that that is the cleverest thing to do. I have seen some of these gardens and so on that do not have high or very high water consumption but have very low water consumption and, if ever one wants fire hazards, one should introduce native plants. I had a go at it myself, but I have just put in two more lawns, because on the northern side of my house I can see the danger of having eucalypts and broom bush and so on. So, I have taken away the eucalypts and I have put in English trees, and this requires more water. One is impractical if one thinks it does not. Here in the city one cannot have gum trees up and down streets.

The Hon. Anne Levy: There are no bushfires in metropolitan Adelaide.

The Hon. PETER DUNN: The Minister interjects, but she should look at what gum trees do to houses.

The Hon. Anne Levy: There are no bushfires in metropolitan Adelaide.

The Hon. PETER DUNN: No, but there are a lot more other fires, and a lot more of our other resources go into—

The Hon. K.T. Griffin: Ash Wednesday.

The Hon. PETER DUNN: Yes; that was nearly in the city.

The Hon. Anne Levy: It was not.

The Hon. PETER DUNN: Yes, it was: in Mitcham. So, there is a lovely argument here. The Minister does not believe she lives in the metropolitan area, because she lives in the foothills.

The Hon. Anne Levy: I do not live in the foothills.

The Hon. PETER DUNN: I do not think you live anywhere; you are a bit like an Arab, aren't you—wherever you sit down? However, it is true that English trees do not bum to the same degree, and it is necessary to have some of these trees around. In my own little street where I live in the old part of Parkside there were gum trees up and down the road and they cracked every house, so the council took them all down and planted golden rain trees. Certainly, they have stopped the cracking of the houses because they do not take so much water from the clay soil around that area. Sometimes it is necessary to have a little more water than some of the people who promote no water would prefer. I presume they do not shower and bath either, because that is wasting water: perhaps we should only drink water, if we took that to its logical conclusion. It should only be mixed with whisky, as I think someone said to me a little while ago, but I like my shower, and I think that everyone in this Chamber likes to have a shower. We do need clean water and we have to pay a reasonable sum for it.

The mistake the Government made was that the system it had in place prior to Minister Lenehan changing it some two years ago was becoming a user-pays system very rapidly because the price of water meant that one used up one's entitlement very early in the year, because the value of the land being divided by the cost of water meant that one's entitlement was very low and getting lower and lower. Because of that, most people were going into the stage of user-pays.

The Hon. Anne Levy: Except those who could afford high value properties.

The Hon. PETER DUNN: But they did not put the value on the properties—only those who bought them recently. Some of them inherited the properties and had been there forever. You can't say they were high value properties; your Lands Department put the value on them. Don't blame the owners.

The Hon. Anne Levy: I am not blaming anyone.

The Hon. PETER DUNN: You were; you were just saying—

The Hon. Anne Levy interjecting:

The PRESIDENT: Order! The Council will come to order. The Hon. Mr Dunn will address the Chair.

The Hon. PETER DUNN: The Minister has made a statement that really defies logic. She says that those whose house had a high value could afford it. They did not have high values 20 years ago. The Lands Department, local government or whoever put the value on the land raised the value. That is the weakness in that argument. It is an incredible story. Virtually everybody was paying for that water except the people in high-rise buildings and there were very few of them and maybe they were not using their share of the water under that system. Generally it was a user-pays system well over 80 per cent.

The Hon. Anne Levy: Units.

The Hon. PETER DUNN: I just talked about units and high rise.

The Hon. Anne Levy: You said 'high rise'.

The Hon. PETER DUNN: They are the same. The water rating system has done a full circle and come back to a system virtually no different from what we had more than two years ago. It shows the folly of jumping in where angels fear to tread, which is what the Minister did. She thought that the Government could get some money out of what it terms the wealthy. If anyone can tell me of anyone who is wealthy in this State after this Government has had a go at them with the State Bank and the like and with the taxes it has put upon us in the past year and in the past Appropriation Bill, they are joking because very few people—

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. PETER DUNN: If we are to be competitive with other States we have to provide good, cheap, clean water and be able to live here. It is an essential commodity and, if Governments have to subsidise it to some degree, they should.

The argument of stepped rating defies logic. What about stepped rating for fuel? The Hon. Mike Elliott got into that. If I use a lot more fuel than does the Hon. Mike Elliott in the city, should I pay more for my fuel? Where does the argument stop with this stepped rating racket? I ask the honourable member to consider that point. With a basic commodity such as water, the price

ought to be the same for everybody across the board, with no discrimination.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I will respond to some of the questions asked by the Hon. Mr Davis in his contribution yesterday. Now is the appropriate time to do so rather than in Committee. The honourable member asked about the financial consequences of the legislation: I presume that he means the financial consequences of the Bill before us?

The Hon. L.H. Davis: That's right.

The Hon. ANNE LEVY: In response, in the current financial year 1992-93 the rates based on the property value component across the State will be $3.6 million. The abolition of the threshold value will mean a direct loss of this amount of revenue. As a matter of interest, in the financial year 1991-92 the corresponding amount was $4.9 million, as property values were higher. In addition, the Government has undertaken not to raise any of the charges in 1993-94, which will mean a potential very real saving for all consumers across the board.

Secondly, the Hon. Mr Davis wanted to know exactly how many people were worse off under the system we had in operation since last year. In responding to this question, I point out, first, that the Hudson report made no attempt whatsoever to predict how many people would be better off or worse off. The study used the property values that applied in 1990-91 and the consumption levels that applied in 1990-91 and calculated what would occur under the new charging regime for those given property values and consumption levels. It was not a prediction.

The Hon. L.H. Davis: A forecast?

The Hon. ANNE LEVY: No, it was not a forecast but a perfectly accurate statement of what would be the effects of the new charging levels, provided property values and consumption levels remained the same. That assumption was clearly stated.

On that method of calculation, 84 per cent of people would not have been any worse off and 16 per cent would have been worse off. It so happened that in 1991-92 we had a particularly dry summer, which meant that 30.2 per cent of residential properties increased their consumption. Given that the new rating system emphasised the consumption component, we saw a corresponding increase in the charges paid by consumers. I have a more detailed analysis. The Hudson report had shown that, if consumption levels did not change, 84 per cent of residential customers would pay no more and 16 per cent would pay more. As consumption rose for 30.2 per cent of households, the result was that 73.6 per cent of residential customers paid no more in real terms and 26.4 per cent of residential customers paid more in real terms.

These results were further analysed according to the categories into which they would have fallen had their consumption not increased. Of the 16 per cent of customers predicted to pay more, 9.3 per cent did not pay more because they reduced their water consumption, but the other 6.7 per cent did pay more because they maintained or increased their water consumption. Of the 84 per cent of customers who were predicted to pay no more, 19.8 per cent did pay more due to increased consumption. In all, 30.2 per cent of residential customers increased their consumption.

Of the 26.4 per cent who did pay more, they can be further subdivided as to the magnitude of their charge increase. About 10.5 per cent had an increase of more than 20 per cent; 2.6 per cent had an increase of between 15 and 20 per cent; 3.4 per cent had an increase of between 10 and 15 per cent; 4.5 per cent had an increase between 5 and 10 per cent; and 5.4 per cent had an increase of less than 5 per cent. A total of 26.4 per cent had an increase due mainly to increased water consumption.

The last question asked by the Hon. Mr Davis related to vacant land zoned residential, and the honourable member asked how many blocks of land are to be affected and what would be the implications. The response is that there are approximately 13 000 vacant blocks of land below the .1 hectare level that are zoned as residential, and it is expected that the loss of revenue will be around $100 000. However, due to the fact that each council can adopt a different code for residential zoning, the information on the Valuer-General's file may not line up exactly with what the legislation contemplates. Further, there are approximately 7 000 rateable blocks of land increasing in area up to and beyond 40 hectares. It is not known just how many of those will satisfy the criteria and what the revenue impact will be.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. L.H. DAVIS: I want to speak generally to the legislation, and I take this opportunity to do so. Can I thank the Minister for her very full replies, which cleared up all the questions that I had relating to the financial impact of this legislation. I think there is a lesson in this for the Government, that a lot of this information is important in assisting not only the Parliament but also the community in understanding fully the financial impact of legislation. I think it would do well for the Government to note this comment, and could I suggest to the Government that in future it include some financial data at the second reading stage so that we can more fully understand and appreciate the legislation that we are debating.

Certainly, information given to the Council by the Minister today is very reassuring. The households of South Australia are going to be net beneficiaries of the legislation which we are debating. There is going to be a net loss to revenue and a net gain to the households of South Australia, assuming all other things are equal. The only other comment I want to make is that, quite clearly, this legislation redresses the inequity and injustice of the legislation that was rammed through this Council, with the support of the Democrats, 20 months ago. We on this side of the House are pleased to see the *status quo* resumed.

The Hon. Anne Levy: It is not a return to the *status quo.*

The Hon. L.H. DAVIS: Well, let us describe it this way: a return to what I would describe as a bipartisan approach to water rating in South Australia, which sees us moving steadily towards a user pays principle. I have no further questions in Committee.

Clause passed.

Clause 2 passed.

Clause 3—'Interpretation.'

The Hon. PETER DUNN: In the country areas we have things like football ovals which are watered, and in some areas people have had to go to considerable expense to store water and put in pumping systems because the supply is not good enough. Will they be caught up in the 700 kilolitre amount or is that purely on residential property and over that they will be paying the higher rate? What will their water rating be?

The Hon. ANNE LEVY: The Bill relates only to residential land and football fields are not residential—except perhaps for rabbits.

The Hon. PETER DUNN: We can expect that that rate will be 88c per kilolitre for all the water they use?

The Hon. ANNE LEVY: That is correct.

Clause passed.

Remaining clauses (4 to 7) and title passed.

Bill read a third time and passed.

SUPPORTED RESIDENTIAL FACILITIES BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 714.)

The Hon. M.J. ELLIOTT: The Democrats support the Bill. At this stage I shall put a series of questions in relation to the Bill and, depending on the responses I get, I may need to make a decision whether or not it is necessary for me to move amendments to the Bill. The supported residential facility is defined in the Bill as 'premises at which, for monetary or other consideration (but whether or not for profit), residential accommodation is provided or offered together with personal care services...'.

Personal care services are also defined in this Bill under clause 3. Although the definition of 'supported residential facility' will encompass many facilities, it does not cover so-called residential-only premises, namely, boarding and lodging houses. This means that residents of such facilities are not protected by this proposed legislation. However, many of the residents of boarding houses have been pushed into this type of accommodation owing to the current trend of deinstitutionalisation, and many require protection. Many of the residents are, for example, people who suffer from a mental illness or mental incapacity and who are not able to assert their rights.

Although such accommodation is inspected by environmental health officers within local government, this largely covers safety and sanitary standards rather than the less obvious concerns of the treatment of people within such accommodation. This is certainly not a criticism of the inspectors, who perform their functions commendably. My concern is that there should be some further protection for people living in such circumstances.

I have been told of situations where service providers have not been allowed by an owner into a boarding house to visit and to treat a resident, and have also been told of a situation when a church complained to the owner of a boarding house about the standard of treatment and accommodation and the resident involved was then chastised by the owner. Many of these people are elderly and sometimes suffer from a disability or illness. How will these people receive the protection they deserve through the maintenance of standards of service and care?

I do not believe that clause 42 of the Bill, regarding the extension of care to residents in residential-only premises, is sufficient protection. I suggest that these premises require some sort of licensing as well, and I ask the Minister what, if anything, is proposed to be done in relation to this form of accommodation. Under the Bill, the local council is the licensing authority responsible for inspecting, accessing and setting licensing standards regarding the provision of personal care services and physical accommodation.

A number of concerns about this have been brought to my attention. For example, there are concerns as to the amount of time required to perform detailed research into each applicant under clause 25, 'Matters to be considered in granting a licence.' The nature of the inquiry to be made into the application, including an assessment of whether or not an applicant is a fit and proper person to hold a licence, is quite detailed. Will the licensing authority be given any type of guidelines to aid it in making this assessment?

Will any liability attach to the licensing authority in the event of incomplete or incorrect assessments? I have one question regarding clause 38, which deals with resident contracts. Under subclause (5), a resident or prospective resident is entitled to rescind the contract, yet there is no mention of the ability of the proprietor of the facility to rescind the contract. Does the proprietor have such a right?

I have considered a number of amendments, but at this stage will simply raise them with the Minister and seek a response. The first relates to clause 7. The principles to be observed with respect to residents of supported residential facilities should, as far as possible, be extended also to residents of residential-only premises. It should also include the right of residents to receive visitors. In relation to clause 21, we believe that authorised officers should have some qualifications set out in the Bill. The clause could read along the lines of section 7 of the Public and Environmental Health Act, which requires authorised officers to hold qualifications approved by the South Australian Health Commission.

The next amendment relates to clause 31, 'Cancellation of licences.' This sets out various reasons for the authority to cancel a licence and requires the authority to notify the licence holder of the proposed cancellation and to allow the licence holder to make submissions in relation to the proposed action. In addition to the above, there should be a requirement that the authority detail the reasons for its decision to cancel the licence. This is essential in order to give the licence holder the ability to rebut the assertions made against her or him.

Other issues that I simply raise at this stage include clause 4(3) of the Bill, which enables the Minister to confer exemptions from the Bill or certain provisions of the Bill. It has been indicated that Commonwealth subsidised aged care facilities will be exempted on the basis 'that the Commonwealth extensively monitors nursing homes and hostels in terms of outcome standards for residents and a monitoring system by State and

Commonwealth requirements would be duplicatory'. That is stated at page 7 of the report on the Bill.

Seemingly, therefore, Commonwealth standard monitoring groups will be responsible for the entire monitoring of such places, and local government will have no input. However, I have been informed that these groups monitor only every two years and rely largely on the problems and issues raised by local government officers. There is the additional problem of the expertise of the Commonwealth health care monitors. Apparently, many of the monitors are administrative clerks who do not have specialist training in environmental health. Will these places be exempt from licensing? If so, what type of monitoring will be undertaken to ensure that standards are maintained in such facilities?

As I said, the Democrats support the legislation. I have raised a couple of issues that are of concern and have suggested some possible areas for amendment, but I do not want to make a decision on those until after the Minister has responded to them.

The Hon. J.C. BURDETT: I support the second reading of this Bill, although it puts in place a new set of bureaucratic controls with which the private sector in this State has been long overburdened. Admittedly, under clause 10 of the Bill, the licensing authority will normally be the local government authority, which is something that is already in place, but it is a new set of bureaucratic controls. It seems to me rather a pity, when it has been recently announced in the media that the Government has, to its credit, given consideration to setting aside, deleting and repealing a large number of licensing provisions, for the Government, on the other hand, to be putting another one in place with this measure.

I wish to draw the attention of the Council to the definition clause, clause 3, which provides:

> 'Personal care services' means any of the following:
>
> (a) the provision of nursing care;
>
> (b) assistance or supervision in bathing—

etc., and it goes down to small (f). It then provides:

> but does not include—
>
> (g) the provision of routine advice or information;

and goes further down to small (j), which provides:

> any other matter excluded from the ambit of this definition by the regulations;

Looking at that very carefully, I can understand what it means, but it seems to be a very convoluted way of putting it. If this Bill becomes an Act, it will be interpreted not only, by lawyers, members of Parliament and others who are familiar with the devious way of the draftsman but also by *ver*y hands-on people who are running these kinds of premises that it is designed to cover, being rest homes and so on, and they will find that it does not include any other matter excluded from the ambit of this definition by the regulations.

At first blush, it might be thought that this means 'included' but, when you look at it carefully, it does make sense—but we do have to look at it very carefully. It appears to me that this is not an example of the ideal of plain language in Bills that we have been talking about, so that anyone who reads them can readily comprehend them. I had to look at this several times before understanding what it meant, and I am sure that some people will not comprehend it at all.

I will support the amendment that has been placed on file by the Hon. Dr Ritson to clause 3, page 2, after line 33, to provide for the changing circumstances of residents, because, as the honourable member rightly pointed out, you will often have a situation of a person going into premises such as a rest home who, at the time of going in, is not in need of supported residential facilities, the kind of support that this Bill is talking about, but who through a possibly quite rapid change in medical circumstances, perhaps, does become so dependent. Does that facility then have to be licensed and subject to the provisions of this Bill? His amendment takes care of that and I will support it.

I have said that this Bill sets up a whole new bureaucracy, and it does, in regard to these kinds of facilities. There is one in particular to which I draw attention, and that is in regard to clause 22, which concerns the powers of authorised officers. Clause 22 (1) provides:

> An authorised officer may—
>
> *(g)* require a person who the authorised officer reasonably suspects has knowledge concerning any matter relating to the administration of this Act to answer questions in relation to those matters;

There is a penalty for non-compliance, and that is a division six fine.

Mr President, I draw your attention to the fact that a police officer who reasonably suspects a person of being guilty of murder has no power to call on that person to answer questions on pain of penalty. It is not very often that the police—there are a few isolated incidences, some relating to driving a motor vehicle—can require a person to answer questions on pain of penalty if they do not answer.

Although there are a number of administrative Acts in operation where that does apply, I suggest that it is a pretty draconian provision that an authorised officer who may not have much training in these sorts of things, in asking questions and in forming a reasonable suspicion, should be able to require a person who he or she reasonably suspects has knowledge concerning any matter relating to the administration of this Act—and it is very wide—such as the keeping of books or whatever to answer questions in relation to those matters on pain of penalty. I consider that power to be wide and very unwarranted, power which should not be given lightly as it is here and which in most circumstances, even serious circumstances, is not given to the police.

I support the second reading of the Bill. I will support the amendment of the Hon. Dr Ritson to which I referred and I will consider any other amendments that may be dealt with in Committee.

The Hon. BERNICE PFITZNER: This Bill seeks not only to obtain, through licensing, minimum standards of accommodation but also to achieve standards of personal care for supported residential facilities. As our population grows older and more people need accommodation and personal care, that 'personal care' includes assistance in showering, toileting, eating, management of medication and personal finance. Not only are the elderly provided for in these supported residential facilities but also people with disabilities—in particular mental disabilities—are provided for. Therefore, this legislation not only will

regulate nursing homes and hostels but also will include rest homes and mental health hostels.

Whilst on mental health and whilst this may be a move in the right direction, I must say that there is a serious issue that will not be fully addressed in this Bill, and in this respect I refer to those people who wander into boarding houses and who have a mental disability but the boarding house is able to provide not the personal care that he or she needs but only the residential accommodation.

This concern is highlighted with the current State trend to deinstitutionalise mentally disabled persons. It is acknowledged that our experts tell us that deinstitutionalisation is the way to go. This Government has wholeheartedly endorsed this trend by starting on Hillcrest Hospital. Hillcrest is reputed to be an excellent psychiatric hospital. However, in the Government's haste to move these patients out of Hillcrest so that it might use the land for economic gain, the Government appears to have lagged in providing a support system and infrastructure to cater for the mentally disabled to live within the general community.

Indeed, in an article in the *Advertiser* of 22 October, Dr Geoff Smith, the Director of Psychiatric Services in Western Australia, warned that closures of psychiatric hospitals in Perth and a similar closure of Hillcrest in Adelaide could lead to a loss of experienced psychiatric staff and a backlash against the mentally ill. The loss of some of our excellent psychiatrists has happened already. It is reported as follows:

> Doctors and nurses at the hospital [Hillcrest] have said psychiatric care in some parts of the hospital was collapsing with 15 psychiatrists already gone due to cuts in services.

As for the patients:

> Dr Smith warned that Governments should not see the closure of mental hospitals and the sale of land they occupy as a financial boon to pay off debt...The money that is saved must go back into support services for the people previously in the hospitals...If this is not done there will be the situation which faces the United States and Britain already with a very obvious population of mentally ill people living in the streets. It is not cheap to move out of the hospital, and the money that is saved must go into providing residential support for the mentally disabled people to enable them to live.

The article further states:

> If such support were not provided, a large population of mentally ill people will end up in the streets, and there will be a community backlash. Then one day someone will come up with the bright idea of building a place to store all these people and we will be back where we started, with asylums.

The point I am raising about the relocation of the mentally disabled into the community is that, although this Bill addresses the people in supported residential facilities, we must be aware that there are others who may require personal care but who live in residential facilities only.

It is my concern that in so rapidly deciding to close our excellent psychiatric hospitals we have not provided or will not provide for adequate support, both residential and personal care, for these disabled people. No doubt this Bill partially provides for a surveillance method to identify the people who are not coping.

This, however, is a reactive system and will be difficult to redress. It will be immensely better to provide for the at risk person in the first instance before the problem arises. However, this Bill is relatively comprehensive in theory with stated objects and principles. The objects are the establishment of standards for the provision of personal care, recognition of the rights of persons and provision of excess responsibility and accountability in relation to the supported residential facility. The principles relate to high quality care, levels of nutrition, comfort and shelter, a safe physical environment, independence and freedom of choice, etc. It is good to note that this Bill has its principles and objectives spelt out. Too many Bills are too vague and too loose, and I would quote the Ambulance Services Bill as being one of them.

I would like now to raise some concerns I have about certain sections of the Bill. Clause 4(e) relates to the exemption of Commonwealth subsidised nursing homes and hostels. I have had conflicting reports that on the one hand it is reported that the Commonwealth funded places are not well monitored, and on the other hand I have it said that the Commonwealth officers do regularly check these places at least once a year. However, I have been on a local government health board that licences these nursing homes and hostels, and at that time I was not impressed by the Commonwealth's part in its surveillance. If necessary, I can provide documentation that this impression is a reality.

So, I urgently request the Minister clearly to show evidence (quoting the Minister's second reading explanation) 'that the Commonwealth extensively monitors nursing homes and hostels in terms of outcome standards for residents and [that] a monitoring system by State and Commonwealth requirements would be duplicatory'.

Clause 9 of the Bill relates to the role of local government and council officers, who have been monitoring the physical aspects of these facilities. The checking of care aspects is new in some councils. In the Minister's second reading explanation, training in these assessments is mentioned but who will provide the training and, more importantly in this climate, who will pay for this training?

In relation to clause 11, I foreshadow an amendment that will include a medical practitioner on the advisory committee. In my opinion it is important that such medical input is available, especially when one looks at the objects and principles that the advisory committee must take into account while performing its functions.

Finally, I ask the Minister carefully to look at clause 58, which requires that part 6 of the Mental Health Act 1977 be struck out. This part deals with the licensing of psychiatric rehabilitation centres. Are these the mental health hostels mentioned in the second reading explanation? Whatever these centres are, will the authorised officer have to take into account all the listed conditions as stated in this section 41 of the Mental Health Act? If the officer must take these conditions into account, what training will be given to the officer, and, further, who are at present licensing these centres, and where will these current officers go? With these comments and with these major questions to be answered satisfactorily, I support the second reading of this Bill.

The Hon. R.R. ROBERTS secured the adjournment of the debate.

MOTOR VEHICLES (CONFIDENTIALITY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 719.)

The Hon. BARBARA WIESE (Minister of Transport Development): I will be very brief because I believe that some of the issues that were raised very briefly in the second reading debate may very well be raised again during the Committee stage. However, as the Hon. Ms Laidlaw indicated, the Hon. Mr Griffin was interested in having some information about the guidelines on the confidentiality issue that would be followed by the department in the provision of information. Late yesterday afternoon I was able to provide a copy of the guidelines to the I-Ion. Mr Griffin and the Hon. Ms Laidlaw for their perusal. I understand that, having had an opportunity to look at that information overnight, a couple of questions may be asked on it. However, I thank the Hon. Ms Laidlaw for her contribution to this debate and for flagging that the Opposition will be supporting this measure.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Confidentiality.'

The Hon. K.T. GRIFFIN: I have a few questions on the guidelines for the release of information. My colleague the Hon. Diana Laidlaw may have questions on other issues, but this is the one I want to raise. I appreciate having been given access to the draft guidelines in advance of the Committee stage. I notice that there are different categories of bodies to which personal information may be released: motor vehicle manufacturers, insurance companies in connection with accident claims, finance companies claiming a financial interest in a motor vehicle, or other parties claiming such an interest. There are occasions where individuals, for example, may have had a motor vehicle accident and they have the number of the other vehicle but they do not want to go through their insurance company to gain information about the owner of that vehicle. It may have been in a supermarket car park, and it may be that they do not want to make a claim on the insurance company because they would lose a no claim bonus and it may be a small claim. However, they may still want to track down the owner so they can make a claim in the Small Claims Court. As I see it, there is no procedure in these guidelines for that information on the register to be made available in those circumstances. Will the Minister indicate whether it would be anticipated that that would be provided for, specifically?

The Hon. BARBARA WIESE: It will be possible under these guidelines for individuals to gain access to such information. It was anticipated that there would be various small accidents where reports were not made to the police and where for legitimate reasons people would want to get access to such information. Under paragraph 2.2 of the guidelines provision is made for such an eventuality. Paragraph 2.2 in the draft guidelines provides for insurance companies dealing with motor vehicle accident claims and parties involved in motor vehicle accidents. So, the second part of that paragraph would cover the situation that the honourable member describes. Such information would be provided to those people as a result of written requests, and the motor registry officers would vet such written requests and determine whether under these guidelines it is appropriate for that information to be provided.

The Hon. K.T. GRIFFIN: Another situation is where people may seek to purchase a secondhand motor vehicle and do not do it through a dealer—and that happens; I have done it myself. One can check the vehicle securities register in relation to registered interests, but it is prudent to check the register to determine that the person who has the vehicle, even with the certificate of registration, is in fact the owner. Is that register also to be accessible for that person?

The Hon. BARBARA WIESE: The situation that the honourable member describes would not be one of those that the registrar would deem to be an appropriate use of the information that is contained. I guess there is an element of 'buyer beware' involved in the transaction to which the honourable member refers. The Registrar of Motor Vehicles feels that there are other avenues by which a purchaser can check on the accuracy of information being provided concerning ownership by way of log books or, in the case of a purchase through a dealer, then the records in the possession of the dealer. Certainly, the registrar does not feel that it is appropriate information to be provided to members of the public in circumstances of that sort.

The Hon. K.T. GRIFFIN: I am somewhat surprised at that. There are really no other ways one can check that information. In the United Kingdom the log book which is kept in relation to each vehicle is used as a document of title, but no log book is required to be kept in South Australia which is evidence of title. There are no other ways one can check. The Minister says 'buyer beware', but the buyer is being beware by taking the prudent approach and checking the register, and I would have thought there was every good reason to make that available. In all the circumstances that were listed here, someone purchasing a motor vehicle ought to be able to access the register to check that the information which is being communicated is accurate. That is the 'buyer beware' principle being put into operation.

The Hon. BARBARA WIESE: The fact is that the register does not prove ownership in any case, so it is not the register that will provide the sort of assurance that is being sought by the purchaser in the Hon. Mr Griffin's circumstances. Therefore, the registrar does not believe that that is the appropriate course for the person in that situation to take. It is more appropriate in determining ownership for a check to made of the vehicle security register, to which the Hon. Mr Griffin referred earlier.

The Hon. K.T. Griffin: That will only tell you if there is a security on it.

The Hon. BARBARA WIESE: But it is more likely to provide accurate information about ownership than is the register, as I understand it. For that reason it is the view of the registrar that access to the register for the purposes of this legislation would not be appropriate and

that such a check should be made with the vehicle security register.

The Hon. K.T. GRIFFIN: I do not agree that the vehicle security register will provide evidence of ownership—it will only provide evidence of a registered security. That security may be a consumer mortgage or a lease and in that sense ownership may be identified, but it does not identify the ownership of every vehicle. Rather, it only identifies interests in relation to the vehicle where the interest has been registered. I acknowledge that the register kept by the Registrar of Motor Vehicles is not final and absolute evidence of ownership, but it is a pretty good indicator that, if a vehicle is registered in your name, at least you are entitled to have it registered and it is less likely that you are buying a vehicle in respect of which the person selling it to you has title. A real concern would exist about not having access for that purpose.

I suppose that the solution for the person who wants to be prudent and get more evidence in favour of ownership or title is to have a friendly solicitor make the inquiry, but it seems an expensive and circuitous way of doing it when so many other people will have access to the register for reasons not necessarily related to determining ownership but, rather, location.

The Hon. BARBARA WIESE: Probably the best way of receiving the information that the honourable member wants from the register would be to ask the owner to provide a copy of the registration certificate, as it provides all the information on the register in any case. The register will not necessarily provide foolproof information for the person making the inquiry in any case, and the vehicle security register is likely to provide more information than will the register. For example, a vehicle may well be owned privately and registered to private owners, but on lease from a finance company. A purchaser may need such information and is more likely to get it through the vehicle security register than the motor registration register. For those reasons this is deemed to be an inappropriate use of the register.

The Hon. K.T. GRIFFIN: I can only disagree with the Minister and put on record my concern that it will not be available for the purpose to which I have referred. I draw attention to paragraphs (v) and (vi), which provide that personal information may be released to the Federal Government or a statutory authority of the Federal Government under paragraph (v) or, under paragraph (vi), to the South Australian Government or a statutory authority, in both instances:

> where that authority has a legal power to obtain directly from private citizens the type of personal information being sought in the Motor Vehicles Act registers.

Looking at the schedule attached to the draft guidelines, I can understand that the Commonwealth police would have an authority of legal power to gain access to such information. I am not sure about the Courts Department and can only surmise that it may want such information in order to collect unpaid fines. If that is the case, it is not information where the authority has a statutory power to obtain that information, although I acknowledge that it is information required for the protection of the public revenue.

I am not sure why the Defence Service Homes Corporation should have access—it certainly has no legal power to obtain the information. The Departments of Communication and Housing and Construction and the E&WS, the Hinders Medical Centre and the Government car pool are further cases: presumably that is to gain access about accidents and maybe it comes within an earlier paragraph. The Metropolitan Taxicab Board certainly has no legal power to gain access under paragraphs (v) and (vi). The Queen Elizabeth Hospital, Royal Adelaide Hospital and the South Australian Egg Board are also included. I do not know why the Egg Board should come within that authority. The Metropolitan Fire Service, the South Australian Planning Commission and the South Australian Potato Board—we abolished that—and the STA Bus and Tram Division are further examples. If that division had been in an accident it could gain access to information through another head of these guidelines.

Some of these cases raise eyebrows that they should have access for those purposes. Some of them may have access for the purpose of collecting outstanding debts, and I then raise the issue of principle. If the register is not available to the private sector for the purpose of collecting debts (and I have no difficulty with its being available for that purpose), why should Government or statutory authorities have access for the same purpose? One has to question why there should be a different way of treating one from the other in those circumstances of debt collection. Will the Minister enlighten me as to the basis on which the table has been prepared?

The Hon. BARBARA WIESE: The table to which the honourable member refers is the list of authorities and departments that currently have access to the information and I completely concur with the questions raised by him about whether or not some of those departments and authorities should or would continue to be eligible under the proposed guidelines. Some of the organisations that currently have access historically were granted access by way of an arrangement between Ministers, and I am not sure why some of them are on the list at all.

The Hon. K.T. Griffin interjecting:

The Hon. BARBARA WIESE: Yes, the mind boggles as to why many of these organisations need access to such information. The matter is being clarified by the legislation itself. Following that, the guidelines to be adopted after the legislation has passed will set the framework for identifying which organisations should have access. It is intended that the legislation should not be proclaimed until 1 July 1993. During the time between when the legislation passes and the proposed proclamation date, it is proposed that all the organisations that currently have access will be notified of the proposed guidelines so that it can be established whether or not they comply. Should any of those organisations not comply but wish to continue to have access, it would be the intention of the Registrar to advise those organisations that, if they wish to continue to have access, they should seek to amend the legislation under which they operate themselves, to guarantee themselves access if that is deemed to be appropriate.

The Hon. K.T. GRIFFIN: I take it from that that if it were, for example, the Royal Adelaide Hospital, Queen Elizabeth Hospital or Flinders Medical Centre they would be advised in those circumstances to get an amendment to the South Australian Health Commission Act to give

them access to the Registrar of Motor Vehicles' register—is that what the Minister is suggesting?

The Hon. BARBARA WIESE: The principle of what the Non. Mr Griffin is saying is correct. The situation would be that, if these organisations did not comply under the motor vehicles legislation and they believed that they ought to have such access, they would need to put forward a case and justify it to Parliament under their own piece of legislation.

The Hon. K.T. GRIFFIN: I am not suggesting that we ought to have anything as cumbersome as that. That would be cumbersome in that we could have a whole range of Government departments and statutory authorities all seeking to have their legislation amended to give them access to the register. I acknowledge that there needs to be a tightening up in the access given to this register but I am relaxed about proper grounds being the basis upon which this access may be given. So I would hope that there would at least be a preparedness to listen to submissions, whether from the Government sector or the private sector, so that we do not become overly bureaucratic in the way in which this is handled. What the Minister is suggesting will become quite bureaucratically cumbersome, when it could be accommodated within some proper framework of discussion and submission to the Registrar. I am not averse to that, having stated the principle which I generally support.

The Hon. BARBARA WIESE: I am not interested in creating cumbersome bureaucratic procedures, either. I imagine that the occasions when such amendment would be required would be very few and far between, and would be for some reason that I cannot envisage at the moment. But the very reason that the legislation will not be proclaimed for some nine months is to allow for any of these organisations to make reasonable submission to me as Minister about the purposes for which such information will be provided. In cases like the Queen Elizabeth Hospital, for example, I would imagine that the reason for which it would be seeking such access would be for the purposes of tracing parking infringement matters, and that would be covered by the guidelines as they stand. There is also power for the Minister to vary the guidelines, and if some good reason was put forward by one of these organisations, which has not been envisaged in the guidelines, then of course there could be some variation made to them. So I believe that through reasonable discussion and negotiation it will be possible to cater for the vast majority of requests and at the same time provide the assurances of confidentiality that members of the public would expect.

The Hon. K.T. GRIFFIN: The only other matter is whether, when the guidelines have been finalised, the Minister will agree to table them in Parliament.

The Hon. BARBARA WIESE: I am quite happy to comply with that request.

Clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 6.13 p.m. the Council adjourned until Thursday 12 November at 2.15 p.m.