HOUSE OF ASSEMBLY

Thursday 21 February 1985

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

PETITIONS: HOTEL TRADING

Petitions signed by 79 residents of South Australia praying that the House reconsider legislation allowing hotels to trade on Sundays were presented by Messrs Baker and Mathwin.

Petitions received.

PETITION: ETSA

A petition signed by 30 residents of South Australia praying that the House call upon the Governor to establish an inquiry into the financial management of the Electricity Trust of South Australia was presented by Mr Becker.

Petition received.

PETITION: PORNOGRAPHY IN PRISONS

A petition signed by 49 residents of South Australia praying that the House urge the Government to withdraw pornographic material from prisons was presented by Mr Becker.

Petition received.

MINISTERIAL STATEMENT: WASTE MANAGEMENT COMMISSION

The Hon. G.F. KENEALLY (Minister of Local Government): I seek leave to make a statement.

Leave granted.

The Hon. G.F. KENEALLY: Yesterday, in response to a question concerning the Waste Management Commission from the member for Davenport, I replied that I had been in this House long enough not to take at face value propositions of that nature coming from that member. Everything I have been able to discover since then goes to support my initial feeling of wariness. For a start, the honourable member asks, in a typically abrasive fashion:

> Why has his [that is this] Government decided to impose a bureaucratic licensing system on all earth movers, landscape gardeners and builders?

There is a touch of genius about the way the honourable member thus sets the scene. It bears so little relationship to the facts that we have to pay a tribute to his mental agility.

Once again, as so often is the case with political statements from the other side of this House, we notice how that loaded word 'bureaucratic' is used. What it really means, of course, is that some Government department or instrumentality is involved. It enables an attack to be mounted before anybody has time to consider whether there is a legitimate public interest involved, a concern for public safety or public health. In this instance public safety and public health are the sole reasons for the licensing system about which the honourable member is, in reality, attacking.

Let me, as concisely as I can manage, explain what the Waste Management Commission is in the process of doing, and why. An Act of this Parliament—the Waste Management Commission Act, 1979—provided for the licensing of any person collecting waste for fee or reward. When the relevant clause was before this House, it was supported by the member for Davenport. He, and the House, apparently felt this was an integral part of any law for the management of the disposal of waste. The previous Government, of which the honourable member was a Minister, subsequently introduced the necessary regulations—bureaucratic regulations, I suppose, according to Brownspeak—for the licensing of hazardous waste transporters.

Members interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY: Before the Commission began drafting the general conditions of licence for transporters of waste, submissions were sought from the Waste Disposal Association of South Australia. I do not think that association comes under the heading of 'bureaucracy': they are people in the waste industry. The Association proposed standard conditions of licence which were adopted, virtually in full, by the Waste Management Commission. The conditions are very similar to those developed by the Metropolitan Waste Disposal Authority in Sydney and they have operated successfully there for years. Like the Commission, the industry association has been concerned about malpractices in the disposal of waste. These include indiscriminate dumping and the use of vehicles not suited to the transport of waste.

I invite the member for Davenport and all other members to visit Wingfield to see the cost the community is paying as a result of indiscriminate dumping. So considering the industry submission, this Government varied the regulations in 1982 to license all transporters of waste, except for vehicles owned by, or operated solely on behalf of, local government. We did not do this for any sinister reason or for love of extra paper work: we did it to establish equitable operating standards and to provide those controls needed to overcome any malpractice.

Let me add that not all the conditions of licence are directed at transporters of demolition waste: many relate specifically to liquid or hazardous waste transporters. In December last year, about 500 companies that may have operated vehicles primarily for the transport of various types of waste were written to by the Waste Management Commission advising them of the licensing provisions. Up to the present about 250 companies have been licensed. I must emphasise that the provisions apply solely to companies which transport waste. They do not apply to landscape gardeners or earthmovers who transport earth or rubble or clean fill, despite the allegations of the honourable member.

A definition of 'clean fill' (which is not waste) was included in the material mailed to companies to clarify the type of material that was exempted. It was a definition developed in consultation with the City Engineer of the Enfield Council. The earthmoving industry is well aware, even if the member for Davenport is not, that the regulations are not aimed at those companies that may transport waste on an irregular basis, such as builders and most earthmovers. However, as Minister, I make no apologies for endorsing action of the Commission to ensure that some existing practices, such as indiscriminate dumping of waste, especially at Wingfield, are curtailed. If this means adopting formal procedures that can be described as 'bureaucratic', so be it.

Our aim is to see that waste materials, hazardous or otherwise, are transported and disposed of in places approved by local authorities where they will not create a nuisance for nearby landowners, and in the broader interest of public safety and health. Finally, if the honourable member has perused the seventh schedule to the Act which lists 'prescribed waste' he will see the horrific nature of some of the materials that have to be disposed of and perhaps understand why shallow cries of 'bureaucracy' evade all of the very real issues at stake.

The Hon. B.C. EASTICK: On a point of order, Mr Speaker. Would you consider the statement just delivered

by the Minister of Local Government and report to the House in due course whether it is in the form normally expected of a responsible Ministerial statement, and say whether the abuse and comment contained therein relative to another member are in order?

The SPEAKER: No. I am not prepared to do that. Leave was granted by the House.

The Hon. B.C. EASTICK: On a point of order, Mr Speaker. I ask you to reconsider your refusal to consider this matter because there is a precedent of this House where such a statement as that just delivered by the Minister was refused after leave had been granted earlier.

Members interjecting:

The SPEAKER: Order! Having been asked to consider a point of order, I should like silence, please. No, I adhere to my previous statement.

QUESTION TIME

COLIN WILLIAM CONLEY

Mr OLSEN: Is the Premier aware of the impending release from prison of a man who has served less than three years of a 15 year sentence for trading in heroin, and does he agree that such a release will completely undermine the Government's campaign against the use of heroin and other hard drugs? The Opposition has been informed that a man named Colin William Conley is due to be released from prison next week. Conley was sentenced to 15 years imprisonment on 5 April 1982 on two charges of trading in heroin and two charges of possession of heroin for sale. At the time, he was regarded as the leading trader in hard drugs in Adelaide. One of the charges related to a drug transaction involving about 260 grams of pure heroin with a street value of about $150 000. Conley himself would have received $52 000 in cash from the transaction.

In passing sentence on Conley, Mr Justice Walters said that trafficking in heroin was something that called for severe punishment, and he imposed a non-parole period of four years. That meant that, under the parole arrangement then applying, Conley would have served a minimum of four years but in all likelihood, because of the policy of the former Parole Board, supported by the former Liberal Government, he would have served about 10 years or more. However, because of this Government's changes to the parole system, Conley is to go free after serving less than three years.

On 18 November last year, the Premier announced a major campaign against hard drug abuse and he promised (and I quote): 'The State Government will lead Australia in a massive effort to root out those who seek to entrap our young people in this dangerous game.' That is an objective with which the Opposition fully agrees and we have supported the proposed campaign against hard drug abuse, including the proposed operation Noah. However, this early release of Conley makes a complete farce of the Premier's promise that South Australia will lead Australia in rooting out these evil dealers in our society.

The Hon. J.C. BANNON: I reject the last comment made by the Leader of the Opposition. This is the first I have heard of this case, but it does not make a farce of what we are doing in relation to drugs. I can assure the House of that. I make it clear that over the next few months, as our campaign in all areas of the drug front in South Australia develops, we will lead this nation, and I ask for the co-operation of members opposite. I ask it sincerely and on a non-partisan basis because it is vital that we have a united community attitude.

Mr Olsen: You know you have got that.

The Hon. J.C. BANNON: Before the Leader of the Opposition tries to carry on with his petty interjections about this important matter, I suggest he listens to the rest of my answer.

Mr Olsen: What about giving the Parliament an answer?

The Hon. J.C. BANNON: I have given an answer in relation to statements that this Government is not determined to do something about the drug problem. It is, and that has been demonstrated already and will be demonstrated further, and it is time the snide comments of the Opposition ceased.

Mr Olsen: Under your law someone is going free.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Mr Speaker, I am sorry to have been drawn by the false carry-on of the Leader of the Opposition on such a serious matter. I will now deal with the substance of his question to the best of my ability, having dealt with the non-sensical rhetoric around which it was clothed. As far as Colin William Conley is concerned, I am not aware of his case, conviction, or what the Parole Board is doing in his case. I point out, and this ought to go on the record, that the new parole system which is being so outrageously and outrightly condemned by members opposite has resulted in the average term served in prison for most categories of crime being extended.

Mr Olsen interjecting:

The Hon. J.C. BANNON: In fact, in the case of convicted murderers, as the Leader of the Opposition says, it is an average of two years and two months.

Mr Olsen: You have just misled the House.

The Hon. J.C. BANNON: I have not misled the House. There have been some cases recently where people convicted of crimes other than murder have been given very extensive non-parole periods. So, it is clear that over time the system is leading to longer terms of imprisonment—if that is the be all and end all of tackling this, as members opposite say. The other important feature is that, instead of this being done at the whim of the Government of the day or a particular study by a parole board which has sweeping powers to overturn these periods, it is being done by the courts, and where we as a Government feel that the courts are not providing sufficient terms of imprisonment and non-parole periods, we are appealing against them.

Members interjecting:

The Hon. J.C. BANNON: We are appealing against them, and on a number of occasions successfully. So, I hope that that scotches that nonsense about the new parole system. As for this particular case, I undertake to have a look at the circumstances surrounding it. I do not know the details of it, as the Leader of the Opposition did not do me the courtesy of advising me in advance of the question, and if he was sincere about drugs—

Members interjecting:

The Hon. J.C. BANNON: I will accept it in a few other areas, but if he is serious about the suffering and the criminality connected with it, let him pump into the right quarters information that he seems to be picking up and we will do something about it. However, I undertake to investigate this matter and I suggest that it is about time the Opposition lifted its game in this area.

Members interjecting:

The SPEAKER: Order! The honourable member for Ascot Park.

TECHNOLOGY PARK

Mr TRAINER: Will the Premier say what progress has been made by the Government in honouring its election

promise that Technology Park would no longer remain empty paddocks?

The Hon. D.C. Brown: As the former Government opened it a week before the election there was hardly a chance to put much in there.

The Hon. J.C. BANNON: I would certainly pay a tribute to the honourable member, the shadow spokesman on a wide range of matters for the Opposition, for his role in getting the Technology Park concept established. I point out that the work had been conducted over a number of years, and, as I have done in a number of public forums, I congratulate the member for Davenport on the work that he undertook to do. But the fact is that, when the present Government came to office, while there were a number of possibilities and prospects, there were no hard commitments to Techology Park. There were major problems in relation to dust, to water and to a number of other things that had to be dealt with. One of the early actions that this Government took was to accept the concept that, rather than wait for prospects to firm up and commitments to be made, we would authorise the Technology Park Corporation to go ahead as a matter of absolute urgency with its own purpose built multi-tenant building in order to provide premises to which to attract people.

The Hon. D.C. Brown: I put that to Cabinet six months before we left office.

The Hon. J.C. BANNON: That is not true; nothing had been done about it.

The Hon. D.C. Brown: Yes it had.

The Hon. J.C. BANNON: If that was so it vanished among the financial problems of the previous Government. We approved it and got on with it, and it was opened by the end of 1983.

The Hon. D.C. Brown: I announced it—

The Hon. J.C. BANNON: Don't jabber on: I have given the honourable member his accolade, and surely that is enough for him for the moment. Let me get down to what we have achieved. In fact, the tenants there have responded very positively to the facilities provided. Such has been the demand for those facilities that as well as those firms that have established we now have got to move to a second stage of that development which I announced a little while ago. We have tenants like Austek Micro Systems, Andrew Antennaes, the South Australian Centre for Remote Sensing, and a range of other companies. Duntech opened its own building on that site in November 1984. As a result of that success, we are going to a further stage of that development. Even more significantly, I am pleased to inform the House that just last week the London Board of British Aerospace approved the decision by that company to establish its custom-built facility at Technology Park.

The building, which has been designed by Hassell and Partners under a commission from the Technology Park Corporation in association with British Aerospace, will feature the latest in energy-saving technology—a two-storey building, which has an area of some 3 000 square metres, and which will accommodate something like 150 administrative, engineering and research staff. That $4.3 million investment is a very significant commitment which this Government has been working very hard to obtain over a period of time. It is an important commitment, because it represents for the first time at Technology Park a major established company in the forefront of high technology seeing it as a desirable shop front for its further operations, not only those that it is conducting presently, but its civilian application and interface.

It is expected that the building will be completed and occupied early in 1986 and that it will be the Australasian headquarters for British Aerospace. I am sure that honourable members are aware that that company is in the forefront of technology for both defence and civilian purposes. It is involved in the F/A-18 project: it is developing an advanced version of its aircraft fatigue data analysis system, and it is also looking at an association with Australia's Starlab space telescope programme and a number of other activities.

I repeat: the full significance of it is that we now have a firm commitment to a building which will see an established company of international reputation reinforcing what is already there at Technology Park. Indeed, that park is now becoming a reality. It has taken off, and we expect to see further developments there in the ensuing years.

COLIN WILLIAM CONLEY

The Hon. E.R. GOLDSWORTHY: Will the Premier say whether the Government will immediately apply to the Supreme Court for an extension of the non-parole period imposed on Colin William Conley? It is a source of some amazement that the Government is not aware of the fact that, under its automatic parole system, this prisoner is to be released—a leading drug dealer convicted in Adelaide. In the Leader's previous question he explained how Conley could probably have served 10 years under the old parole system, and that becomes somewhat less than three years under this brand new system, which the Government has embraced.

However, section 42 of the Prisons Act allows the Crown to apply to the Supreme Court for an extension of Conley's non-parole period. The Opposition believes that the Government must immediately take this action if it is serious about protecting the community from the atrocious activities of hard drug dealers.

The Hon. J.C. BANNON: I heard the Deputy Leader bumbling through his written document on this. I guess he gets himself up to speed on this matter before he launches his attacks.

The Hon. E.R. Goldsworthy: He gets some abuse—

The Hon. J.C. BANNON: Does the Deputy Leader want to hear the answer or not?

The Hon. E.R. Goldsworthy interjecitng:

The Hon. J.C. BANNON: I certainly have had a bad day on this issue when I hear the nonsense being spruiked opposite. I now have a detail that the Leader of the Opposition will be very interested in on this case. I do not know the position as far as what further action can be taken in this matter, as suggested, is concerned.

The Hon. E.R. Goldsworthy: That's one of the problems.

The Hon. J.C. BANNON: That is because it is not my Ministerial responsibility, but I have undertaken to investigate it. However, I have just been supplied with some details about the Conley sentence, which took place in February 1982, when the previous Government was in office. He was given a 15-year non-parole period by the judge at that time. The effect of that under the usual system and rulings of the Parole Board could well encompass a four-year period with remissions for release amounting to three years, which is the matter which has been raised now. I point out to the House—

Members interjecting:

The Hon. J.C. BANNON: Two-thirds with remissions under that system.

Members interjecting:

The Hon. J.C. BANNON: Honourable members opposite do not want me to say this, because they know what is coming. What I am saying is right: the former Liberal Government, in office at that time—the Government of which the Leader was a member—did not appeal against that sentence. It did not appeal against the non-parole period, despite the implications of it. So, when I talk about hypocrites, that well and truly demonstrates it.

Members interjecting:

The SPEAKER: Order! I point out to honourable members that what I can only call a system of barracking, with

combined interjections coming from a whole block of members, does not allow other members to ask questions.

RAILWAY PEDESTRIAN CROSSING

Mr MAYES: Will the Minister of Transport ask the STA and Australian National to investigate urgently the establishment of electrical warning devices on railway pedestrian crossings? On Thursday 14 February at the Millswood railway crossing a tragic accident occurred resulting in the death of a young lad from Millswood who was hit by a train whilst attempting to cross the railway crossing at Millswood Crescent. I extend my sympathy to the family and his parents and I am sure that members of the House would join me in so doing. A need exists for the STA to investigate this matter to ascertain the feasibility of establishing some type of electrical warning device at railway crossings for pedestrians.

On that day the lad concerned was travelling through a normal path to his school. Unfortunately, after one train had passed he then crossed into the path of an oncoming train. It was a tragic accident and one can only express great sympathy to the family on their loss. I have received a number of comments from people in the area because the young lad attended Goodwood Primary School and I sincerely hope the STA will look at the matter carefully. I wrote to the Minister on 12 February, asking for a report on that crossing and the feasibility for other crossings in the near locality. I also asked for a copy of the report on the accident. Indeed, I received yesterday a reply from the Minister in answer to the correspondence I forwarded to his office.

The Hon. R.K. ABBOTT: I thank the honourable member for his question. I realise how concerned and how deeply shocked he is over this very tragic accident, as no doubt are all members of the House. I have discussed this tragedy with the State Transport Authority. It has reported on this accident and is waiting on a full police report which has not been received yet. I made that STA report available to the honourable member.

In commencing his question, the honourable member asked whether I would approach Australian National. I believe that it is the responsibility of the State Transport Authority, perhaps more than Australian National, but, if he feels that an approach ought to be made to Australian National as well as to the STA, I will certainly undertake to do that. I have asked the Authority, in view of this tragedy, whether it will investigate the possibility of installing some type of warning device at the official pedestrian crossings. We read and hear about these tragedies on many roads throughout the State and on many railway crossings. It is extremely difficult to provide that kind of protection at close vicinity on roads and railway crossings. It is essential that some form of warning device be installed at official pedestrian crossings, particularly over railway lines and where schools are close to those railway routes.

I think it is also necessary that the schools close to railway lines should undertake some publicity; there should be more education and teaching of the students as often as possible in this regard. I have asked the Authority to investigate every possible way of introducing some form of safety device so that this tragedy is not repeated. When I get the full report from the police that the Authority is awaiting, I shall be pleased to provide that to the honourable member.

1988 BRISBANE EXPO

The Hon. MICHAEL WILSON: My question is directed to the Premier—I am pleased to see him smiling. Will the Government review its decision not to participate in the 1988 International Expo to be held in Brisbane? I have been told that the Government has turned down an invitation from the Prime Minister for South Australia to participate in the 1988 International Expo, which of course is part of Australia's bicentenary celebrations.

More than 500 000 overseas visitors are expected at the Expo. Based on the experience of the previous Expos such as the Expo 1970 in Osaka, these events generate significant trade and development opportunities. I understand that the theme of the 1988 Expo is leisure. I also understand that all other States are participating in Expo and that the event would be an ideal opportunity to expose South Australia's tourist and lifestyle attractions, in particular, to people from many countries.

The Hon. J.C. BANNON: It is true that initially we refused the invitation to participate in the 1988 International Expo, based on the fact that the cost involved seemed quite outrageous in terms of the possible benefits to the State. From memory (I do not have the document in front of me) it would cost about $2 million to take part in this Expo.

We have done an independent assessment of where visitors might come from, the exposure we would be given and what sort of space would be available, and it is very hard indeed to justify that expenditure. It may be that the organisers of the Expo can come up with a better proposition for us, in which case we would naturally be prepared to look at it again. I can assure the honourable member that, on the basis on which it has been offered to us, it is simply not value for South Australia to be so involved.

It is not true that all other States are participating: in fact, I had fairly lengthy discussions with my colleague from Western Australia about this matter, and Western Australia has also indicated that it does not see value in its participation. New South Wales at the moment is not intending to participate, either. I understand that the only firm commitments that have been made are from the Northern Territory and Victoria. I am not sure on what financial basis or what scale they are participating. All I can say is that the Government has to take a hard edged assessment on this and, on the basis of the proposition that was put to us, it is simply not value—we can get a lot more for that sort of money in terms of our overseas or internal promotions than we can by having a stand somewhere in the Expo at vast expense.

FESTIVAL OF ARTS

Mr FERGUSON: Can the Premier give details of any studies which have justified the decision to increase funding to the 1986 Festival of Arts? The Premier, as Minister for the Arts, announced this morning, at a special function, a challenge grant by the Government to attract private sponsorship for the 1986 Festival. The Premier also announced that the Government would, in addition to the challenge grant, be increasing its regular contribution to the Festival to $1.2 million. Significantly, 1986 is this State's Jubilee Year, so our Festival will be a special one. However, I am interested to know whether the Government funding for the Festival and indeed other areas of the arts has been the subject of any form of economic analysis.

The Hon. J.C. BANNON: This is the matter on which the Opposition had a little fun yesterday. Indeed, there was much chortling of delight, which I hope does not jeopardise the festival fund raising, in respect of which it is important that we get 100 per cent support from the community. Having been cleverly exposed as to their pre-announcing the matter (and it appeared on the front page of the *Advertiser,* which is fine because it has had much publicity), it

meant that we will probably not get television coverage for the announcement, which will disappoint the festival fund raising committee that worked hard to set up this morning's event. However, if that satisfies the Opposition, well and good. I noticed further that not one Opposition member chose to turn up for the launching of this great Festival of Arts until after it had been completed, when the Hon. Diana Laidlaw puffed in and said that she had been unfortunately detained at some other event and got there a little late. However, she said that in any event it did not matter because it had been announced yesterday. I thought that a great attitude of support for the Festival of Arts, so I thank Opposition members for their assistance.

In reply to the question asked by the member for Henley Beach, the arts are an industry in South Australia that generates both employment and economic activity. That is often forgotton. In jeopardising any aspect of the Festival fund raising, one jeopardises jobs as well as our tourist and promotional efforts in this State. The Government commissioned a study through the South Australian Institute of Technology, in which the member for Mitcham, who is interjecting, may be interested, on the economic impact of the 1984 Festival. This was the first time that such a comprehensive exercise had been done.

The report was released earlier this year showing that, for every $1 of subsidy, at least $11.30 of economic activity was generated. That is a good multiplier factor under any terms. Other facts emerging from the study included the statement that each $1 of subsidy resulted in an additional $4.04 household income as a result of activity generated by the Festival. Further, $4.5 million was spent by people attending Festival events and other activities during their stay. The report also established by its analysis that the total economic impact of this spending was over $10 million (that is, this amount of spending was generated as a flow-on effect). Those are impressive figures.

If the 1986 Festival has the same impact, the $1.2 million of Government subsidy that we are talking about will generate about $13 million in its action in helping the success of the Festival. We will study the larger economic effect of the arts industry beyond the Festival, and I hope that that report will be available later this year. Those figures certainly vindicate the priority given by this Government to funding of the arts, not just for the quality of life, promotional and other attributes that it traditionally has, but for its value as an industry employing people. I look for the support of the Opposition, even if members opposite are thin on the ground in relation to their support of the arts and aesthetics generally. I ask them to at least support that economic aspect of the arts and cultural activities in this State.

SAFA PROMOTION

Mr MATHWIN: Seeing that it is Premier's day, I would direct my question to the Premier. Is he to star in a television commercial in which a magpie alights on his shoulder? What an opportunity for a magpie! Is it also true that two magpies have already died in training for their role in this commercial?

The Hon. J.C. BANNON: I do not know about magpies dying. It is true that, as part of the fund launch of the South Australian Government Financing Authority (which is going to the public market), I as Premier of this State will be involved in promotional advertisements. A Question on Notice was asked about that, I think by the member for Hanson. In fact, if it was a Question on Notice, it almost certainly was from the member for Hanson. The question was directed to the initial stage of the campaign which is aimed at positioning SAFA in the market place in order to lead on to its loan raising from the public.

The second stage of the campaign is being prepared, and I will be taking part in it. That participation is based on a hard-headed analysis that one of the strongest selling points of the fund is that it is Government backed and Government guaranteed, which is an important aspect in the way in which the fund will perform in terms of going to the public. I hope that all members support it.

As to the magpies, I cannot comment. I am aware that the magpie or piping shrike is being used as a central part of the promotion. It is a very imaginative campaign which will attract a lot of interest. There has even been a suggestion that it is award worthy. As a patron of the Animal Welfare League, I certainly hope that no animals have perished in the preparation of it.

OBSCENE T SHIRTS

Mr MAX BROWN: My question is directed to the Minister of Community Welfare, representing the Attorney-General in another place. Will the Minister take up with his colleague, with the intention of pursuing prosecution if necessary, the legal position of retailers and manufacturers being allowed to produce and sell T shirts with obscene and foul suggestions cartooned and written on them? I point out that currently anybody can purchase such T shirts off the hook, and parade with them on in public places. I have been advised already that the police have received complaints, acted upon those complaints and prosecuted. I point out that the police are in somewhat of a dilemma, because what may be considered obscene by one person would not necessarily be so to another. I suggest that while these articles are being produced free of prosecution, young lads in particular will buy them and be subjected to prosecution. I believe that the manufacturers and retailers should not be free from prosecution, either.

The Hon. G.J. CRAFTER: I thank the honourable member for his question, which I will be pleased to refer to the Attorney-General in another place. However, I point out that, if persons who wear those T shirts were successfully prosecuted, probably under the Police Offences Act, relating to public decency, presumably the person who sold them would have committed a similar offence. However, I shall ask the Attorney-General to look at that to ascertain whether there is some deficiency in the law in this area.

SAFA PROMOTION

Mr BAKER: Further to the question asked by the member for Glenelg of the Premier, I ask what is the cost of the television commercials and is the money coming from Treasury revenue or from SAFA.

The Hon. J.C. BANNON: Mr Speaker, I draw your attention to the Question on Notice and ask your guidance on whether that question is in order.

The SPEAKER: The best thing that I can do is preserve the honourable member's right while we check it and call the next member.

DISABLED PERSONS

Mrs APPLEBY: Will the Premier investigate the feasibility of publishing a booklet aimed at answering the questions and problems to be addressed by businesses that would consider employing disabled persons? A retail trader operating in my electorate has approached me seeking infor-

mation about providing employment for disabled people. This small business person has assessed his business and sees several areas where a disabled person could be gainfully employed: for example in the cash register area, in an information booth, or at a lotteries counter. I approached the Adviser to the Premier for the Disabled, Mr Richard Llewellyn, and I was able to obtain some relevant information as well as information relating to the Department of Labour and trading subsidies which I was able to pass on to the retailer trader to whom I refer. I ask this question because it has been put to me that many such employment opportunities for the disabled exist. A publication such as that to which I have referred could assist and encourage businesses to seriously consider the provision of facilities to enable the employment of disabled persons.

The Hon. J.C. BANNON: I thank the honourable member for her question. It is quite timely in view of the fact that this week the Office of Adviser to the Premier for the Disabled, located on the ground floor of the State Administration Centre, was opened. This is the first time that such a position has been created, certainly by any Government in Australia and, we believe, internationally. Already in the period that Mr Llewellyn has been in office he has provided very valuable support to the Government in looking at its policies in the disability field, assisting the many agencies involved in providing services, as referred to by the honourable member, providing assistance to the disabled over a whole range of matters and, of course, acting as an advocate for the disabled in our community.

The Government is very pleased with the success of the creation of the Office of the Adviser to the Premier for the Disabled, and with the opening of the premises, accessible and centrally placed, I believe that that office will certainly continue to provide a major service. There are so many different agencies involved, and I believe that a number of key organisations, as well as levels of Government, could all take part in an exercise to compile the sort of information referred to by the honourable member. One of the functions of the office for the disabled is the dissemination of information and the co-ordination of agencies. There is a disability information resource centre which I am sure would be very keen to be involved in efforts to compile this sort of information; in fact, it may already have some information along these lines. I shall certainly ask the disability adviser to look into the publication of information and, in doing that, suggest that it would be desirable to make it completely comprehensive, incorporating both Federal and State initiatives in this area. If we can induce the Federal Government to participate in a joint publication we will be able to prepare a comprehensive and probably more useful document. I thank the honourable member for raising the matter, and I shall get Mr Llewellyn to report on it.

SAFA PROMOTION

The SPEAKER: I call on the member for Mitcham to restate his question.

Mr BAKER: My question was to the Premier and followed a question asked by my colleague the member for Glenelg. Further to the reply given to that question, what is the cost of producing and screening these commercials, and are the commercials being funded by Treasury or the organisation itself?

The SPEAKER: The honourable member is presumably talking about the South Australian Government Financing Authority?

Mr BAKER: Yes, Sir, I was responding to the previous reply when the Premier revealed that the South Australian Government Financing Authority was the appropriate body concerned.

The SPEAKER: The honourable Premier.

The Hon. J.C. BANNON: I am not sure; I do not know the cost of this. The advertising budget of SAFA has been determined on advice from its agents, presumably, as to the level that is necessary. As to where it has been funded from, SAFA, as a statutory authority and as part of its function, particularly when it is going into the field raising loans (which is its prime function), must have an allocation for advertising, and that is what it would be using. It is standard practice by all statutory authorities and private commercial concerns, and is absolutely necessary in this instance.

FINGER POINT

The Hon. H. ALLISON: Will the Premier today announce his Government's intention to resume work on construction of the Finger Point sewage treatment works? The Liberal Party committed $250 000 in 1981-82 for forward planning of this scheme. At page 20 of the 1982 Programme Estimates for the Minister of Water Resources we see that the 1982-83 specific targets and objectives include the following statement:

> A new treatment works for Mount Gambier will be designed and site works commended in 1982-83. Additional funds have been provided for the Mount Gambier treatment works.

A couple of weeks ago the Minister of Water Resources reportedly leaked to the *News* that funds may be found for 1985-86, but the Premier continues to defer the project. Will the Premier now recommit the funds he removed from the Finger Point project in 1982-83, after having previously publicly denied on several occasions that such funds were committed by the former Liberal Government, and recommence construction of the treatment plant, which in 1982 was estimated to cost about $6 million?

The Hon. J.C. BANNON: As we know, this public works project has been the subject of a major campaign, and I am glad to see the member for Mount Gambier somewhat belatedly joining it. He certainly was not so active on the matter back in 1975, or particularly in the period 1979 to 1982. Although he might not know it, he probably was not let in on the secret by his colleagues on the Budget Review Committee.

The Hon. D.C. Brown interjecting:

The Hon. J.C. BANNON: I think they were the Deputy Premier, the member for Davenport (who interjects on this matter) and the Hon. Mr Griffin from another place. They were running the razor gang of the former Government and, as this House knows now—because I have placed the documents before it—the commitment, so-called, and the news apparently were not transmitted to the member for Mount Gambier. It was in the yellow book, along with a number of other projects, including northern filtration, southern filtration plant construction, and the irrigation schemes in the Riverland which no doubt the member for Chaffey was promoting.

As I say, it may have escaped the member for Mount Gambier. His colleagues may not have let him in on the secret that there were not funds to proceed with those projects. Treasury advice was that a major review would have to take place immediately after the election in order to determine what the priorities were. Finger Point was on the list. It was pointed out in that document that, despite the sewage outlet being in operation—and remember it was constructed in order to remove a particular pollution problem—since 1967, the advice remained from E and WS, other authorities and the Treasury itself that it could not be regarded as a financial priority set against the northern

waters filtration scheme (the amoebic meningitis scare that we all recall) and set against the progress of the southern filtration scheme (and I imagine the previous Government was very keen to keep quiet about what it was going to do in connection with that) and these other projects. They are the facts.

I have stated them constantly. The fact that they do not appear very often in the press does not gainsay the fact that there was no commitment—on the contrary there was advice that this project could and should be deferred. To come to the current situation, I have said throughout that it is a question of priority that, if and when the funds become available (and I would hope that it is sooner rather than later), we could construct the project. This Government reversed the decision of the previous Government. The reason that the honourable member's pet project was put in such jeopardy was that, in order to cover the shortfall of revenue by the previous Government's cavalier policies, it borrowed to the hilt to pay for its daily outgoings. It landed its debt on future generations and thought that it could get away with it. We stopped that.

The Hon. H. Allison interjecting:

The Hon. J.C. BANNON: Please, Mr Speaker! I repeat that, when the money, which members opposite refused to allow us to raise, is available, we will proceed with the construction. My colleague is quite right and I have supported his remarks. We are keeping that project under review, but I am not in a position to make an announcement about when it will be constructed. I have made an honest statement. I will not indulge in a cynical exercise on this. We have assessed the priorities, will keep them assessed and look at the funds available.

I am not in a position to announce a construction date for Finger Point, nor were our predecessors. One of the problems is not just the capital cost, which is one aspect, but the recurrent extra cost. The member for Mount Gambier should listen to this. I could make an offer to his constituents, namely, that, if they are prepared to fund the $2 million per annum extra recurrent expenditure on this project, we may well be able to advance it. I do not think that they will accept that, but I would like to hear the honourable member's view on it.

The Hon. H. Allison interjecting:

The Hon. J.C. BANNON: I would be interested in the honourable member's comments on that. My view happens to be that that would be an intolerable burden for the people of Mount Gambier.

The Hon. H. Allison interjecting:

The Hon. J.C. BANNON: Whilst the Mount Gambier residents could not accept this burden, we must find that recurrent fund right across the board. In conclusion, on the question of E & WS rates, I make clear, and issue the invitation again to honourable members who bleat about the level of rates, that we could reduce the metropolitan rates substantially tomorrow for about 80 per cent or more of the population of South Australia if we were not paying a country subsidy to supply water to country areas.

Members interjecting:

The Hon. J.C. BANNON: I do not propose to do so. I certainly have not heard too many members opposite proposing it, but I point out that that is a fact of life as far as the provision of water and sewerage services in this State is concerned.

FLINDERS RANGES NATIONAL PARK

Ms LENEHAN: Will the Minister for Environment and Planning advise the House whether he received a petition earlier today with respect to mining within the Flinders Ranges National Park? If so, what were the terms of the petition, who presented it and does the Minister intend that the petition be presented to this Parliament?

The Hon. D.J. HOPGOOD: For some days there has been in the Rundle Mall at the western end a display put there by the Conservation Council on the whole question of exploration for and possibility of the mining of minerals in the Flinders Ranges National Park. It seems to be my week to be associated with people dressed up as animals. Yesterday, it was Jubilee wombat, along with my colleague the Minister of Education. Today it was a kangaroo, albeit of unusual shape, but nonetheless recognisable as a kangaroo.

Members would be aware that quite some time ago this Government gave approval for the Mines Department to undertake some mapping and sampling of a series of outcrops of the western perimeter of the Flinders Ranges National Park. That technically of course falls under the category of exploration though it does not involve certainly at this stage the sort of things that people normally associate with exploration, that is, the setting down of shot lines for seismic work or the erection of towers or drilling or anything like that. That decision has been criticised by certain elements of the conservation movement—

The Hon. Jennifer Adamson: Are you going to present the petition, or not?

The Hon. D.J. HOPGOOD: I am coming to that. The honourable member will just have to contain herself a little. I promise not to detain her or the House overly long. The thrust of the petition which was handed to me today, and which will be presented to the House at the earliest occasion after it has been checked, as these things have to be, directs itself to the question of stage 3 of exploration in the park.

The Government was originally presented with a recommendation for a three-stage exploration programme. We approved the first two stages which would involve probably less impact on the park than if honourable members were to go up there as tourists and wander around that area. We rejected as an immediate proposition stage 3, but we then said we would re-examine that matter when stages 1 and 2 were completed. I am told by my colleague the Minister of Mines and Energy that it could be some months before the Government is invited to consider whether it is a reasonable proposition to proceed with the third stage of that exploration programme. What I said on that occasion was that there are mining activities which occur in national parks which relate mainly to mining activities that were already in place prior to the proclamation of the particular national park. In fact, of course, the proclamation of the extensions to the Gammon Ranges National Park involved the joint proclamation in order to preserve rights which had already existed to mining companies that had taken out exploration permits.

The other thing that I said to the conservationists there was that I was interested in further extensions to national parks. Of course, very recently I indicated to a group of people concerned with our range lands that we would be proceeding to change the designation of some of the unallotted Crown lands into some sort of reserve category but that the price they may have to pay for these reservations would be that there could be continuing rights for exploration because, of course, if we are talking about the unallotted Crown lands, we are largely talking about areas which are prime prospects for hydrocarbons in particular.

That is the present state of play in the whole matter. The Government accepted the advice given to it that the main prospects were off the park but one proceeds from the known to the unknown; that strata outcrop is slightly within the park and it was only sensible at this stage to begin with analysis of that material.

As a general proposition, of course, it is undesirable to have mining in national parks, but I cannot set aside the

possibility that if we want to have considerable extensions to national parks, particularly in the general Cooper Basin and Pedirka Basin of this State, we will have to look at some sort of joint proclamation so that mineral exploration in those regions at least can continue.

TAPED TELEPHONE CONVERSATION

Mr INGERSON: My question is to the Minister for Environment and Planning. In its investigation of the taping of a telephone conversation between the member for Eyre and the Director of the CFS—

Ms Lenehan: Are you still on that?

Mr INGERSON: Yes—has the Government established which telephone Mr Johns used to make his call to the member and, if it has not, will the Minister order further inquiries? The member for Eyre has said that he was not aware that the conversation was being taped because he did not hear any pip-tone noise, which is the legal requirement to warn people that a conversation is being recorded. This could well be explained by the fact that Mr Johns used the direct telephone line to his office for the call. The number is 297 2652, and I understand this line may not be connected to the logging device which records phone conversations at CFS headquarters. If this is the case, a breach of the Commonwealth Telecommunications (Interception) Act may well be involved, because that Act requires that any such recording must be by means of apparatus or equipment that is part of the service installed by Telecom, rather than by any privately installed recording device.

The Hon. D.J. HOPGOOD: I understand that Mr Johns does have a private line that does not go through the Operations Room. However, the information that he gave to me was that in fact the phone call went through the Operations Room and therefore was automatically recorded. Had he used that other line, of course, no recording could have taken place. In the last paragraph of my statement to the House yesterday I indicated the Government's attitude to this whole matter. I indicated that my colleague the Minister of Emergency Services would be issuing appropriate instructions so that the Government policy on this matter would be properly secured, and that is proceeding.

HOUSING TRUST SHOPPING CENTRES

Mr HAMILTON: Can the Minister of Housing and Construction say to what extent the Housing Trust has been divesting itself of local shopping centres, and for what purpose? The Leader of the Opposition has claimed that the Liberal Party, if elected, would embark upon a policy of privatisation of Government assets. He has claimed that this would save the taxpayer about $50 million, and he has made that statement twice recently. The selling of commercial properties owned by the Trust appears to make up about 37 per cent of that amount. Can the Minister give the House an up-to-date account of the Trust's commercial property transactions and their effect on the Opposition's so-called policy?

The Hon. T.H. HEMMINGS: Perhaps before answering that question I think it would be fairer to say that the Liberal Party's privatisation policy has been proved to be a con trick on the community and perhaps that question highlights exactly that point. This privatisation policy was revealed to the public last May. At that time, whilst I did not say anything in the House, I was surprised at the inclusion of Trust commercial properties in the scheme because it was a fairly wellknown fact within the business community that the Bannon Government was already encouraging the Housing Trust to dispose of shopping centres to benefit our housing policies.

Our intention has been to direct as much funding as possible into the Trust's building and purchase programme. In fact, that policy had been started by the Hon. Mr Hill, in another place, when he dealt with the Elizabeth Shopping Centre. It is our policy that the Trust should supply low rental, high quality public housing and not be managers of shopping centres. There was a time when it was necessary for the Trust to be so involved in local communities, but that is no longer the case. The fact is that the Opposition is simply out of touch with what has actually happened in the housing portfolio. This Government's commitment to the community's housing need has already resulted in the disposal of 27 of the 33 commercial shopping centres, benefiting the Trust's housing programme by nearly $10 million or 300 houses. Other Trust centres have been leased to the private sector.

What amazes me is that we have been giving that information to the Opposition in answer to Questions on Notice: we have told the Opposition the value of the Trust shopping centres in 1980 and the value in 1984; how many shopping centres have been sold; how many are under contract and how many are still available for lease, but it seems that despite all that information we have given to the Opposition it is still insisting that part of its $50 million savings to the community will come from that aspect of its policies.

Considering that the Leader of the Opposition originally suggested last May that, of the $50 million in tax savings that the Opposition's tax policy would bring, $18.5 million was involved in Trust shopping centres that are already sold or leased, there appears to be a very large hole to plug if the Opposition is to provide for that $50 million tax saving. In other words, the whole thing has been proved a farce by the Premier and the Minister of Water Resources. Once again, when it comes to the Housing portfolio, members opposite do not know what is going on.

Whilst on my feet, I wish to make another point about shopping centres which concerns the member for Light, who is the Opposition spokesman on housing, and the member for Todd, who seems to get himself involved in everything. Indeed, we had a speech some time before Christmas from the member for Todd in which he accused the Housing Trust of selling shopping centres at well below their market price. He came up with the usual statement that one of his constituents (I presume his auntie, on this occasion) had conclusive proof that the Trust had sold a shopping centre in his district at well below the Valuer-General's price and that two months later it had been sold again to yield a profit of 200 per cent. I investigated the matter through the Housing Trust in an effort to find out where that shopping centre was located, who bought it, and for how much it was sold. We carried out extensive research through the Lands Titles Office and found that the so-called shopping centre did not exist. I have written to the member for Todd asking him to give me certain information, but his auntie is obviously holidaying in Cairns and cannot be contacted. When he gives me that information I will act on it.

PERSONAL EXPLANATION: HOUSING TRUST

The Hon. B.C. EASTICK (Light): I seek leave to make a personal explanation.

Leave granted.

The Hon. B.C. EASTICK: The Minister of Housing and Construction, in the reply that he has just given, said that the Opposition had been given advice on the various commercial undertakings of the Housing Trust that had been sold. However, it is necessary to place on record that the

questions asked of the Minister were placed on the Notice Paper before Christmas; therefore, the information requested of the Minister would in the normal course of events be included in a reply given to this House. It is, therefore, a contempt of the House that the information given by the Minister on 12 February 1984 had previously been made available by the Minister to the press, and was announced in that way.

PERSONAL EXPLANATION: COLIN WILLIAM CONLEY

The Hon. J.C. BANNON (Premier and Treasurer): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.C. BANNON: Although, naturally, I have not had a chance to see the *Hansard* pull of my reply to the question on prison sentences, I am not sure, on reflection, whether the information that I gave was correct. However, in order to correct the record, if necessary, I wish to clarify what I said about the sentence that was imposed on Mr Conley, who was the subject of questions earlier today. The sentence given to Mr Conley, in February 1982, was for 15 years with a non-parole period of four years.

The SPEAKER: Call on the business of the day.

CONSENT TO MEDICAL AND DENTAL PROCEDURES BILL

Received from the Legislative Council and read a first time.

The Hon. G.F. KENEALLY (Minister of Local Government): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Explanation of Bill

The purpose of this Bill is to clarify the law in relation to consent to medical and dental procedures. It is intended to clarify the law in three main areas: consent in relation to procedures carried out on minors, including emergency situations; emergency medical procedures carried out on persons unable to consent; and protection from criminal or civil liability in respect to procedures carried out with consent.

Consent is an issue which is at the very heart of medical practice. With the increasing array and extent of medical procedures and treatments available, patients are being asked to consider a wide range of options available to them for the treatment or alleviation of their medical conditions. Faced with more sophisticated procedures patients are required to make decisions to enable them to reap the benefits of modern medical practice.

For a consent to be valid the law requires that it must be 'informed' that is to say, it must be a reasoned decision to proceed with a treatment after having considered information about the nature and consequences of such treatment. The importance of this principle cannot be underrated. It represents, as Justice Kirby stated in a speech before the 1982 Annual Scientific Meeting of the Association of University Clinical Professors of Australia, a 'recurrent feature of our civilisation (which is) the respect for the autonomy of the individual human being with inherent dignity and value'.

Justice Kirby went on in that speech to stress the importance of informed consent which underlies the introduction of this legislation. He felt that each of us is said to have 'the right to control our lives and our actions by our own choices, at least to the greatest extent compatible with the right of others'.

This Bill represents a large step forward in the area of consent. It aims to clarify the existing common law, particularly in relation to consent by minors. It will allow persons to determine and control their own lives in respect of any medical or dental treatment, a right which is not always able to be exercised by certain sections of our community.

In circumstances where the law is not crystal clear, doctors (and dentists) have traditionally been reluctant to act for fear of legal actions for assault or negligence. This fear of legal action is widely held, yet I do not believe that the courts have been asked to address the problem on many occasions. Notwithstanding the absence of such a threat, the fear is nonetheless real and I believe that doctors and dentists, when treating such patients, should not be asked to do so in a legal vacuum. After all we must consider that the paramount consideration is that health care is a right not a privilege in today's society and no-one should be denied the health care they require.

To this end the Government is anxious to secure the passage of this Bill, which attempts to clarify the rights of persons in the community in relation to treatment. This is what I believe Justice Kirby meant when he spoke of 'the respect for the autonomy of the individual'.

This Bill is not controversial in nature—it clarifies the common law situation already in existence. What it does provide is a firm basis upon which a good doctor-patient relationship can be established. It seeks to ensure that a person will be able to receive the treatment he needs and provides the doctor or dentist with a much clearer definition of his role as a service provider.

This legislation is based upon recommendations of a Working Party on Consent to Treatment which was established in February 1983. The working party, consisting of medical and legal officers of the Health Commission, reported in December 1983 and recommended that a number of changes be made to the law and policy relating to consent to treatment.

The recommendations of the working party are wide-ranging and I believe it is the first time in Australia that the whole ambit of consent has been tackled in one exercise. As well as recommending important changes to the law, the report called for a re-evaluation of the attitude in the medical profession in relation to the issue of consent.

It called for further training for doctors and the dissemination of consumer protection information about the need for informed consent. Under the report's proposals, doctors will be responsible for obtaining informed consent from patients, recognising the need for the patient to be given sufficient information so that he or she can make a reasoned choice. The report also addressed such important areas as the need for consent forms to be more concise and the need for such forms and information to be available in all major community languages. The working party was asked to look at the area of consent by and on behalf of intellectually handicapped persons. This area will be the subject of a Bill to be introduced later in this session (which I proposed to refer to a Select Committee for consideration).

The report stated that a single piece of legislation should be introduced to provide minors 16 or over with the ability to give as effective consent to medical or dental treatment as an adult can give. This recognises the fact that a minor at 16 is usually able to realise the nature and consequences

of any proposed treatment for him. Such legislation would embody general practice and would clarify the common law principle which relates the ability to consent to a person's understanding rather than a particular age. The legislation would follow the intent of a previous private member's Bill (the Minors (Consent to Medical and Dental Treatment) Bill, 1977) introduced by the Hon. Anne Levy, MLC, which was the subject of a Select Committee. It would also be similar to legislation already in existence interstate and overseas. This move would provide clarity for both doctors and patients and would recognise the maturity of 16 year olds in today's society. As the working party rightly pointed out in its report, under existing legislation a minor of that age is able to consent to sexual intercourse, drive a motor vehicle, be employed and undertake most of life's roles and responsibilities. It is right that such self-determination of their own lives be extended to allow them to make a choice about medical and dental care. If a person is mature enough to seek such care, he or she should not be denied treatment solely because of age.

The Bill also seeks to provide that where practicable a minor below the age of 16 should be able to provide informed consent if, in the opinion of the attending doctor or dentist, he or she were capable of understanding the nature and consequences of the proposed procedure. For example where a child is injured at school, it is not beyond the comprehension of most children to understand that they must receive treatment say for a broken limb. In such a situation a child would be able to provide valid consent if required. It is also appropriate that such legislation repeals and replaces the Emergency Medical Treatment of Children Act, 1960, as a single comprehensive piece of legislation dealing with the medical treatment of children.

The working party also recommended that a medical practitioner should be provided with a statutory defence when he renders treatment to save the life of a patient when that patient's consent cannot be obtained.

A commonly held view among members of the medical profession is that by intervening in such a life threatening situation in the absence of consent they might render themselves open to litigation. This is particularly relevant in the case of an unconscious patient where the patient's spouse or family object to the particular treatment, for example, a blood transfusion.

At law a third party's consent, that is, a spouse or family member, has no validity. Notwithstanding this principle there have unfortunately been occasions when essential treatment has been withheld at the behest of a spouse or family members and a patient has died as a consequence. Medical practitioners should not be placed in such a position if there is an option to save the patient's life. Such a defence, which already exists in interstate and overseas jurisdictions, would protect them from civil or criminal prosecution for their actions.

For example, a doctor could be faced with the dilemma of having to operate in an emergency upon a person whose family may insist he has some religious or conscientious objection to medical intervention. In the absence of such knowledge directly from the patient, as opposed to information provided by a third party, the doctor acting in good faith should be allowed to provide the patient with the health care he needs.

Such a provision would also allow doctors to provide emergency treatment in situations such as roadside accidents. Fear of litigation if they should interfere and treat an 'unwilling' accident victim has also been a dilemma faced by many doctors. This legislation will allow such doctors to provide necessary emergency treatment providing that they were not aware of any clear indications to the contrary on the part of the patient, that is, when the doctor acts in good faith to treat such a patient. I hope that clarification of the law will lead to a greater understanding of the roles of the patient and medical practitioner and enhance a greater appreciation of their respective rights.

Clause 1 is formal. Clause 2 provides for the repeal of the Emergency Medical Treatment of Children Act, 1960. Clause 3 provides definitions of expressions used in the measure. 'Consent' is defined as an informed consent given after proper and sufficient explanation of the nature and likely consequences of the medical or dental procedure to which it relates. 'Dental procedure' and 'medical procedure' are defined as including any act done by, or pursuant to directions given by, a dentist or medical practitioner in the course of practice as such. 'Minor' is, of course, a person under 18 years of age. 'Parent' is defined as including a guardian of a minor or a person acting *in loco parentis* in relation to the minor.

Clause 4 provides that the measure other than clause 7 is not to apply in relation to a person who is by reason of mental illness or mental handicap incapable of giving an effective consent. The measure is not to affect the operation of the Transplantation and Anatomy Act, 1983, the Natural Death Act, 1983, or any other enactment that relates to the giving, refusal or absence of consent in relation to the carrying out of a medical or dental procedure.

Clause 5 provides, at subclause (1), that the consent, or the refusal or absence of consent, on the part of a minor who is of or above the age of 16 years has effect in relation to the carrying out of a medical or dental procedure as if the person were of full age. That is, refusal or absence of consent to a procedure would have the same effect as that of a person of full age of rendering unlawful the carrying out of the procedure. In addition, under subclause (1), the consent or refusal or absence of consent of such a person will be effective in relation to a procedure carried out on any other person to the extent possible at law, that is, for example, it would have effect in relation to a procedure carried out on a child of the minor.

Subclause (2) provides that the consent of a minor under 16 has effect in relation to the carrying out of a medical or dental procedure if a medical practitioner or dentist is of the opinion, supported by the written opinion of another medical practitioner or dentist, that the minor is capable of understanding the nature and consequences of the procedure and that the procedure is in the best interests of the health and well-being of the minor. Under subclause (3), the supporting opinion is not required in circumstances where it is not reasonably practicable to obtain the opinion having regard to the imminence of risk to the minor's life or health. Subclause (4) is designed to make it clear that the parent of a minor under 16 years of age may give an effective consent in relation to the carrying out of a medical or dental procedure on the minor.

Subclauses (5) and (6) provide for the emergency medical treatment of a minor under 16 years. Under subclause (5), a medical procedure carried out in prescribed circumstances on such a minor shall be deemed to have been consented to by the minor and the consent shall be deemed to have effect as if the minor were of full age. Subclause (6) provides that prescribed circumstances will exist for the purposes of subclause (5) if the minor is incapable of giving an effective consent for any reason (for example, unconsciousness or inability to understand the nature and consequences of the procedures); no parent of the minor is reasonably available, or being available, the parent, having been requested to consent, has refused or failed to consent; the medical practitioner carrying out the procedure is of the opinion that the procedure is necessary to meet imminent risk to the minor's life or health; and unless it is not reasonably practicable to do so having regard to the imminence of the risk,

the opinion of the medical practitioner is supported by the written opinion of another medical practitioner.

Clause 6 provides for emergency medical treatment of a person of or above 16 years of age. The clause provides that a medical procedure carried out by a medical practitioner on such a person will, if prescribed circumstances exist, be deemed to have been consented to by the person. Subclause (2) provides that prescribed circumstances will exist for the purposes of the clause if the person is incapable for any reason of giving an effective consent; the medical practitioner carrying out the procedure is of the opinion that the procedure is necessary to meet imminent risk to the person's life or health and has no knowledge of any refusal on the part of the person to consent to the procedure being a refusal communicated by the person to him or some other medical practitioner; and, unless it is not reasonably practicable to do so having regard to the imminence of the risk, the opinion of the medical practitioner is supported by the written opinion of one other medical practitioner.

Clause 7 provides protection from criminal or civil liability in respect of medical or dental procedures carried out with consent. The clause provides that, notwithstanding any rule of the common law but subject to the provisions of any enactment, the consent of a person to the carrying out of a medical or dental procedure on him is effective whatever the nature of the procedure provided that it is reasonably appropriate in the circumstances having regard to prevailing medical or dental standards and that no criminal or civil liability will be incurred in respect of a procedure carried out on a person with his consent if the procedure is reasonably appropriate in the circumstances having regard to prevailing medical or dental standards and the procedure is carried out in good faith and without negligence. The provision is to operate where the consent is given or deemed to be given by a person of full age.

The Hon. JENNIFER ADAMSON secured the adjournment of the debate.

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That for the remainder of the session Government business take precedence over all other business except questions.

In terms of the proceedings of the House over the past seven or eight years, it probably would have been competent for the Government to have moved this motion before Christmas. However, as a result of negotiations with the Opposition it was agreed that two more days be provided for private members' business in the new year. Further, it was agreed that the Shop Trading Hours Act Amendment Bill be dealt with in Government time. None of this interferes with the traditional arrangement whereby, on the last day of the session, an opportunity is given for votes to be taken on those items on the Notice Paper in respect of which there has been an opportunity for both the Government and the Opposition to address themselves at some stage. With those concessions to the normal procedure in mind, I commend this motion to the House.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I support the motion, although there have been times when the Opposition has opposed a similar motion on such occasions as the Government has chopped out private members' business, but the Government had some matter it perceived as one of urgency in November or December, and wished to take over private members' time for an afternoon and get on with its own business. I cannot remember how pressing was this matter on this occasion because there has been precious little to do for most of the session, including the past two weeks. However, the Government has transferred the conduct of the business of the House from the capable hands of the Deputy Premier to the hands of the Minister for Environment and Planning, who is as yet untried in this field.

The House has not had much to do this year thus far. As part of the agreement to forgo private members' time, it was agreed, as we were keen to get the Shop Trading Hours Act Amendment Bill, concerning the sale of red meat, debated and passed, as it had already been passed by the Upper House, two weeks has been provided after Christmas for the conduct of private members' business, and the Government has been grateful for that because the House has had precious little more to do. More importantly in these remarks I make now, it was agreed that the Government would give time for the discussion and resolution of the question of red meat sales.

I hope that the Government will make that time available soon, because the rural community awaits with eagerness the debate on that Bill to see whether the Government's attitude is responsible. I acknowledge the fact that the Minister has seen fit (as I would have expected of him) to honour the agreement arrived at between the parties concerning time for private members' business, so Opposition members support the motion.

Motion carried.

PLANNING ACT AMENDMENT BILL (No. 2) (1985)

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Planning Act, 1982. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

The Planning Act, 1982, commenced full operation on 4 November 1982 replacing the planning system that had operated under the repealed Planning and Development Act since 1967. As a result of a number of concerns about details of the system being expressed by industry and community groups, councils, and interested individuals, the Labor Government, upon taking office shortly after commencement of the Act, established a committee to monitor and review the operation of the Planning Act, 1982, its regulations and associated components of the Real Property Act, 1886. Those appointed to the Committee were: Mr John Hodgson, Director, Development Management Division, Department of Environment and Planning (Chairman); Mr Jim Hullick, Secretary-General, Local Government Association of S.A. Inc.; Mr Brian Turner, Planning Consultant and Fellow of the Royal Australian Planning Institute; and Mr Michael Bowering, Assistant Crown Solicitor, Attorney-General's Department.

In December 1982, the committee invited the general public to comment on the operation of the planning system, and by March 1983 the committee had received 77 formal submissions from councils, industry and conservation groups and from Government agencies. The committee reported in October 1983, and in November 1983 the report of the Committee was published and made available for public comment. The committee received approximately 70 submissions on its report. In addition, the Committee has closely monitored the operation of the Planning system since its inception in November 1982.

This Bill has been prepared as a result of the Committee's deliberations and as a result of identification of a number of other concerns by the Government. It must be emphasised that, having had the benefit of observing the operation of

the Planning Act for nearly two years, the Planning Act Review Committee is of the opinion that the Act is fundamentally sound. While the number of amendments sought in the Bill may appear to conflict with this view, an analysis of the amendments sought clearly indicates that the great majority relate to streamlining in the interests of time saving and administrative efficiency. Only a few of the proposed amendments are of a policy nature. The remainder of the report relates to the specifics of the Bill, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

The more significant of the recommendations are:

(1) Subsection (2) of section 6 of the Act enables the Governor by proclamation to exclude specified areas or types of development from the operation of the Act. As it is more appropriate for the Act to apply universally the Government is of the view that section 6 (2) should be deleted.

(2) Section 7 of the Act requires Crown agencies to give notice of proposed development to the relevant council and to the South Australian Planning Commission. The Commission must prepare a report on all proposals and the Minister must submit that report to Parliament. Preparation by the Commission of reports on all proposals represents a significant and largely unnecessary workload, as most proposals have little impact and are of no planning concern. Accordingly, it is proposed to amend the Act to provide that reports are prepared for Parliament only where an environmental impact statement is called for, or where the proposal has some planning impact which necessitates the giving of directions by the Minister, or where the relevant council objects to the proposal.

(3) Section 36 of the Act provides powers for a planning authority to take civil enforcement proceedings in respect of breaches of the Act. It is proposed to extend those powers to apply to unlawful developments which occurred prior to the Act coming into operation, subject to time limits already specified in section 37 of the Act.

The proposed amendment will then allow enforcement against unlawful development to be dealt with through relatively simple proceedings in the District Court. This ability will not create the potential for court action where such potential does not already exist, as the Acts Interpretation Act allows enforcement action for breaches of a repealed Act to be commenced notwithstanding its repeal. The amendment will simply allow such action through civil action in the District Court rather than through lengthy and costly criminal and injunctive proceedings in the Supreme Court.

(4) All monetary penalties imposed under the Act are paid into the consolidated revenue of the State. It is proposed to provide that monetary penalties be paid into the general revenue of a council where the council initiates proceedings under the Act.

(5) Section 41 of the Act sets out strict criteria limiting the ability of the Minister for Environment and Planning to prepare supplementary development plans applying in the area of a single council. As State heritage areas are proclaimed under the Heritage Act due to a Statewide interest in the historical value of land, the Bill seeks to give the Minister an unfettered right to prepare supplementary development plans for State heritage areas declared under the Heritage Act.

(6) Section 41 of the Act requires the Minister to submit all supplementary development plans prepared by councils to the Advisory Committee on Planning both prior to and following public exhibition.

To reduce the routine workload of the advisory committee and also to reduce delays, it is proposed to allow supplementary development plans, which had attracted no significant public objection and which had not been altered significantly following public inspection, to be approved by the Minister without referral to the Advisory Committee on Planning.

(7) Section 41 (13) of the Act requires the Parliamentary Joint Committee on Subordinate Legislation to consider specified types of supplementary development plans prior to authorisation by the Governor. Section 43 of the Act enables the Governor to bring a plan into interim effect during the time it is proceeding through the stages toward authorisation. The Bill proposes to amend section 43 to provide that, if Parliament disallows a supplementary development plan following consideration of the plan by the Committee on Subordinate Legislation, interim operation of that plan under section 43 will automatically cease.

(8) The Act allows a council to prepare a supplementary development plan, but requires the Minister to print and publish that plan. The Bill proposes the addition of a subsection (6) to section 44 which will allow the Minister to recover, from the relevant council, costs incurred in printing a plan where the council initiates the plan.

(9) The Act allows the Minister to call for an environmental impact statement on development proposals being considered by either a council or the South Australian Planning Commission. It is proposed to amend the Act to make the Commission the decision-making authority for any proposal which is the subject of an environmental impact statement.

(10) Section 47 of the Act requires a council to 'have regard' to the development plan when making decisions on development proposals. However, the courts have interpreted the words 'have regard to' to mean merely 'be aware of'. Accordingly, it is proposed to amend the Act to require the Commission and councils to make decisions which not only have regard to the development plan but also which are not at serious variance with the plan.

(11) Section 48 requires a council to take into account any advice by the Minister on development affecting an item of the State heritage. This provision means that the council may ignore such advice. As State heritage items are of wider than local interest, it is proposed to amend the Act to provide that a council may consent to a proposal affecting heritage items, and also heritage areas, only when the South Australian Planning Commission agrees. The Commission must make its decision only after having sought and having considered the advice of the Minister responsible for State heritage. This approach is essentially identical to the approach accepted by Parliament last session in relation to the City of Adelaide Development Control Act, 1976.

(12) Section 49 of the Act allows the Minister to call for an environmental impact statement on a development proposal, and subsection (7) provides that a planning authority must have regard to the plan when making decisions on the application. Many environmental impact statements envisage conditions of an ongoing nature, for example, monitoring of impact on flora and fauna. However, the courts have consistently regarded ongoing conditions of this kind as invalid. It is proposed, therefore, to amend section 49 to provide that conditions relating to proposals the subject of an environmental impact statement may be of an ongoing nature. Such conditions are, of course, subject to the normal appeal provisions of the Act.

(13) The now repealed Planning and Development Act (section 45b) prohibited creation of additional allotments by land division in the hills face zone. This prohibition was maintained following repeal of the Planning and Development Act, 1966, by the insertion of section 223*lo* into the Real Property Act, 1886. This section prevents application to the Registrar-General for division of land in the hills face zone, other than in the circumstances prescribed in that section. However, the location of this provision in the Real Property Act has some undesirable consequences. There is nothing in the Planning Act, 1982 (or the Development Plan), which prevents a person making application to divide land in the hills face zone.

As a consequence, planning authorities (at present, the Commission) must deal with such applications and, if an application is refused, the applicant may exercise appeal rights. The whole process, however, would appear to be futile given the prohibition in the Real Property Act, 1886. A person could be refused planning approval, appeal, and if successful could petition the Governor to exempt the proposal from the prohibition, thus placing the Governor in a difficult position.

A further difficulty arises from the fact that the Real Property Act, 1886, is concerned primarily with land registration, while the hills face zone prohibition is essentially a planning matter. It seems incongruous that a firm planning policy should be implemented through mechanisms outside the Planning Act, 1982. To overcome these difficulties it is proposed to place the prohibition within the Planning Act. The repeal of the Real Property Act, 1886, provision will also be sought.

(14) Regulations under the Act prescribe time limits within which planning authorities must make decisions. The regulations state that, if the decision is not made within the time limit, the application is deemed to be refused, thereby giving the applicant the right to appeal to the Planning Appeal Tribunal and gain a final determination on the matter. Firstly, the applicant's proposal is refused approval simply because the planning authority fails to make a decision within the prescribed time.

Secondly, on appeal, the Tribunal may not be able to determine the matter if the planning authority failed to undertake a mandatory requirement, for example, seek comment from other affected persons. Accordingly, it is proposed to amend the Act to provide that should the planning authority fail to make a decision within the prescribed time, the applicant can seek an order from the Tribunal. The Tribunal will then be able to direct the planning authority to undertake any required steps and make a decision within a set time. The planning authority will also be able to put a case for more time should it be justified in the circumstances. Should the delay be for no good reason the Tribunal will be able to award costs against the council.

(15) The Bill proposes to amend the financial provisions of the Act in section 69 to give greater flexibility in the use of the Planning and Development Fund. Section 69 currently restricts use of the Fund to acquisition and development of land and to related property management matters. It is proposed to amend section 69 to allow the Fund to be used to provide cash grants to councils for reserve development, to fund investigation and research costs associated with reserve acquisition and development.

(16) Section 74 of the Act provides that the Governor may make regulations on the recommendation of the Commission. The Bill proposes to delete the requirement for the recommendation of the Commission and allow the Governor to make regulations solely on the advice of his Cabinet in Executive Council. The requirement to seek the recommendation of the Commission is in conflict with a fundamental philosophy of the Act in that it seeks to leave the making of planning policy in the hands of the Governor with advice from the elected Government. The role of the Commission is to implement Government policy in an impartial manner, away from the influence of political considerations. As the regulations contain significant policy directions, both in terms of the extent of development control and the responsibility for decision-making, the amendment seeks to ensure that policy making and implementation of the policy are separated.

The amendments sought in the Bill have been the subject of extensive review and examination over a period of nearly 18 months. Extensive consultation has occurred with local government, the development industry, conservation groups, Government agencies and concerened individuals.

On behalf of the Government, I wish to express my gratitude to the members of the Planning Act Review Committee, and to all those who made submissions to the Committee and assisted it in its work. I commend the Bill to Parliament.

Clauses 1 and 2 are formal. Clause 3 makes a consequential amendment to section 3 of the principal Act. Clause 4 amends section 4 of the principal Act. The division of an allotment is included in the definition of 'development'. This concept embraces division by strata plan. However, the Real Property Act, 1886, already controls the issue of strata titles, and in any event land can only be divided by strata plan by reference to an existing building which itself would have required planning approval before constructions. Therefore, to save developers from the need to obtain unnecessary approvals, paragraph *(a)* of this clause removes strata plans from the definition of 'development'.

Clause 5 amends subsection (6) of section 4a so that the Commission may make a declaration under the section in relation to land anywhere in the State instead of in relation only to land outside council areas. Clause 6 removes subsections (2) and (3) from section 6 of the principal Act. Clause 7 amends section 7 of the principal Act. The amendment removes the requirement that a report by the Commission under this section must in all cases be laid before both Houses of Parliament with a requirement that this be done only in the circumstances set out in paragraphs *(a)*, *(b)* and *(c)* of new section 9a.

Clause 8 amends section 10 of the principal Act by adding environmental management, housing and welfare services to the areas of expertise set out in subsection (5)*(b)*. Clause 9 amends section 13 of the principal Act. Paragraph *(a)* extends the power of councils to subdelegate the Commission's powers to the council's officers. Paragraph *(b)* amends the area of disqualification of a person to whom powers are delegated under the section to matters in which he has a personal interest. Clause 10 makes a similar amendment to section 15.

Clause 11 amends section 20 of the principal Act by expanding the areas of expertise from which commissioners of the Tribunal may be appointed. Clause 12 makes an amendment to section 22 that is similar to the amendment made by clause 8*(b)* to section 10. Clause 13 replaces subsection (2) of section 25 with a provision in the same terms except that, if all members of the Tribunal, with the exception of the judge, are incapacitated or unable to act, the judge may, with the consent of the parties, continue to hear the proceedings alone. Clause 14 amends section 26 of the principal Act to cater for the situation where a judge and only one commissioner are hearing proceedings.

Clause 15 amends section 27 of the principal Act. The passage removed from subsection (1) by paragraph *(a)* is unnecessary and has restricted the Tribunal where the parties desired the compromise arrived at by them to be incorporated in an order of the Tribunal. New subsection (1a) clarifies

the role of the Chairman of a conference, and new subsection (1b) will enable the Chairman to clarify a question of law when necessary. Clause 16 amends section 30 of the principal Act to streamline procedures under the section. Clause 17 replaces section 35 of the principal Act. In the case of *Briggs and others v. Corporation of the City of Mt Gambier and Michielan* (1982) 30 S.A.S.R., 135, Mr Justice Wells adopted a very restricted interpretation of this provision. The new subsection implements the original intention of the subsection with the object of avoiding the difficulties that His Honour had with the original provision.

Clause 18 amends section 36 of the principal Act. Paragraphs *(a)* and *(b)* make amendments that will allow proceedings under this Part against persons who were in breach of the Planning and Development Act, 1966, within five years before the proceedings take place. The change made by new subsection (6) is to allow an interim order to be made on an *ex parte* application. Clause 19 makes a consequential amendment to section 37 of the principal Act. Clause 20 adds new subsection (5) to section 39 of the principal Act. The purpose of this amendment is to provide that fines arising from prosecutions brought by councils are paid to the council concerned. Clause 21 makes procedural changes to section 41 of the principal Act.

Clause 22 amends section 42 of the principal Act. Paragraph *(a)* will allow the Minister to amend the development plan by including the scheme, or part of the scheme, for the development of West Lakes. Paragraph *(b)* inserts a new subsection that will allow terms used in the development plan to be defined by regulation. Clause 23 amends section 43 of the principal Act. The amendment made by paragraph *(a)* will ensure that a plan can be brought into early operation even though the period of public inspection is over. It could be argued that the words 'the delays attendant upon advertising for, receiving and considering public submissions' limit the period during which a plan can be brought in on an interim basis. New subsections (2) and (3) provide for the commencement and termination of a plan that has come into operation under this section.

Clause 24 makes amendments to section 44 of the principal Act that recognise the enormous size of the development plan. It is only necessary that councils make available for public inspection that part of the plan and those supplementary development plans that affect the area of the council. New subsection (6) provides that printing costs of a supplementary development plan prepared by a council must be paid by the council. Clause 25 amends section 47 of the principal Act. Paragraph *(a)* makes the Commission the relevant planning authority where an environmental impact statement has been prepared in relation to a development. The amendments to subsections (3) and (5) make clear what kinds of development are permitted and prohibited by the development plan.

Clause 26 replaces section 48 of the principal Act for reasons already explained. Clause 27 makes a number of administrative amendments to section 49 of the principal Act. New subsection (8) makes clear that a planning authority can, for the purpose of implementing an environmental impact statement, impose conditions on its consent to a development that will operate in the future. Paragraph *(b)* will enable the authority when granting consent to specify the times in the future at which it will be able to vary conditions or impose new conditions. Such a power is necessary if unnecessarily harsh conditions are not to be imposed on developers and the environment is to be protected. An authority may be prepared to impose minimum conditions (which will be to the advantage of the developer) if it knows it can impose more stringent conditions in the light of experience of, say, pollution levels caused by the development. Without this power, the authority will be compelled to impose maximum conditions that will be adequate in all possible future situations to protect the environment that will, in many cases, unnecessarily restrict the developer.

Clause 28 inserts new Division IIIA into Part V of the principal Act for the reasons already given. Clause 29 replaces section 52 of the principal Act with a provision that includes provision for an appeal from a refusal by the Commission to concur in the granting of planning authorisation to a development affecting an item of State heritage or a State heritage area. New subsection (4) allows an applicant to appeal to the Tribunal against delay in the decision making process. Clause 30 amends section 53 of the principal Act. Subsection (9) of this section provides that a planning authorisation does not operate until appeal rights have expired or all avenues of appeal have been exhausted. Existing subsection (8) allows the Tribunal to extend the time in which an appeal can be made under this section. The result is that a successful applicant for planning approval cannot be sure as to when he can proceed with his development secure in the knowledge that no appeal can be brought against the development. New subsections (5) and (6) require notice to be given, either personally or by post, to persons who made representations to the planning authority under subsection (2). New subsection (8) provides that an appeal by a third party must be made within 21 days of the date of the decision. The Tribunal has no power to extend this time. The effect of these provisions will be to give certainty to a developer where no appeal is instituted within the period of 21 days.

Clause 31 inserts new subsection (2). This subsection makes clear that the Tribunal must have regard to the same matters when deciding an appeal that the planning authority had regard to when deciding the original application. Clause 32 amends section 55 of the principal Act. Paragraph *(a)* excludes an advertisement for the lease of land from the operation of the section. Paragraphs *(b)* and *(c)* include a default penalty of $100. The amendment to the definition of 'relevant planning authority' made by paragraph *(d)* will enable the Commission to take action under the section in relation to land in council areas.

Clause 33 adds a subsection to section 57 of the principal Act. The new subsection makes quite clear that it is the provisions of the development plan at the date of the original application for the planning approval that are relevant to the consideration of that application. Clause 34 provides for notification on the relevant certificate of title of a proclamation made under section 62. Clause 35 expands the way in which money standing to the credit of the Planning and Development Fund may be used. Clause 36 replaces section 73 of the principal Act. Built into the new section is provision for the Minister to approve of persons who may advise councils under this section. Clause 37 amends section 74 of the principal Act.

The Hon. D.C. WOTTON secured the adjournment of the debate.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) BILL

Order of the Day, Government Business, No. 10.

The Hon. J.D. WRIGHT (Minister of Emergency Services): I move:

That this Order of the Day be discharged.

Order of the Day discharged.

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) BILL (1985)

The Hon. J.D. WRIGHT (Minister of Emergency Services) obtained leave and introduced a Bill for an Act to provide for the investigation of complaints made in respect of members of the Police Force; to provide for the appointment of a Police Complaints Authority and to prescribe his duties and functions; to make provision in relation to police disciplinary proceedings; and for other purposes. Read a first time.

The Hon. J.D. WRIGHT: I move:

That this Bill be now read a second time.

Before proceeding to examine the Bill, I would like to reiterate a number of points that I made in this House on an earlier occasion when I introduced a Bill in a slightly different form to establish a Police Complaints Authority.

South Australia is widely held to have one of the best Police Forces in this country. Indeed, this is a view that I share. We in South Australia have a Police Force of which we can be justly proud. This does not mean that from time to time there are not complaints about the conduct of individual members of the Police Force. It is essential that in these instances an independent mechanism for the investigation and review of complaints is available.

At the present time, complaints against the police are investigated, at the direction of the Commissioner of Police, by the Internal Investigations Branch. While the professional integrity and competence of the Branch is not under question, it is no longer realistic to expect that the public will see the Branch as being able to conduct a truly independent review of a complaint. If the work of the Branch is to be accepted by the public and, indeed, the Government and the Parliament, as being independent and conclusive, the process must be subject to the oversight of a person who is not part of the Police Force and who has the full authority of this Parliament to investigate and report publicly upon any matter he thinks fit.

It was in this context that in 1983 the Government established the Grieve Committee to inquire into and report on the most appropriate mechanism for the creation of an independent authority to consider complaints against police. The committee was representative of the various interested parties and included representatives from the Police Department, the Council for Civil Liberties and the Police Association of South Australia. The final report of the committee was adopted by Cabinet in early 1984.

The committee recommended the establishment of an independent Police Complaints Authority and made certain suggestions as to the constitution of the Authority and its method of operation. The Bill is based on the Grieve Committee Report and also draws on the Commonwealth legislation in respect of the Commonwealth Police Force.

There has been some criticism that the Government failed to consult over the Bill. Such a criticism is clearly baseless. Not only was the Grieve Committee broadly representative but also the Bill in its original form was introduced into the Parliament only after lengthy consultation with interested parties. In particular, it should be noted that the Bill was introduced with the support of the Police Association of South Australia. Subsequently, however, that organisation identified a number of aspects of the Bill which it considered unacceptable and withdrew its support for the Bill. The Government's response to this development was to defer debate on the Bill to enable further discussion to proceed. The response was appropriate and responsible. The success of the proposed legislation depends largely on its acceptance by the public and by members of the Police Force itself. Given the concerns expressed by the Police Association, albeit late, the Government opted to defer the Bill.

I, as Minister of Emergency Services, or my colleagues who have acted in that capacity in my absence, have met with executive members of the Police Association on 10 separate occasions to discuss the Bill. In addition, my staff and the Parliamentary draftsmen have been made available to the Police Association to discuss their concerns. It became evident from these discussions that the Police Association was not at that stage prepared to accept the establishment of an authority with any investigative powers of its own. The Government believes that such a situation is untenable.

Although the Internal Investigation Branch will continue to play a very significant role in the investigation of complaints against the Police, it is imperative that the Authority have substantial investigative powers. This will ensure that where it is appropriate and where the matter is serious enough to warrant investigation by the Authority itself the Authority is able to conduct a full investigation. The Grieve Committee itself envisaged instances where it would be inappropriate for the Internal Investigation Branch to conduct the investigation. I am pleased to say that the Police Association has now accepted those provisions of the Bill which empower the Authority to investigate complaints itself.

Arising out of these discussions, a number of amendments have been made to the Bill to allay the concerns of police members about the abuse of the Authority's powers. I believe these concerns to be misconceived and based largely on a lack of confidence in an appointment to the Authority being of sufficient stature and integrity. To some extent this misconception has been fed by alarmist fear-mongering. However, the Government considered it undesirable for the Authority to be established in a climate of fear and resistance and accordingly was prepared to agree to a number of amendments. The amendments do not impinge upon the Authority's capacity to undertake a full, unhindered and independent investigation should the need arise.

The major objections of the Police Association have been resolved, in my view, to the satisfaction of both the Government and in many instances the Association. The Association has, however, very recently raised some further objections based on legal advice. I asked the Association to clearly identify these objections and it provided me with a copy of its legal advice. The advice was prepared prior to some significant amendments being agreed to with the Commissioner of Police and the Police Association. These amendments relate to confidentiality of police information and the qualifications of the person appointed. Accordingly, to a large extent many of the comments are no longer considered relevant. Where there has been any substance or validity to the comments, amendments have been prepared. This is particularly in relation to the notification to the member of the Police Force of the matters complained of and the identification of persons undertaking the investigation.

The legal report expresses the view that the Bill is vague and in that respect unsatisfactory. This comment has obtained some publicity and accordingly I take this opportunity to refute that criticism. The Bill addresses all the fundamental issues and provides a framework for the establishment of an effective Authority.

In addition to the amendments agreed with the Police Association, a number of amendments have been included arising from discussions with other employee groups and further discussions with the Police Commissioner. The most significant has been the inclusion of a provision enabling the Commissioner to issue a certificate restricting the divulging of information obtained in the course of an investigation.

I now turn to the more significant provisions of the Bill. The Authority itself is to be constituted by a legal practitioner

of not less than five years standing. The inclusion of this requirement has in large measure overcome the objection of the Police Association to a number of provisions where they felt legal qualifications would be required to obtain a person of appropriate stature to exercise a power or discretion.

The Authority will be empowered to receive and examine anonymous complaints. While this has some undesirable aspects, there are sufficient safeguards to ensure that the system is not abused. The Authority may dismiss any complaint that it regards as trivial, frivolous, or vexatious, or not made in good faith. Further, in the case of anonymous complaints, special circumstances must exist before the Authority may investigate. These safeguards overcome the risk that a campaign of persecution could be conducted against a Police Force member.

An important provision of the Bill empowers the Commissioner of Police, with the consent of the Authority, or the Authority itself, to attempt to resolve a complaint by conciliation. This will ensure that, where an informal explanation and discussion between the parties can quickly resolve the matter, the formal process of investigation and report can be set aside. The involvement of the Authority in this process will ensure that this informal process is only used in appropriate circumstances.

The Authority will retain the power to summons persons to appear to answer questions or produce documents. The Authority will not, however, have the power to require persons to take oath when answering questions. It should be noted though that it remains an offence to knowingly make a false statement to the Authority. The requirement to furnish information, answer questions, or produce documents, has been qualified. A person may refuse to furnish information, etc., if amongst other things that information may tend to incriminate him or a close relative. However, I point out that refusal to answer on the part of a member of the Police Force may be dealt with as a breach of discipline. A person proposing to exercise the power of entry under the provisions of this Bill will be required to obtain a search warrant from a special magistrate.

It is important to note that the Authority will not have the power to delegate any of his powers or discretion. This will ensure that powers under this Bill will only be exercised by a person with the appropriate stature and qualifications. Following an investigation, the Bill provides that the Authority shall make an assessment of whether there was any wrongdoing or failure on the part of the police officer concerned and shall at the same time make a recommendation as to the laying of a charge for an offence or breach of discipline or other action he considers necessary in the circumstances.

The Authority is to advise the Commissioner of his assessment and recommendations, who is then required to notify the Authority whether he agrees or disagrees. After consultation, the Authority is to confirm or vary his assessment and recommendations or make a new assessment or recommendation. At that stage, the Commissioner is required either to give effect to the recommendations of the Authority or to refer the matter to the Minister for his determination as to what action should be taken.

I must emphasise that the involvement of the Minister relates only to action to be taken in response to a determination by the Authority and does not in any way interfere with the independence of the Authority to make a determination in respect of any matter. A determination by the Minister that action should be taken to alter a practice, procedure or policy relating to the Police Force shall not be binding unless embodied in a direction of the Governor pursuant to the Police Regulation Act, 1952. In addition, the Minister is not to determine that a member of the Police Force should be charged with an offence or a breach of discipline except in consultation with the Attorney-General.

The Bill establishes a Police Disciplinary Tribunal to hear charges against members of the Police Force in respect of breaches of discipline. The Tribunal is constituted by a magistrate appointed by the Governor. Charges against a member of the force in respect of a breach of discipline will be heard by the Tribunal in private. However, to ensure that the public interest is seen to be protected, the Authority may be present at any hearing of the Tribunal. This is an important safeguard even though the primary purpose of the Authority, like that of the Ombudsman, is the investigation of complaints and the determination of the validity of the complaint rather than the disciplining of members who have been found to commit a breach of discipline. An appeal to the Supreme Court is available to any party aggrieved by a finding of the Tribunal.

I would like to draw to the attention of the House those provisions which relate to the publication of reports by the Authority. As with any Ombudsman-like function, it is essential to the public credibility of the office that the person concerned has the unfettered right to bring matters to the attention of this Parliament. The Bill provides that the Authority shall report to Parliament each year on the activities for the preceding financial year. However, the Bill also empowers the Authority to make special reports to the Parliament on any matter arising during the year. This is a most important safeguard of the independence of the Authority as it ensures that the attention of the Parliament, and therefore of the public, may be drawn to any issue of importance arising from the administration of the Act as and when it occurs.

This Bill is a major item of legislation which seeks to balance a number of interests. On the one hand, there exists a widely held belief, including within the Police Force itself, that there must be an independent authority to deal with complaints against the police—a case of justice being seen to be done. On the other hand, there is the no less important right of members of the Police Force to be free from undue interference with their rights as citizens and as employees. In striking this balance, the Bill establishes an Authority with a range of powers which are set against a series of qualifications and safeguards. Taken in their context, the powers and qualifications represent a fair balance and should ensure that both the public interest and the reputation of the Police Force itself are protected. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. The clause now provides that different provisions of the measure may be brought into operation at different times. This is intended to enable the Authority to be appointed and to allow adequate time for the person appointed to consider in detail with the Police Commissioner the working relationship that will be necessary for the proper administration of the measure before complaints begin to be dealt with under the measure.

Clause 3 provides definitions of expressions used in the measure. Attention is drawn to the definitions of 'conduct' and 'member of the Police Force'. 'Conduct' of a member of the Police Force is defined as meaning an act or decision of a member or failure or refusal by a member to act or make a decision in the exercise, performance or discharge, or puported exercise, performance or discharge, of a power, function or duty that he has as, or by virtue of being, a

member of the Police Force. 'Member of the Police Force' is defined to include police cadets, special constables and officers or persons employed in the department of the Public Service of which the Commissioner of Police is permanent head.

It should be pointed out that the inclusion within the definition of member of the Police Force of all those employees for whom the Commissioner is responsible does not subject those who are not members of the Police Force under the Police Regulation Act to disciplinary procedures under that Act and Parts V and VI of this measure. The investigatory functions of the Police Complaints Authority and the Ombudsman are, however, as a result divided clearly according to whether or not a matter the subject of complaint concerns the Police Department and police operations. In addition, a definition of 'prescribed officer or employee' has now been included in the measure. This term is applied to special constables and the public servant employees of the Police Department. The term is used in subsequent provisions that are designed to ensure that the investigation of complaints of a non-criminal nature made in relation to such persons will be carried out by the Authority and not by the police investigators. Clause 4 provides that the provisions of the measure are in addition to and do not derogate from the provisions of any other law.

Part II (comprising clauses 5 to 12) provides for the office of a Police Complaints Authority. Clause 5 provides that the Governor may appoint a person to be the Police Complaints Authority. Under the clause in the previous Bill, the person was to be a person having, in the opinion of the Governor, appropriate knowledge of and experience in the law. The clause now provides that the Authority must be a person who has been enrolled as a legal practitioner in this State or another State or Territory for not less than five years. A person appointed to be the Authority is to be entitled to a salary and allowances determined by the Governor. The salary and allowances so determined are not to be reduced during the term of office of the Authority and are to be paid out of the general revenue which is appropriated by the clause to the necessary extent.

Clause 6 provides that the Authority shall not, without the consent of the Minister, engage in any remunerative employment or undertaking outside the duties of his office. Clause 7 provides that the Authority shall be appointed for a term of office of seven years, or, if that period would extend beyond the date on which the person would attain the age of 65 years, for a term of office expiring on the day on which he attains the age of 65 years. A person appointed to the office of the Authority is to be eligible for reappointment.

Clause 8 provides that the Authority may be removed from office by the Governor upon an address from both Houses of Parliament praying for his removal. He may be suspended from office by the Governor on the grounds of incompetence or misbehaviour. Any such suspension, however, has effect for only a short period pending determination by the Parliament whether or not he should be removed from office. The office of the Authority is to become vacant on death, resignation, expiration of the term of office, removal upon an address of both Houses, bankruptcy, conviction of an indictable offence, or removal by the Governor on the grounds of mental or physical incapacity. In addition, the office would become vacant if the occupant became a member of any Parliament. Apart from the circumstances referred to, the Authority shall not be removed or suspended from office nor shall the office become vacant. Clause 9 provides that the provisions of the Public Service Act are not to apply to or in relation to the office of the Authority.

Clause 10 provides for the appointment of officers to assist the Authority. Clause 11 provides for the appointment of a person to act in the office of the Authority during any period for which the office is vacant or the Authority is absent for any reason. Clause 11 in the previous Bill provided for delegation by the Authority. That clause has been omitted from this Bill. Clause 12 protects the Authority and persons acting under his direction or authority from personal liability for acts done in good faith.

Part III (comprising clauses 13 to 15) provides for the Police Internal Investigation Branch. Clause 13 provides that the Commissioner of Police shall constitute within the Police Force a separate branch to carry out investigations under the measure in relation to complaints about the conduct of members of the Police Force. The clause provides that the Branch may in addition carry out such other investigations relating to the conduct of members of the Police Force as the Commissioner may require. Clause 14 provides that the officer in charge of the Internal Investigation Branch shall be entitled to report directly to the Commissioner upon any matter relating to the Internal Investigation Branch or the performance of its functions. The corresponding clause in the previous Bill provided that the officer in charge was to be responsible directly to the Commissioner for the performance by the Branch of its functions.

Clause 15 provides that where a member serving in the Internal Investigation Branch is able to do so without unduly interfering with the performance by the branch of its functions, the member may be directed by the Commissioner to perform duties not related to investigations into the conduct of members of the Police Force (not being duties involving the investigation of offences alleged to have been committee by persons other than members of the Police Force).

Part IV (comprising clauses 16 to 30) deals with complaints and their investigation. Clause 16 provides that a complaint about the conduct of a member of the Police Force may be made to that member or any other member of the force or to the Authority. The clause now includes a provision requiring that such a complaint not be made to the member of the Police Force about whose conduct the complaint is made. In addition, the clause now includes a provision providing that, where a person makes a complaint to the member about whose conduct the complaint is made, the member must as soon as reasonably practicable advise the person to make the complaint to some other member or to the Authority. A complaint made to the Authority must, if the Authority so requires, be reduced to writing. The clause provides that the measure is to apply to a complaint whether or not the police officer complained about or the complainant is identified, whether the complaint is made by a person on his own behalf or on behalf of another and whether the complainant is a natural person or a body corporate.

The clause previously provided, as is the normal position with procedural matters, that the investigation and other provisions would apply in relation to complaints made after the commencement of the measure whether the conduct complained of occurred before or after the commencement of the measure. The clause now provides that the measure does not apply in relation to conduct occurring before the commencement of the measure. The measure is not to apply to complaints made by or on behalf of a member or members of the force in relation to the employment or terms or conditions of employment of the member or members or to complaints made to a member of the Police Force by or on behalf of another member. The latter exception does not, of course, prevent a member of the force from making a complaint to the Authority, in which case the provisions of the measure would apply fully in relation to the complaint.

Clause 17 requires a person performing duties in connection with the detention of any person to provide, at the request of the person detained, facilities for the person to

prepare a complaint and seal it in an envelope and, upon receiving the sealed envelope from the detainee for delivery to the Authority, to ensure that it is plainly addressed to the Authority and marked as being confidential and delivered to the Authority without undue delay. The clause now includes a provision that such a request must not be made to the member of the Police Force about whose conduct the complaint is to be made and that the request is to be complied with as soon as reasonably practicable but without there being any obligation to interrupt the carrying out of any other lawful procedure or function. A further provision has been inserted providing that, where the request is made to the member the subject of the proposed complaint, the member must as soon as reasonably practicable advise the person to make the request to some other person performing duties in connection with his detention. The clause provides that it shall be an offence for a person other than the Authority or a person acting with the authority of the Authority to open such an envelope or inspect its contents. A defence has now been included putting the matter beyond doubt that a person will be protected from liability for inadvertent acts.

Clause 18 provides for a complaint made to a member of the Police Force to be referred as expeditiously as possible to the internal investigation branch for investigation. The Authority is at the same time to be notified of the complaint and furnished with particulars of the complaint. A new provision has been inserted providing that a complaint made to a member of the Police Force about the conduct of a prescribed officer or employee (as defined by clause 3) must be referred to the Authority and not to the internal investigation branch for investigation. Clause 19 provides for the case where complaints are made to the Authority. Under the clause, the Authority is required to notify the Commissioner of the complaint and to furnish him with particulars of the complaint and, subject to a determination under clause 21, 22, or 23, to refer the complaint to the Commissioner. A complaint referred to the Commissioner must be referred on by the Commissioner to the internal investigation branch for investigation. Clause 20 requires the Authority, except where the identity of the complainant is not known, to acknowledge by writing each complaint made to the Authority and each complaint of which he is notified under clause 18.

Clause 21 provides for determination by the Authority that a complaint does not warrant investigation. Under the clause, the Authority may, in his discretion, determine that a complaint (whether made to him or to the Commissioner) should not be investigated or further investigated where the complaint was made more than six months after the complainant became aware of the conduct complained of; where the complaint is trivial, vexatious, frivolous or not made in good faith; where the complainant does not have sufficient interest in the matter raised in the complaint; where the complaint was made without disclosure of the identity of the complainant (that is, anonymously); where a person has been charged with an offence or breach of discipline in relation to the conduct complained of; where the complainant has exercised a right of action or has or has exercised a right of appeal or review in relation to the matter complained of; or where the Authority is of the opinion that investigation or further investigation of the complaint is unjustified or unnecessary in the circumstances. It should be noted that the provision for such a determination in the case of an anonymous complaint was not part of the previous Bill. In relation to the question of an alternative remedy in respect of the matter complained of, the provision in the previous Bill provided for a determination only in the case where the complainant has already exercised a right of action, appeal or review. Where the Authority makes such a determination, the Commissioner and the complainant are to be notified of the determination.

Clause 22 provides for conciliation in relation to complaints. Under the clause, the Commissioner may, with the approval of the Authority, attempt to resolve a complaint made to a member of the Police Force by conciliation. The Authority is empowered to attempt conciliation in relation to any complaint, whether made to him or to a member of the Police Force. Any investigation of a complaint that is the subject of conciliation may, under the clause, be deferred pending the results of that action. The clause provides that where the Authority is satisfied that a complaint has been properly resolved by conciliation undertaken by him or by the Commissioner, the Authority may determine that the complaint should not be investigated or further investigated.

Clause 23 provides that the Authority may determine that a complaint should be investigated by him where the complaint concerns conduct of a member of the force of a rank equal to or senior to the officer in charge of the Internal Investigation Branch; where the complaint concerns conduct of a member serving in that branch; where the complaint is in substance about the practices, procedures or policies of the Police Force; or where the Authority considers that the complaint should for any other reason be investigated by the Authority. A new provision has been inserted in this clause providing that, in the case of complaint about a prescribed officer or employee (that is, a special constable or public servant), the Authority make such a determination if he is of the opinion, having regard to the nature of the matters raised by the complaint, that there are no special reasons justifying investigation by the Internal Investigation Branch. Where the Authority makes a determination, the Authority may also make a determination as to whether there is to be some further investigation by the Internal Investigation Branch in conjunction with his investigation or whether further police investigation should be prevented or limited.

Clause 24 permits the Commissioner, if he thinks fit to do so, to carry on investigations of a complaint in respect of which the Authority has made a determination under clause 21, 22 or 23 (that is, a determination that an investigation is not warranted; that the matter has been resolved by conciliation; or that the complaint should be investigated by the Authority). However, in that event, the provisions of this measure are not to apply and the investigation would, in effect, be an ordinary police investigation. This provision for continued police investigation is subject to any determination made by the Authority under clause 23 that the complaint or a particular matter or matters raised by the complaint, should not be investigated or further investigated by the police.

Clause 25 sets out the powers of the Internal Investigation Branch to carry out investigations of complaints. In effect, the powers of the Internal Investigation Branch are the ordinary police investigative powers except in relation to other members of the Police Force. Under the clause in the previous Bill, a member of the Branch was empowered to require a member of the force to furnish information, answer a question or produce a document or record and the member was to be required to do so notwithstanding that the answer, information, document or record might tend to incriminate him. However, where the member had been directed to provide the information, answer, document or record, the information, answer, document or record was not to be admissible in any proceedings against the member other than proceedings for providing a false answer or information or proceedings for a breach of discipline.

Refusal to provide information, an answer or a document or record was, under the clause in the previous Bill, to constitute and offence punishable by a fine or imprisonment.

Under the present clause, a member may refuse to furnish information, produce a document or record or answer a question if it would tend to incriminate him or a close relative of his, but any such refusal, whether on the ground of incrimination or for any other reason, is to be dealt with as a breach of discipline and will not constitute a criminal offence. In addition, a new provision has been inserted requiring a member of the Branch, before he gives a direction under subclause (5) to the member the subject of the complaint, to inform the member of the matters alleged against him by the complainant.

Finally, a new definition has been inserted (subclause (14)) to make clear that the special powers in relation to members of the Police Force do not apply to prescribed officers and employees. Under subclause (13), the officer in charge of the Internal Investigation Branch may, subject to any directions of the Commissioner, require a member not serving in the branch to assist in the investigation of a complaint and, in that event, the provisions of the measure are to apply as if that member were a member of the Internal Investigation Branch.

Clause 26 provides for the powers of the Authority to oversee investigations conducted by the Internal Investigation Branch. Under the clause, the Authority is empowered to discuss with the complaint with the complainant and to require the Commissioner or, as approved by the Commissioner, the officer in charge of the Internal Investigation Branch, to provide information about the progress of the investigation or to arrange for an inspection of any document or record in the possession of the Branch relevant to the investigation or for him to interview a person other than the complainant in relation to the complaint. Subclause (3) authorises the Authority to notify the Commissioner of any directions that he considers should be given by the Commissioner as to the matters to be invetigated, the methods to be employed, the use for investigative purposes of members not serving in the Internal Investigation Branch or any other matter or thing in relation to an investigation or investigations by the Internal Investigation Branch.

Where the Authority issues such a notice, the clause provides that the directions are to be given by the Commissioner or, if no agreement can be reached, the matter is to be resolved by determination of the Minister. A new provision has been inserted in this clause providing that a determination of the Minister that relates to complaints generally, or a class of complaints, is not to be binding on the Commissioner unless embodied in a direction of the Governor given under section 21 of the Police Regulation Act, 1952. Any direction under that section is required to be tabled in Parliament and published in the *Gazette*.

Clause 27 requires the officer in charge of the Internal Investigation Branch to maintain a register containing prescribed particulars relating to each complaint referred to the Branch for investigation. Clause 28 sets out the powers of the Authority to investigate any complaint that the Authority determines under clause 23 should be investigated by him. An investigation by the Authority is to be conducted in private and in such manner as the Authority thinks fit. The clause provides for the Authority to make use of members of the South Australian Police Force or other Australian Police Forces by arrangement with the Commissioner or under arrangements made by or with the approval of the Minister. The clause in its present form gives any police officer or other person who is to be the subject of criticism by the Authority in a report under the measure an opportunity to make submissions to the Authority in answer to the criticism. This right also extends to the Commissioner in relation to criticism by the Authority of the Police Force or a police officer. The clause in the previous Bill empowered the Authority to require the provision of information, documents or records by any person and any such requirement was to be complied with notwithstanding any self-incriminatory effect, although any information, document or record so provided was not to be admissible in evidence in proceedings against the person other than proceedings for providing false information or, in the case of a member of the Police Force, proceedings for a breach of discipline.

The clause in the previous Bill provided that refusal or failure to comply with such a requirement of the Authority was to constitute an offence punishable by a fine or imprisonment. The clause now provides that a person may refuse to comply with such a requirement if compliance might tend to incriminate him or a close relative of his or might tend to show that a close relative of his who is a member of the Police Force has committed a breach of discipline. However, any such refusal on the part of a member of the Police Force is to be dealt with as a breach of discipline (and will not constitute an offence). Any other non-compliance with the provisions of the clause is, in the case of a member of the Police Force, to constitute a breach of discipline, and, in the case of any other person, to constitute an offence punishable by a maximum fine of $2 000 (and not by imprisonment).

The Authority is given power to enter at any reasonable time any premises used by the Police Force or any other place and there to carry on an investigation. The clause now requires that the power of entry may only be exercised in respect of a residence or place of business with the Authority of a warrant issued by a special magistrate. A new provision has been inserted requiring the Authority to inform a member the subject of a complaint of the matters alleged against him by the complainant before the Authority requires the member to furnish information or answers questions relevant to the complaint.

The clause previously empowered to the Authority to administer an oath or affirmation to a person whom he proposed to question. That provision has been omitted. The clause now requires a person exercising or proposing to exercise a power under the section to produce, upon demand, a certificate of authority in the prescribed form. Finally, the clause includes a new definition excluding prescribed officers and employees from the provisions of the clause that have a different effect in relation to members of the Police Force. The clause creates appropriate offences to ensure and facilitate the proper exercise by the Authority of the investigative powers conferred by the clause.

Clause 29 requires the Authority to maintain a register containing particulars of each complaint including particulars of any determination under clauses 21, 22 or 23 made in relation to the complaint and particulars of any investigation or further investigation of the complaint. Clause 30 provides that any inquiry by a complainant as to the investigation of his complaint is to be directed to the Authority who shall provide such information as to the investigation as he thinks appropriate.

Part V (comprising clauses 31 to 36) deals with the action consequential on the investigation of a complaint. Clause 31 provides that the officer in charge of the Internal Investigation Branch shall, on completing an investigation, prepare a report on the results of the investigation and deliver it to the Commissioner. The Commissioner must then either direct that further investigations be carried out or forward on to the Authority a copy of the report and any comments he thinks fit to make in relation to the investigation. Clause 32 provides that the Authority shall, on receiving a report under clause 31, consider the report and any comments of the Commissioner and notify the Commissioner, by writing, of his assessment as to whether the report discloses any wrongdoing or failure on the part of the member and his recommendations as to whether

action should be taken to charge the member with an offence or breach of discipline or whether any other action should be taken. However, under subclause (2), the Authority may instead, if he thinks it appropriate to do so, refer the complaint back to the Commissioner for further investigation or determine that the complaint should be investigated by the Authority.

Clause 33 provides that, where the Authority completes any investigation of a complaint conducted by him, he shall furnish to the Commissioner a report on the results of the investigation and include in the report his assessment and recommendations as to the matters referred to in clause 32. Clause 34 requires the Commissioner, as soon as practicable after his receipt of an assessment and recommendation made by the Authority in relation to the investigation of a complaint, to consider the assessment and recommendation and the report and to notify the Authority by writing of his agreement or, as the case may be, his disagreement and the reasons for his disagreement. The Authority is required to consider any notice indicating disagreement on the part of the Commissioner and, after conferring with the Commissioner, to confirm or vary the assessment or recommendation or substitute a new assessment or recommendation.

The Commissioner must, under the clause, give effect to any recommendation of the Authority with which he has agreed or which the Authority has confirmed, varied or substituted, or the Commissioner may, if he thinks fit, refer the matter to the Minister for his determination as to the action (if any) that should be taken. Where a matter is referred to the Minister, the Minister may determine what action (if any) should be taken or determine that the complaint should be further investigated by the Internal Investigation Branch or the Authority. The clause now includes a new provision providing that where a determination of the Minister is to the effect that action should be taken to alter a practice, policy or procedure of the Police Force, the determination is not binding on the Commissioner unless embodied in a direction of the Governor given under section 21 of the Police Regulation Act. Any such direction must under the Police Regulation Act be tabled in Parliament and published in the *Gazette*. The Minister must make any determination as to the laying of charges for an offence or breach of discipline in consultation with the Attorney-General.

Clause 35 requires the Commissioner to notify the Authority of the laying of charges for an offence or breach of discipline or any other action taken in consequence of the investigation of a complaint. Where charges are laid, the Commissioner must also notify the Authority of the final outcome of proceedings in respect of the charges, including any decision of a court or the Commissioner as to punishment of the member concerned. Clause 36 requires the Authority to furnish to the member of the Police Force concerned and to the complainant (if his identity is known) particulars of all final assessments and recommendations made under clause 34 and, if a determination is made by the Minister under that clause, particulars of the determination. The Authority must also notify the complainant of any action taken including charges laid and the final outcome of the proceedings in respect of such charges, including any decision of a court or the Commissioner as to punishment of the member concerned. The particulars referred to must at the same time be entered into the register kept by the Authority pursuant to clause 29.

Part IV (comprising clauses 37 to 45) makes provision for a Police Disciplinary Tribunal. Clause 37 provides that there is to be a Police Disciplinary Tribunal to be constituted of a magistrate appointed by the Governor. The clause provides for another magistrate to act as deputy. Clause 38 Provides for a Registrar and Deputy Registrar of the Tribunal. Clause 39 provides that where, in accordance with the Police Regulation Act, the Commissioner charges a member of the Police Force with a breach of discipline and the member does not make an admission of guilt to the Commissioner, the proceedings upon the charge shall be heard and determined by the Tribunal. This is to apply whether the charge is laid in consequence of the investigation of a complaint to which this measure applies or otherwise. The clause provides that where the Tribunal is satisfied beyond reasonable doubt that the member committed the breach of discipline, the proceedings are to be referred to the Commissioner for the imposition of punishment by the Commissioner under the Police Regulation Act. Under subclause (4), the Tribunal may indicate its assessment of the seriousness or otherwise of a particular breach of discipline and the Commissioner is required to have due regard to that assessment in making his determination as to punishment.

Clause 40 regulates proceedings before the Tribunal. The Commissioner and the member charged may call or give evidence, examine and cross-examine witnesses, make submissions and be represented by counsel or an agent. The Tribunal is to be bound by the rules of evidence and, as far as it considers appropriate, to follow the practice and procedure of courts of summary jurisdiction on the hearing of complaints for simple offences. Clause 41 provides for the powers of the Tribunal in proceedings for breaches of discipline. Clause 42 provides for the protection and immunity of the Tribunal, counsel and other representatives and witnesses in proceedings before the Tribunal.

Clause 43 provides that the Tribunal may state a case upon a question of law for the opinion of the Supreme Court. Clause 44 provides for the Tribunal to make orders for costs. Clause 45 provides for the Tribunal to state in writing its reasons for a decision if requested to do so by a party to proceedings.

Part VII (comprising clause 46) provides for a right of appeal to the Supreme Court against any decision of the Tribunal made in proceedings of the Tribunal or any order of the Commissioner made under the Police Regulation Act imposing punishment for a breach of discipline (whether in relation to a complaint or otherwise).

Part VIII (comprising clauses 47 to 54) deals with miscellaneous matters. Clause 47 provides that the Authority or the Commissioner may apply to the Supreme Court for determination of any question that arises as to the powersd or duties of the Authority or the Commissioner under the measure. Clause 48 prohibits unauthorised disclosure of information acquired in the course of the Administration of the measure by persons engaged in the administration of the measure. The clause now includes a new provision empowering the Commissioner to furnish to the Authority a certificate certifying that the divulging or communication of information specified in the certificate, being information disclosed to the Authority by a police officer or information obtained by the Authority from police records, might prejudice any present or future police invistigations of the prosecution of legal proceedings whether in this State or elsewhere, constitute a breach of confidence or endanger a person or caused material loss or harm or unreasonable distress to a person. Where the Commissisoner issues such a certificate, any person who divulges the information without the approval of the Commissioner, or the approval of the Minister given after consultation with the Commissioner, is to be guilty of an offence.

Clause 49 provides for offences of making false complaints under the measure or preventing or hindering or obstructing persons from or in the making of complaints under the measure. The clause prevents proceedings in respect of false complaints from being commenced except with the consent

of the Authority and prevents proceedings in respect of any other offence from being commenced against a person in respect of his making of a complaint under the measure. Clause 50 empowers the Authority to vary or revoke a determination made by the Authority under the measure. Clause 51 makes it clear that the Authority or the Commissioner may, if either thinks fit to do so, report to the Minister upon any matter arising under, or relating to administration of, the measure.

Clause 52 requires the Authority to furnish to the Speaker of the House of Assembly and to the President of the Legislative Council an annual report upon the operations of the Authority. The Authority may, in addition, if he thinks fit, make a special report upon operations of the Authority. A copy of any such report must also be given to the Minister. Under the clause, the Commissioner is given an opportunity to have included with the report for the consideration of Parliament any comments he wishes to make on any criticism directed at him or the Police Force by the Authority. Clause 53 provides that proceedings for an offence against the measure are to be disposed of summarily and must be commenced within 12 months after the date of the alleged offence. Clause 54 provides for the making of regulations.

The Hon. D.C. WOTTON secured the adjournment of the debate.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 19 February. Page 2621.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): This is not the most earth shattering legislation that has come before the House. It seeks to increase the penalties for non-authorised people doing electrical work and it seeks to apply the same penalty to people who purport to be electrical contractors. It seems to me that there is a slight difference in those offences. A person doing a bit of electrical work in their home (and I think quite a few people do) will be subject to the same penalty as a person who wrongly purports to be an electrical contractor—which is a considerably more serious breach. It would be quite dangerous for a person to hold himself out to be an electrical contractor when he is not qualified. It is not uncommon for people to do a bit of electrical work in their own home.

The Hon. Jennifer Adamson: One will need a licence now even if one is in one's own home.

The Hon. E.R. GOLDSWORTHY: Yes. A person will be lumbered with the same offence. This practice has been illegal for some years. Penalties for these offences will be increased, having been last increased in 1965. The Opposition supports the Bill.

Mr MATHWIN (Glenelg): In supporting the Bill, I want to point out to members opposite and the Minister who is handling this Bill the problems in relation to this matter, which deals with electrical workers and contractors who are working under licence. Like private enterprise employers, the Government now requires that apprentices employed by it must undertake a prevocational course provided by the various colleges. The Kingston College at O'Halloran Hill used to provide these courses for people living in the southern areas of Adelaide. However, the Minister of Education has seen fit to disassemble that course and move it to Regency Park, which now means that the young people undertaking that course have to travel, if they can afford it, all the way from areas even farther south than Christies Beach, such as Noarlunga, Hallett Cove, and O'Sullivan Beach. They must travel by some means all the way to Regency Park.

This is more than unfair, because it is creating a colossal hardship for those young people who have to do the course before they are even accepted by the Government as apprentices. Therefore, in many cases they cannot afford to travel the distance or they do not have vehicles to take them there, and if they do not do the course they are unable to get into the electrical trades field. This has caused a crisis for youth in the south.

Will the Minister make representations to the Government on behalf of those people? This matter is serious and it is very upsetting to them. I understand (I heard third hand) that it is possible that the course will return to O'Halloran Hill in the second part of this year. Of course, that is no good at all, because the young people concerned will not be able to get to Regency Park to start the course. If they still wish to become electricians and part of the electrical trade, they must wait until next year to undertake the course that will allow them to go in as apprentices to that trade. That is an extreme hardship. I am sure that the Minister handling the Bill fully understands that this situation is causing hardship and concern, particularly to young people in the southern areas of Adelaide.

The Hon. R.G. PAYNE (Minister of Mines and Energy): I admire the resolve of the member for Glenelg in choosing the Bill we are now considering to raise this matter. I accept that his concern is quite genuine in relation to those persons who might become licensed. Of course, if they were not licensed they might be doing some of the work referred to in the Bill and would be subject to a high penalty. The honourable member has shown his ingenuity in getting his point across.

I have listened to what he said and will certainly take it up with my colleague the Minister of Education, who is more directly concerned with this matter. Also, I take this opportunity to thank the Opposition for agreeing to deal with this Bill at short notice. Although, as the Deputy Leader pointed out, it is not a measure of any great magnitude, I appreciate the fact that honourable members were prepared to deal with it after its introduction only this week.

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

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 20 February. Page 2701.)

The Hon. JENNIFER ADAMSON (Coles): The Opposition supports this Bill, which in most respects completes the intentions of the previous Government in establishing the Commercial Tribunal in order to simplify occupational licensing and to reduce the proliferation of licensing boards which have previously existed in this State. The Bill transfers jurisdiction from the Land and Business Agents Board to the Commercial Tribunal and, in that respect, implements the intentions of the previous Government. It also establishes negative licensing of rental referral agencies, a move that was intended by the previous Minister of Consumer Affairs (the Hon. John Burdett).

It establishes a cooling-off period for the sale of businesses and, as a result of an amendment by my colleague the Hon. Trevor Griffin in another place, it ensures that where a company is carrying on business as a real estate agent with

two directors, one director a registered manager and the other a licensed salesman or saleswoman, under the Act that is sufficient for the corporation to be licensed. That amendment, which was accepted by the Minister in another place, ensures that those small businesses that comprise husband and wife can continue to operate without the need for involvement of a third licensed person. So, the Bill is satisfactory as far as we are concerned, and we support it.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the Opposition for its indication of support for this measure. As the member for Coles told the House, this brings about a substantial update and a number of reforms to the Act relating to the activities of land and business agents in South Australia, and indeed the spectrum of real estate business.

The latter matter to which the honourable member referred is one on which I have had representations in my own district. I know that many real estate businesses are quite personal and are established within a family. In the main, they have given very good service to the community over a long period. The amendment which I think was instituted by the previous Government has proven to cause considerable hardship for a number of these family businesses. This amendment will remedy that situation. Indeed, I think there are several hundred businesses in that category for which extensions were granted. Obviously, those matters could not be resolved other than by an amendment of this nature. I trust that the fears expressed about the legislation enacted by the previous Administration will not be realised by this amendment. I am quite confident that that will not be the case.

It is hoped that the legislation will ensure that this industry can serve the community more efficiently and that there are still increased protections for consumers in this State. South Australia has led Australia in this area, and it is true that the profession surrounding land and business agents is held in high regard by the community and that the profession in this State is held in high regard around Australia.

The courses conducted by TAFE institutions in this State are the model for training land and business agents around Australia. As a member of the Council of the Kensington Park College of TAFE where a substantial amount of training in this area is carried out, I advise members that there is a very long waiting list of people wanting to embark upon this course of study. The Director-General of TAFE has been involved at a national level with TAFE authorities, and with the peak body of the profession in this area, trying to establish uniformity of these courses and extend them throughout Australia. So, the legislation that was enacted by the then Hon. Mr King (now Chief Justice) has served this community very well indeed. Of course, all legislation must be updated and amended. I am pleased that this Government (as did the last Government) continues that process of reform.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Interpretation.'

Mr M.J. EVANS: Unfortunately, I have had a copy of the Bill for only about 20 minutes and, as it contains some 33 pages, I have found it difficult to read the entire contents before the debate began. However, in the course of reading it a number of questions have occurred to me. Whilst I support strongly the general thrust of the legislation, and believe that it will be very beneficial for industry and consumers in South Australia, there are a number of small questions I wish to raise. Section 6 of the principal Act is to be amended by this clause and, in particular, paragraph *(b)* changes the definition of 'business', but excludes share capital in a corporation.

Will the Minister clarify the situation? Does that present a loophole in this provision in that (rather than selling the business) by selling the shares in a corporation, which itself owns the business, the provisions of the Act can be evaded? I would appreciate an assurance that that is not the case, and that in some way that situation would be caught. What is the purpose of that exemption, and how would it operate in relation to a business? Would it provide any kind of loophole for people to avoid the normal terms of this Bill. The Bill should be applied in the fullest sense to transactions and businesses in a State because it provides substantial protection both to buyer and seller. Will the Minister clarify that exemption?

The Hon. G.J. CRAFTER: I apologise to the honourable member, but the Bill was being reprinted as it came from the Upper House. However, I understand that the honourable member has had a copy of the second reading explanation for some time. I will refer to some notes that I have with respect to the definition of 'business', which is a matter that concerns the honourable member.

A number of subsidiary amendments are also proposed to eliminate anomalies in the provisions relative to sales of small businesses. The limited definition of 'business' contained in the Act is amended to overcome the decision in *Kerr v. Townsin & Townsin* 9 L.S.J.S. 345. His Honour Judge Brebner there found that the sale of a truck used in a carrying business sold on the basis that the owner/driver would receive certain work did not comprise a sale of a business for the purposes of the Act. His Honour observed in the course of his judgment that the manner in which 'business' was defined in the Act implied a number of limitations on the term. The Bill removes those limitations. In addition, the definition of 'date of settlement' is amended both to ensure that it is the date title is actually conveyed, and to clarify the application of sections 91 and 91a to the sales of business regardless of whether or not a written contract is entered into. I am not sure whether that clarifies the situation for the honourable member, but that is why the definition of 'business' has been amended in that way.

Mr M.J. EVANS: I appreciate that the definition of 'business' is required to be extended in the terms spelt out in the second reading explanation, and I accept that. Unfortunately, the explanation does not cover the exemption contained in the definition of 'business' to exclude from the operation of the Act the share capital in a corporation. That is the point that concerns me greatly because, unless there is some clarifying explanation, it would appear that by selling the shares of a corporation one avoids the operation of the Act, if the corporation owns the business. It would not be unreasonable for that to occur in modern business practice. Therefore, by selling the shares, one would appear to avoid the operation of the Act. I assume that there is a simple explanation for it. If the Minister can obtain such information, I would appreciate it.

The Hon. G.J. CRAFTER: I will have to obtain that information for the honourable member and will seek it from the Minister for Consumer Affairs as quickly as possible.

Mr M.J. EVANS: The clause goes on to define 'rental accommodation referral business' as follows:

> 'rental accommodation referral business' means the business of providing for fee or reward information relating to the availability of premises . . .

Does that have to be fee or reward to the client? Will the business still be covered for fee or reward paid to the landlord in this case? I would be concerned if the clause did not cover agencies that operate in both climates. Although the present climate may be somewhat a seller's market with

many tenants queuing up for fewer properties, it may be in the future that that situation is reversed. I would appreciate an assurance that the clause operates in both respects and not, as I understand from a preliminary reading of the clause, that a fee or reward is paid by the person seeking the accommodation.

The Hon. G.J. CRAFTER: The so-called 'rental referral agencies' will become subject to the new Part VIIIB of the legislation. Contracts entered into by those agencies with consumers seeking information about the availability of residential accommodation will be required to be in writing, setting out all their terms and conditions. Each contract will have implied into it a condition that due care and skill must be exercised in providing information as to the availability of rental accommodation. Moreover, the Bill contains a provision enabling the proclamation of a code of conduct governing the operations of these agencies in more specific detail. As with the other occupational groups regulated by the Act, breaches of the Act or of such a code will render the offender liable to disciplinary action under the new Part IX.

This scheme of regulation of rental referral agencies is significant in that it represents the first serious attempt to come to grips with the problems consumers have with certain agencies of this kind in this State. It also represents the first example of the use of a system of 'negative licensing' in this State and possibly in this country. It is hoped that this system of regulation will provide an effective regime for the protection of the consumer without the significant expense a traditional positive licensing regime would involve.

Clause passed.

Clause 9—'Repeal of Part II and substitution of new section.'

Mr M.J. EVANS: This clause provides some wide exemptions, and there is no specification in the second reading as to the purposes to which some of those exemptions might be put. Clause 9 (2) provides:

> The Minister may, upon application by a person, exempt the person from compliance with a specified provision of this Act.

Subclause (3) provides that the Minister may refer such application to the Tribunal, which may report. Of course, that is not mandatory, and it is open to the Minister to make an exemption from the Act in wide and open terms with no public notice of that exemption. Because of the public benefit which this Act brings, as well as the protection it offers to consumers, I wonder why the provision, for exemption is cast so wide.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and refer him to the second reading explanation, where it states:

> Proposed new section 7 empowers the Governor to grant exemptions by regulation. In addition, under the proposed new section, the Minister may, upon the application of a person, grant an exemption to the person and, if he thinks fit, refer such an application to the Commercial Tribunal for its recommendations on the matter. Proposed new section 8 provides that the Commissioner for Consumer Affairs shall be responsible for the administration of the measure subject to the direction and control of the Minister.

I suggest to the honourable member that, if he is expressing some fear that there may be an abuse of power in this area, there are those checks and balances in the system, particularly with respect to the regulation making powers afforded to all members, to check that use of power.

Clause passed.

Clause 10 passed.

Clause 11—'Application for a licence.'

Mr M.J. EVANS: Proposed subclause 14 (3) *(a)* provides for the application to be advertised in the prescribed manner and form. Will 'prescribed manner and form' include public newspaper advertising? I believe that the public should be aware of the people who are applying for these licences because of the public impact they have. In the past, it has been customary for such advertisements to be placed in newspapers. I would appreciate an assurance that, now that it is not a statutory requirement but it will be prescribed, the Government will ensure that a daily newspaper advertisement is placed for such a licence application.

The Hon. G.J. CRAFTER: I will refer the honourable member's comments to the Minister and they will be transferred to the officers who are preparing those regulations. I would expect that that would be the normal course of events.

Clause passed.

Clauses 12 and 13 passed.

Clause 14—'Duration of licences.'

Mr M.J. EVANS: In relation to proposed new section 17 (1) of the principal Act, it is intrinsic in the licensing process of a body corporate that the directors of the body corporate are in some cases at least licensed persons. What would be the position in the case of a corporation which is licensed where the director on whom the licence is based dies or ceases to act? The clause seems to contemplate two separate provisions in respect of a natural person and a body corporate.

What is the situation where a body corporate has as one of its directors a licensed person and that licensed person dies (of course, the body corporate does not). There seems to be no provision whereby the licence of the body corporate is called into question given that the licence was originally granted to the body corporate only because the person who was a director was also licensed.

Also, proposed new section 17 (3) provides that 'the Registrar may require the person to pay the amount prescribed as the penalty for default'; in other words, the penalty for default will be as prescribed by regulation. I wonder whether there is any limitation contained elsewhere in this Bill which would limit the amount by default.

The Hon. G.J. CRAFTER: I will get precise information relating to the interpretation of those circumstances to which the honourable member refers. I think the honourable member will find that transitional proceedings to be followed with respect to a corporate body where a principal is deceased are provided for in this legislation. However, I will ensure that the honourable member does receive that information. I am sure that the circumstances he has described will be covered to his satisfaction.

Clause passed.

Remaining clauses (15 to 75) and title passed.

Bill read a third time and passed.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 2620.)

The Hon. P.B. ARNOLD (Chaffey): The Bill contains a proposal which will enable the Renmark Irrigation Trust Board to derive the portion of the outstanding loans attributed to any one section of rated land to be collected at the time of the sale of the land: in other words, the excision of that rated land from the Renmark Irrigation Trust for the purpose of primary production, if that land will be used for housing or industrial development.

It is fair and reasonable that all the land that was contained in the rated area of the Renmark Irrigation Trust at the time the rehabilitation took place should equally share in the repayments that are still to be made for the headworks that were carried out at that time. I have no objection to

that. I believe it is a common-sense approach that has been adopted by the Board and it is fair and reasonable to all ratepayers. I support the Bill.

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

ADJOURNMENT

The Hon. J.W. SLATER (Minister of Recreation and Sport): I move:

That the House do now adjourn.

Mr GROOM (Hartley): It is a matter of history that the State Labor Government was confronted with a grave economic crisis when it came to office in November 1982. The State Labor Government inherited a record $63 million Budget deficit with a rundown in the State's cash reserves, as the member for Hanson well knows. In the 1981-82 financial year the Liberal Government transferred $44.7 million in capital works money to balance the recurrent deficit. In 1982-83 another $42 million in capital works money was utilised in this way. That is to be contrasted with the situation in 1979, when the incoming Liberal Government inherited a genuine balanced Budget that was not propped up with capital works money. What I want to do in this debate is examine the Liberal Party's record in relation to State taxes, charges and imposts during the period of its office 1979-82.

Mr Oswald: The lowest taxes in the country.

Mr GROOM: We will see about that; just pause for a moment. In a speech last week the Leader of the Opposition, dealing with a debate in this House, said that during the current Government's term of office there had been six tax rises, a new tax introduced, and at least 160 individual charges increased. Earlier this week I spent many hours researching the records of this Parliament between 1979 and 1982 to estimate exactly the extent of Liberal Party State tax, charge and impost increases during the period September 1979 to December 1982, when they were defeated at the polls. If the increased cost for milk is ignored, the increases in State taxes, charges and imposts effecting the ordinary person totalled 185.

The Leader of the Opposition, in analysing the current Government's circumstances, said there had been 160 individual charge increases, plus six State tax increases and one new tax, totalling 167 increases. The Liberal Government during its period in office between 1979 and 1982 in fact imposed, despite the economic situation that it inherited in 1979, a total of 185 State charge, tax and other impost increases. They put out a list in November 1983. At that time they said there had been 72 price rises. In preparing this information, I used the criteria used by Liberal members and the same method as theirs in formulating price rises. I do not deny that a State Government needs revenue to keep the State running.

The Hon. Michael Wilson: How did you discover that?

Mr GROOM: The honourable member can check my figures. The Opposition's list of rises includes increases in electricity charges which they negotiated in October 1982. They included that figure as our first increase, but it was really theirs. If I deducted it from my list, it would give a total of 184 but, as they imposed those increases, the total is 185 increases in State taxes, charges and other imposts during that period. The Opposition had some busy periods while in Government. On 9 October 1980, the Liberal Government increased 13 imposts, including charges under the Agricultural Seeds Act, the Electoral Act, the Boating Act, the Explosives Act, the Firearms Act, the Companies Act, the Hospitals Act, the Nursing Homes Act, the Land Settlement Act, and the Real Property Act, as well as metropolitan taxi-cab fares and registration fees.

Members interjecting:

Mr GROOM: I realise that this is painful for members opposite. They say that the present South Australian Government is alone in putting up State taxes and charges on coming into office. However, we inherited a far worse budgetary situation than the Opposition. When the Liberal Government came to office in 1979 it inherited a balanced Budget because about $15 million had been transferred into capital works during the final year of the Corcoran Government. So, Liberal members inherited a genuinely balanced Budget with nice cash surpluses whereas, in November 1982, the present Government inherited a deficit of $63 million. Despite the favourable handover, the Liberal Government whacked up the 185 State taxes, charges and imposts between 1979 and 1982. I have given examples.

The Hon. Michael Wilson: If there was—

Mr GROOM: I know that the honourable member opposite does not like this, but my list is available to him. If he disputes my figures, he may do as I did: go down to the dungeons, get out the files, and extract the figures. He will then see that my figures are accurate.

Another busy day for the Tonkin Liberal Government was 20 July 1982, just before it introduced its Budget, which Liberal members tried to portray as a balanced Budget with no increases in charges. On that day that Government whacked up another 13 taxes, charges and imposts, including fees payable under the Chiropodists Act, the Criminal Law Consolidation Act, the Explosives Act, the Real Property Act, the Fisheries Act, the Health Act, the Mining Act, the Real Property Act, the Sewerage Act, the Health Commission Act, the Roads Opening and Closing Act, the Surveyors Act, and the Waterworks Act. Increased fees were also payable in respect of national parks and wildlife. Besides the 185 increases imposed by the Liberal Government, I have not included the increase in the price of milk between 1979 and 1982.

Members interjecting:

Mr GROOM: Including the 11 increases in the price of milk during the Liberal Government's term of office, the total of the increases is 196. Adding the rises in the price of bread, the total becomes 199. Increases in the prices of milk and bread affect individuals in a wide ranging way throughout the State.

Mr Mathwin: How do you think the Bays will go this year?

Mr GROOM: The honourable member for Glenelg does not like listening to his Government's record because of the things that it did. The honourable member knows that it is a political ploy to say that this Government is the only one to pass on State taxes, charges and imposts. If members opposite want to make such allegations, they should have the honesty to tell people what they did while in office. Further, because of increases in interest rates, the average repayment on a housing loan increased from $260 a month in 1979 to $355 in 1982. In 1979 the price of bread was 60 cents, whereas in 1982 it had risen to 85 cents.

The price of beer, which affects the ordinary working man, increased from 89 cents in 1979 to $1.26 in 1982. The fee for a hospital bed rose from $40 a day in 1979 to $105 a day in 1982. The average charge for electrical power, about which members of the Opposition now have the audacity to complain, rose from $243 a year in 1979 to $400 by 1982, the final year of the Tonkin Liberal Government's term. The charge for excess water per thousand litres rose from 24 cents in 1979 to 37 cents in 1982. A bus trip of two zones costing 40c in 1979 cost 70 cents in 1982. That was the record of the Liberal Party while in office.

The SPEAKER: Order! The honourable member's time has expired.

Mr BECKER (Hanson): I am always delighted to hear the member for Hartley take part in an economics debate. I have yet to know a solicitor who knows anything about finance and I would have thought that by now we would have educated the member for Hartley in economics matters. The honourable member knows that he has terrible trouble in trying to convince South Australians that his Government has acted responsibly.

Members interjecting:

Mr BECKER: We all know what the mouth from Unley goes on about: he is an instant expert on everything and knows nothing. At least we will not have to put up with him on the front bench before the next election, whereas the member for Hartley has a real chance. Both those members should read the articles about finance in the *Weekend Australian* and they might learn a thing or two.

Mr Groom: Would you—

Mr BECKER: The member from Hartley goes around saying that it is someone else's fault. The Government is trying to cut spending and, in doing this, it is running into a new bind. Interest on earlier debts is uncuttable and rising fast. Let members opposite recall who started all this: it was started in the glorious Dunstan era and helped along by the beautiful times of Gough Whitlam from 1972 to 1975 when, in one quarter, inflation was running at about 19.5 per cent. A tremendous number of notes were printed and money was wasted and, as a result, we are now paying dearly for the glorious period of the new wave of socialism that was forced on South Australian taxpayers. The article goes on to say that Governments are left with awkward choices.

Members interjecting:

The SPEAKER: Order! We do not need this shouting. The honourable member for Hanson.

Mr BECKER: Thank you, Sir. The article states:

> This is leaving Governments with awkward choices which some are choosing to duck. Their successors—and taxpayers—will not be amused.
>
> Politicians have been running up debt for centuries. Economists have been debating its significance for almost as long. Most had concluded public debt was benign, but now the mood is changing.

We find in the same paper, under the heading 'Japan loan not covered against rate rises', the following:

> The Victorian Treasurer, Mr Jolly, yesterday admitted a $150 million loan completed two weeks ago by the Victorian finance agency in Japan had not been made with a forward exchange cover for loan repayments.

Further on the report states:

> Since Mr Jolly announced the Tokyo loan a week ago—with much fanfare—the Australian dollar has fallen by about 4 per cent against the yen.

The rate has fallen even lower since then. It continues:

> Mr Hayward said, 'This means that the $150 million loan has already cost the Victorian taxpayer an extra $6 million in one week.

By now it would have cost the Victorian taxpayers $15 million or $20 million extra. Let us look at what has happened in South Australia. In the annual report of the South Australian Financing Authority from 1 July 1983 to 30 June 1984, the Authority reported, at page 14, under the heading 'Foreign Debt Management', the following:

> The Authority did not assume foreign debt in 1983-84 but, as mentioned above, a foreign currency loan was drawn down in early 1984-85 as part of the State's 1983-84 Loan Council offshore borrowing allocation.

In other words, through the approval of the Loan Council, the State was entitled to borrow a certain amount of money overseas. In fact, it was $40 million. The State Government, through the Financing Authority, did not carry out the terms of the Loan Council request in that financial year; it carried it out early this financial year. I do not know how they were able to break the rules, but they got away with it. The report goes on:

> In anticipation of the increased foreign currency exposures which the Authority will be able or may wish to assume, the Authority has commissioned reports from two merchant banking organisations with respect to the appropriate foreign currency exposure strategies for the Authority to adopt.

I understand that those two merchant banking organisations have given their advice to the Premier and Treasurer, and I would have expected last Thursday answers to my question regarding overseas borrowings. However, I believe that the merchant banking organisations were not very happy with the attitude of the Financing Authority, anyway. The report continues:

> Those studies were under way at the end of 1983-84 and are expected to be completed fairly early in 1984-85. In the meantime, the Authority remains unexposed to movements in foreign currency exchange rates.

In the House, the Premier and Treasurer replied on 15 November 1984 to the Leader on a question regarding offshore loans. He advised that the Government had borrowed 80 million Swiss francs from Credit Suisse. He refused to give the details of the interest rate negotiated, saying that it was commercially confidential. However, he said it was a bridging facility for five months expiring on 20 December 1984, and that the loan was drawn down on 10 July 1984 in London, which was contrary to the Loan Council agreement.

By way of advertisement in the *Financial Review* on Wednesday 12 December the South Australian Government Financing Authority placed an advertisement stating that it had negotiated a $US95 million zero per cent guaranteed bond loan maturing in 1994, and the issue price was 32.5 per cent. I remind the member for Hartley and the brilliant economists on the other side of the House that this type of borrowing is absolutely foolhardy. The loan issue price at 32.5 per cent means that the Government has borrowed $US30.8 million and will pay back $US64.2 million in interest in 1994—that is, if it pays it back. Knowing the Labor Party track record, it probably will not do so. That interest rate represents 12 per cent compound or 21 per cent per annum flat. Since that loan was taken out, it could, in theory, cost the taxpayers of South Australia an additional $21 million.

How stupid of the Government to go overseas and borrow money at a time when we are not aware of the hedging arrangements! The Financing Authority mentioned in its annual report that it was looking at the situation. It had already borrowed $40 million in Swiss currency and had not used that money. That money was sitting there. The Premier in his answer to my question said that they were offsetting funds overseas. However, Government has no right to run around playing an investment game on the overseas foreign money market. It is obviously borrowing money and not using it for the intended purpose.

At the same time, this Government will be found short, like the Victorian, New South Wales and Federal Governments were, probably owing somewhere in the vicinity of $1 000 million extra because of the fall of the Australian dollar. Of course, the taxpayers have to pick that up, which is the tragedy of irresponsible government and the irresponsible programmes put forward in the past. I have said before and I say again that any Parliament that approves loan moneys going into the General Revenue Account is not worth its salt, but we have had to do that. We have all been drawn into that issue of having to take money from the Loan Account to prop up the General Revenue Account, which is absolutely irresponsible economics. Therefore, the poor taxpayers in the next few years will pay very dearly

for the foolhardy politics of the previous socialist Governments which we have had to bear in this State and in the Commonwealth sphere.

The SPEAKER: Order! The honourable member's time has expired.

Mr HAMILTON (Albert Park): I rise to congratulate the Government, both State and Federal, for increasing commitments to the provision of child care centres. In South Australia it was announced recently that between 10 and 15 child care centres would be constructed between 1984 and 1985. The Federal Government has undertaken to meet the current salary costs and some capital costs, provided that the State is able to meet a major proportion of the capital costs. Accordingly, the State Government is making land and, in some cases, existing buildings available as part of its contribution.

I have recognised for many years particular needs within the western suburbs. To give an illustration of those needs, it is worth while incorporating the figures in *Hansard*. These figures pertain to the local government area of Woodville and are 1981 census figures. There were 2 587 children up to the age of two years; there were 2 785 children from three to five years of age, making a total of 5 782. Also, 2 674 children up to four years of age were looked after by mothers who were not in the workforce. A total of 999 children up to four years of age had mothers who were employed.

It is interesting to relate that the highest number of working mothers were in the suburbs of Seaton, West Lakes Shore, and Semaphore Park, followed by West Lakes, Royal Park, Flinders Park and Fulham Gardens. Additional data provided to me indicates that 40 per cent of children up to the age of four years are from non-English-speaking families. This demonstrates the needs that exist within the electorate of Albert Park.

I think that the previous Government took it for granted that the areas of West Lakes, West Lakes Shore and Tennyson were their domain. They considered them to be a Liberal stronghold. Of course, at the last State election they were disabused of that and rebuffed very strongly when there was a massive 16.4 per cent swing in the booths of West Lakes. Clearly, they thought that they could go out and tip a bucket on the Government and on the local member. However, much to the dismay of the Liberal candidate, he found that people were not easily fooled by their rhetoric.

Mr Trainer: Who was the candidate?

Mr HAMILTON: I do not know—it was some chap who was totally irrelevant as far as I was concerned: I was more concerned about the issues in my electorate. This indicates clearly to me that, if candidates for Parliamentary office want support from the community, they must get out, knock on doors and talk to people in the community. These Johnny-come-latelys who think that they can walk in and buy a seat will have to think again, as they found on that occasion. They might be able to pick up the safe seats, but they certainly will not be able to pick up those seats where they do not understand the local community and in relation to which they think they can move around in the last six or 12 months and get that community's support. As far as I am concerned, that goes for all sides of Parliament. What occurred demonstrates that people in the community are politically aware, despite what might be said by members from both sides of the House. I am concerned that these situations exist in my electorate.

The Hon. Michael Wilson interjecting:

Mr HAMILTON: I am not interested in stupid, inane objections from the former Minister of Transport. I am deadly serious about this. I am concerned about people in the community who suffer long and hard trying to look after their kids. The present Government has recognised clearly the problems that exist. It is about time that we in this place recognised the needs of these people and that all members went out into the community and knocked on doors, talked to the kids, and found out what their needs were.

In the electorate of Albert Park, 6 per cent of families are single parent families. Having regard to the number of people who come into my office in distressed circumstances, it annoys me to find these silver-tongued people who really do not know the nature of problems that exist in the community—people who say that the disadvantaged and unemployed could get a job if they got off their butt and went out and tried to find one. I would like to know where all these jobs are, because hundreds of them could be filled by people in my electorate. It disturbs me that these people believe that areas such as West Lakes, West Lakes Shore and Tennyson are Liberal strongholds. As I said before, people have been quickly disabused of that in the past. This is a recognition of the work done by the Labor Party prior to and following the last State election.

There has been an increasing demand by working parents for child care, particularly in the Seaton, West Lakes, Semaphore Park and Queen Elizabeth Hospital areas. The Government has recognised this need and appropriate action has been taken. Difficult circumstances arise for single parents, socially isolated parents and those whose children are at risk. One has merely to look around to encounter the problems that exist in relation to isolation of sole parents and their children. I am referring not only to women but also to men and to the problems that they experience in the community. They have an equally difficult, if not harder, job perhaps than some of the women, because most women recognise the role of motherhood. However, many fathers fail to recognise the problems associated with being a parent until they find suddenly that they are by themselves and where they can no longer rely on their wife for support, as they perhaps did in the past. They suddenly start searching around looking for assistance.

It is important for these people to know where to go for assistance, whom to talk to and about what is available for them. More time and effort must be spent in relation to providing information for these people, so that they know where to go when they are in strife and so that they do not sit around and worry themselves sick and perhaps in some instances commit a crime in order to provide the necessary wherewithal for their children. I have strong and emotional feelings about these matters because over the past almost 5½ years I have encountered people with these needs.

These things disturb me and, because of my background of coming from a poor family, I am able to relate to these people. It was with a great deal of pleasure that I found that the Government had recognised this need. I am disgusted that not one member is occupying the Opposition benches to listen to this debate tonight. Although Opposition members profess to be concerned about the wealth, health and welfare of the South Australian community not one of them is present on the Opposition benches to listen to what is taking place here tonight. It is hypocrisy at its worst. Where is the concern of honourable members opposite for these matters when they are not even prepared to sit here and listen to what is being said?

I know that I am no Rhodes scholar, but, if members opposite were sincere, they would be present in the Chamber where they might perhaps learn something about the needs of those in my community. I suggest that some time this year the Liberal Party will select a candidate who will stand against me in the next election. On this occasion perhaps members opposite could have taken note of my comments and said to that prospective candidate, 'This is what Ham-

ilton is saying about his community; take those comments on board.' However, incredibly, not one Opposition member is present at the moment. I think this is unprecedented in my 5½ years in the Parliament.

I stress my outrage and disgust. Where is the sincerity of Opposition members? They are the greatest hypocrites of all time. If I was out amongst my workmates, I would refer to this matter in stronger terms than I am using tonight. When I go down and have a few beers tonight in the local pub, I shall tell the people there about this situation. I would have thought that at least the Leader or someone delegated by the Opposition Whip would have been present tonight and listened and learnt a little bit from my contribution.

An honourable member interjecting:

Mr HAMILTON: There are seven Government members present. I am aware that the rest of them are out of the House taking on complaints from their constituents.

Motion carried.

At 4.36 p.m. the House adjourned until Tuesday 26 March at 2 p.m.