HOUSE OF ASSEMBLY

Wednesday 9 November 1988

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

PETITION: TORRENS ISLAND SAND

A petition signed by 146 residents of South Australia praying that the House urge the Government to halt the plan to remove sand from Torrens Island was presented by Mr De Laine.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

NATIONAL CRIME AUTHORITY

In reply to **Mr OLSEN (Leader of the Opposition)** 2 November.

The Hon. D.J. HOPGOOD: The Attorney-General and his officers are liaising with the Chairman of the National Crime Authority and officers of the authority who are drafting the specific terms of the proposed South Australian reference which will be considered by the Inter-Governmental Committee of the NCA later this month. It is the Government's intention that the reference be sufficiently broad to enable the investigation of serious criminal activity and the corruption of public officials. The terms of the reference will be made known to the Parliament. However, names and all information which may identify individuals will not be disclosed as this may hamper investigations.

MINISTERIAL STATEMENT: ROAD CRASH STATISTICS

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

Leave granted.

The Hon. G.F. KENEALLY: Last year, in response to a request from the member for Todd, I tabled a report on circumstances surrounding road deaths and crashes in South Australia. As members were interested in the data provided, I suggested that presentation of similar information each year would be of benefit.

I am pleased to table for the information of members a detailed statistical report which has been prepared by the Road Safety Division titled 'Road Accidents in South Australia 1987'. Similar reports will be produced yearly, and represent a resumption, with some improvements, of a series of reports which were produced by the Road Traffic Board but abandoned some years ago because of concerns about accuracy of data. Those concerns have now been overcome. I also table a complementary brochure, 'Road Crash Facts 1987'.

'Crash Facts' provides graphical summaries of the main features of the crash data, as well as commentaries and short articles. Taken together, the two publications provide an excellent overview of the South Australian road crash situation.

'Road Accidents in South Australia' is particularly useful in its provision of a detailed analysis of the number, type, severity, location, and timing of crashes in 1987, together with information on trends over the last 20 years. This trend information will be particularly useful for evaluating counter-measures and detecting circumstances or road user groups over-represented in the crash statistics.

The report shows that there were 42 240 traffic accidents reported in South Australia in 1987, which accounted for 11 465 injuries and 256 fatalities. At 256, the number of fatalities in 1987 was the third lowest for the decade, being 11 per cent lower than the 288 in 1986. The corresponding 1987 fatality rate of 18.4 per 100 000 population is higher than the figure of 17.0 for the whole of Australia. Preliminary data indicate that the 1988 fatality rate may be lower than for 1987.

However, because of large random fluctuations within the relatively small numbers of fatalities from year to year, a better indication of trends is given by the total number of casualties (which comprise injuries and fatalities). The figures give no grounds for complacency. However, it is gratifying to note that the recent trend of increasing casualty rates, from a low of 755 per 100 000 population in 1981 to a high of 928 in 1985, has been reversed over the last two years. In 1986, the rate fell by 3.7 per cent to a value of 894 per 100 000; and in 1987 the rate fell by a further 5.9 per cent to a value of 841. Preliminary data indicate a further reduction in 1988.

It was recently claimed in the media that South Australian fatality rates compare unfavourably with those of some other countries, and in particular with the rate in Great Britain. Because vehicle ownership and usage patterns, economic factors and environmental factors differ across countries, the best way of making international comparisons is in terms of fatalities per distance travelled on the road. The report shows that the 1987 South Australian rate is 1.97 fatalities per 100 million vehicle kilometres. This value is only marginally greater than the 1987 figure of 1.89 for Great Britain. The rate is below the latest available figure for Canada, but above that for the U.S.A. However, there must be some doubt as to the relevance of such comparisons.

The report highlights several areas of concern. Three in particular which the Government is addressing are:

The accident rate of young adults: more than half of all deaths in the 16-24 year age group were the result of road accidents.

The over-representation of motorcyclists in casualty accidents: though motorcycles are involved in around 13 per cent of such accidents, they represent only 4 per cent of the total vehicle fleet. The report does provide information on one gratifying trend. The total number of motorcyclist and pillion casualties has fallen sharply by 34 per cent from a peak of 1 782 in 1985 to a low of 1 168 in 1987. This fall probably reflects a decrease in new motorcycle registrations, but may also be an indication of the success of the pre-licence training scheme.

Increasing number of cycle casualties: whilst overall casualty numbers have reduced, those for cyclists have increased. This probably indicates an increasing popularity in this form of cheap transport.

Another point of major concern remains the number of people who drive with BAC at levels in excess of the legal BAC limit which is itself above the level at which noticeable deterioration in skills and performance occur. Earlier this year, I tabled a report on the effectiveness of RBT. This showed that despite increased publicity and more RBT, drinking drivers are still greatly over involved in accidents. About 30 per cent of drivers and motorcyclists killed have a BAC of .08 or above, and about 20 per cent of drivers injured in accidents have an illegal BAC. The risk of having

an accident rises rapidly with BAC, such that a driver at .05 is twice as likely as a sober driver to have an accident. A driver at .08 is five times as likely to have an accident. I commend the report to the attention of members.

QUESTION TIME

X-RATED VIDEOS

Mr OLSEN (Leader of the Opposition): Because X-rated videos distributed in South Australia by mail order from the Australian Capital Territory circumvent the prohibition on their sale in South Australia, and because they demean women, undermine family values and have been linked with encouraging acts of violence, will the Premier as Premier and Federal President of the ALP make representations to the Prime Minister to insist that the Federal Government stops delaying a final decision through the appointment of a working party and, instead, moves immediately to ensure that X-rated videos can no longer be distributed anywhere in Australia?

The failure of the Federal Government again yesterday to ban X-rated videos has provoked strong community reaction. It is estimated that mail order sales in South Australia amount to almost $2 million each year. The X category is similar to the ER category which the Premier and the Government had proposed for South Australia in 1984 but subsequently dropped. However, the prohibition on the availability of X-rated videos in South Australia is largely circumvented through the mail order trade from Canberra.

The Hon. J.C. BANNON: I feel very strongly about this matter. South Australia was the first State to ban so-called video nasties in 1984, and X-rated videos have been banned in this State since March 1985.

An honourable member interjecting:

The Hon. J.C. BANNON: We have never been in favour of it. In addition, in June 1988 all States called upon the Federal Government to ban X-rated tapes. Under the Classification of Publications Act the sale, distribution and hire of all X-rated videos is prohibited in South Australia. It is also an offence to let any child view an X or R-rated video, and that applies whether or not the videos are obtained through this loophole in the postal system—that offence is in place.

I am extremely disappointed with the decision taken at the Federal level. It is out of line with the decision taken by all the States and with that taken at the meeting of Attorneys-General. I intend to restate our Government's position. It is up to the ACT to choose what it will do, but it cannot provide a loophole—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is not up to the ACT or the Northern Territory to provide a loophole whereby these goods can be made available in this State. That is our position and we will restate it very strongly indeed. The Leader of the Opposition refers to $2 million. I do not know who is buying these things. I am very disappointed that there are South Australians who are involved in buying these things by post. I repeat: they are banned and they are illegal in South Australia; and it is also an offence to let any child view any of these X or R-rated videos.

TOKYO DIRECT FLIGHT

Mr De LAINE (Price): My question is directed to the Minister of Transport representing the Minister of Tourism in another place. Can the Minister tell the House of the progress in talks aimed at securing a direct flight between Adelaide and Tokyo? For some time there has been speculation within the tourism industry that negotiations with respect to a direct flight are at an advanced stage. I understand that agreement in principle has now been reached between the South Australian Government, Qantas and Japan Airlines on the operation of such a flight.

The Hon. G.F. KENEALLY: I am delighted to be able to inform the House that the Minister of Tourism has just been able to announce that Qantas and Japan Airlines have reached an agreement in principle to operate a direct flight from Tokyo to Adelaide from July next year. I think that is great news for South Australia and great news—

Members interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY: I understand the chagrin of members opposite because they knock every positive economic benefit for South Australia—and here they go again. However, I note that the member for Coles has not joined the criticism (mind you, the member for Coles is not saying too much about anything at the moment). However, at least I am assured that on this subject she is at one with me in congratulating the Minister of Tourism and the Premier of South Australia for the notable achievement that they have been able to chalk up for South Australia.

As the Minister of Tourism has been involved in negotiations with JAL and other airlines in Japan and Australia—as was, I suspect, the Minister in the previous Government, the member for Coles—we know how difficult those negotiations have been. The fact that they have been successful is a matter which I would have thought would bring some applause from members opposite and not the cynical approach that we have just seen. Final details and an operating date are yet to be decided, but the route has been approved. A jointly operated Qantas 747 with a carrying capacity of 400 passengers will fly Tokyo-Adelaide-Melbourne and then Melbourne-Tokyo. I repeat: this is very good news for South Australia. More than 200 000 Japanese people now visit Australia—

Members interjecting:

The SPEAKER: Order! Will the Minister resume his seat for a moment. The honourable Minister has the floor and not the Deputy Leader of the Opposition.

Mr Lewis: What about those other jackasses?

The SPEAKER: Order! The Chair drew attention to the interjections of the Deputy Leader simply because they were coming at a rate which was beginning to disrupt the proceedings of the House. The Chair is not of the view that previous interjections on either side were deliberately intended to disrupt the House. The honourable Minister.

The Hon. G.F. KENEALLY: I thank you, Sir, for your protection in what is the delivery of an important statement and reply. I might say that, even if members opposite do not, the tourist industry and the South Australian economy would welcome this move. More than 200 000 Japanese now visit Australia annually and the number of visitors has increased by more than 70 per cent since the previous year, but that is still only a fraction of the potential market. This direct flight will give us a chance to share in the existing market and to create a market of our own. The evidence is clear: Japanese who visit South Australia are full of praise for what we have to offer. They love our open spaces, our friendliness and the greenness of the city. Adelaide is the place that they want to visit and I believe that Adelaide is a place that they will want to revisit.

We need to develop the kind of environmentally sensitive but sophisticated facilities that will encourage them to keep

returning. The challenge has to be thrown out to the tourist industry to provide for the needs of a very lucrative market, because the tourist industry and industry at large has a very heavy responsibility. The Government can help to bring people in and that is a role which Government picks up very willingly, but the service that is provided to the tourists is a responsibility of the industry. I am confident that it will meet that responsibility, because its future economic viability will depend on it. I am delighted to say that the marketing might of both JAL and Qantas will be marshalled to reinforce the route's viability. Another advantage is that the same 747 flying from Adelaide will fly outbound from Melbourne to Tokyo, and this means that South Australian businesses will be able to airfreight their products directly to Japan.

Mr GUNN: On a point of order. The Minister of Transport is now going far beyond the realms necessary to answer the question. He has already taken over five minutes. I therefore ask you, Sir, to rule that he is wasting the time of the House.

The SPEAKER: Order! I cannot uphold the point of order.

Members interjecting:

The SPEAKER: Order! Although the reply is lengthy, it does not seem to be irrelevant. The honourable Minister.

The Hon. G.F. KENEALLY: I am quite surprised by the continual negativism coming from members opposite. In addition to the Qantas and JAL flights, Thai Airways will also operate a flight to Adelaide from July next year flying Bangkok-Darwin-Adelaide and, because of Bangkok's hubbing facilities, the Thai flight will give Adelaide important access to visitors from America, Japan and Europe, particularly the growing Scandinavian market. The flights will bring to 13 the number of international flights operating in and out of Adelaide. Qantas will operate six flights; British Airways, two; and, Singapore Airlines, three. All Nippon Airways and Air New Zealand also have rights to land in Adelaide, and Tourism South Australia will now encourage the New Zealand airline to take up its option. Meanwhile, negotiations on direct flights are continuing with Malaysian Airline System and America's Continental Airlines, and talks are being held with Lufthansa, Cathay Pacific and Iberia Spanish Airways.

The SPEAKER: The honourable Deputy Leader.

Members interjecting:

The SPEAKER: Order! The honourable Deputy Leader has the call and no-one else.

AIDS

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): My question is directed to the Minister of Health. Does the South Australian Government intend to support a trial program aimed at stopping the spread of AIDS by giving selected drug addicts heroin on prescription? I refer to press reports that State Health Ministers next March are expected to endorse this program, which has been devised by the Chief Commonwealth Medical and Scientific Adviser on AIDS. (Professor Tony Basten), and it is to involve intravenous drug users being given heroin in single use syringes.

However, medical opinion on this approach is sharply divided. For example, the Director of the National Centre for Research into the Prevention of Drug Abuse (Mr David Hanks) has warned in an article in the latest *Medical Journal of Australia* that the program could increase the incidence of needle sharing and therefore the risk of AIDS.

The Hon. F.T. BLEVINS: I am aware of the issue through reading the newspapers, the same as the Deputy Leader. I know nothing of it other than that. I will be interested to see what the Health Ministers discuss next March. I will certainly be prepared to listen to any reasonable proposition.

As the Deputy Leader stated, there is a clear division of opinion throughout the medical profession and the health professionals as to the best way in which to attempt to stop AIDS from getting into the general community. At the moment, as all members would know, it is predominantly a disease which is contracted by male homosexuals in particular—in something like 90 per cent of cases. The fear is that it could spread into the general community through the sharing of needles by intravenous drug users and subsequent acts of sexual intercourse with people who are not drug users. That is the main channel by which it would get into the general community. I suppose the community has to decide on the basis of the lesser of evils—whether they believe it is less of an evil to give heroin to heroin addicts than to take the risk that the general population will be exposed to AIDS. I do not know; I have not considered it in any great detail, but I am sure that, between now and—

An honourable member interjecting:

The Hon. F.T. BLEVINS: You are quite right. I am sure that, between now and next March (if indeed the issue comes up at the next Health Ministers Conference), the Deputy Leader and the medical profession will put to me various points of view, and I will be interested to receive them and to make decisions accordingly.

Mr Olsen: Do you have a point of view or not?

The Hon. F.T. BLEVINS: Pardon?

Mr Olsen: You don't have—

The SPEAKER: Order!

The Hon. F.T. BLEVINS: By way of supplementary question, the Leader of the Opposition asked whether I had a point of view. If I had a point of view, I certainly would not tell the Leader.

Mr Olsen: Why?

The Hon. F.T. BLEVINS: I will tell you why. I would have thought that it was perfectly obvious: I am the Minister of Health in a Government. I will consider all the issues and take them to the Government, and the Government will make a decision. I would have thought that the Leader of the Opposition, whilst he was in government for only three months (and I know you cannot learn very much in three months—you are still bumping into the furniture), would have some idea of how Cabinet Government works.

Members interjecting:

The SPEAKER: Order! It is not appropriate for the Minister to be conducting a dialogue with the Leader and Deputy Leader of the Opposition. The honourable member for Mitchell.

WATER RATE CONCESSIONS

The Hon. R.G. PAYNE (Mitchell): My question is directed to the Minister of Water Resources. Will she consider amending the Rates and Taxes Remission Act so that the local government rate concession applies to eligible persons on the date of billing of the rates? The schedule in the Act relating to the criteria for eligibility provides that people must occupy the property 'as to water and sewerage rates on the date of billing of the rates' and 'as to local government rates on the date of the declaration of the rates'. At present that point causes many people, who are eligible in other respects, to miss out on the concession for one year

even though they may become eligible only one day after the declaration of the rates.

The Hon. S.M. LENEHAN: I thank the honourable member for his question. I certainly understand and acknowledge the concern expressed by him and, as I noted, by other members opposite. All House of Assembly members would have come across examples such as those highlighted by the honourable member. I will quickly give some background to my answer to this question. In 1984 the Concessions Review Committee addressed the issue of rate remission where eligibility occurred after the rate was struck and recommended to the Cabinet of the day that *pro rata* remissions not be provided.

The reasons given by the committee to Cabinet for this recommendation were as follows: first, that administrative costs to local government and the Department for Community Welfare would be substantial; and, secondly, that costs of remission would rise. However, I am happy to ask my department to review the situation again and provide me with a range of possible options. Obviously, cost factors would have to be a major consideration in any proposal, as well as addressing the issues of equity, community concern and targeting of those most in need, this being in line with the Government's social justice strategy.

POLICE CORRUPTION ALLEGATIONS

The Hon. B.C. EASTICK (Light): Can the Minister of Emergency Services say why the South Australian Police waited for seven months to advise the National Crime Authority that allegations of corruption had been made against the then head of the Drug Squad (Moyse) and whether this is what the NCA was referring to when, according to the Attorney-General, it accused the police of having a lack of resolve to investigate such allegations?

Information now available on the investigation of Moyse raises further serious questions about its conduct. This information shows that inquiries were carried out by the Police Internal Investigation Branch into allegations of corruption against Moyse between October and December 1986. At this time, the NCA was also investigating allegations of corruption in South Australia. It received its first term of reference to undertake investigations in South Australia in May 1986. However, the information now available to the Opposition also shows that the South Australian police did not advise the NCA of allegations against Moyse until May 1987—seven months after they were first made. This delay conflicts with assurances that the Government has constantly given about cooperation with the NCA. When legislation to facilitate NCA investigations in South Australia was introduced, the Attorney-General said (on 17 October 1984)—

> I can assure members that the authority will receive the utmost cooperation from South Australian law enforcement agencies.

This delay in advising the NCA also raises the question of whether the corruption of Moyse could have been detected earlier than it was, given reports that the NCA detected him on the drug plantation at Penfield only by accident at a time when the authority had another person under surveillance.

The Hon. D.G. HOPGOOD: I will first check the veracity of the honourable member's claim. I can do that straightforwardly by asking the Commissioner of Police and thereby determining from the Commissioner, if the claim is correct, why there was that delay. However, first I make the point that I intend to check it out thoroughly before going further on that one. There is a sense in which the honourable member is flogging a dead horse: Moyse is in gaol.

Members interjecting:

The SPEAKER: Order!

ROYAL ADELAIDE HOSPITAL

Mr PLUNKETT (Peake): Can the Minister for Health bring the House up to date on the attitude of surgeons at the Royal Adelaide Hospital toward the proposed theatre redevelopment? Last week, the Opposition spokesman on health (Mr Cameron) claimed that surgeons were not happy about the project, especially about the planned sterilisation facilities, saying that they had not been adequately consulted about the project.

The Hon. F.T. BLEVINS: I thank the member for Peake for his question. The Hon. Martin Cameron asked his question in the other place and when I was contacted by the press I said it certainly did not sound correct. As far as I was aware, there had been extensive consultation with the surgeons and it appeared to me at that stage that it was merely another of the Hon. Martin Cameron's wild assertions in an attempt to beat up the health system into some kind of chaos or animosity between the doctors and this Government, the usual nonsense that we hear from Martin Cameron. Anyway, I just dismissed it like that and forgot all about it. However, a letter from the surgeons at the Royal Adelaide Hospital was drawn to my attention today, and I will quote from it because it does answer quite succinctly the question of the member for Peake. It is from the Royal Adelaide Hospital Medical Staff Society, addressed to Dr B. Kearney, the Administrator of the Royal Adelaide, and states:

> Dear Dr Kearney,
>
> At the Surgeons Executive Meeting on Saturday, 5 November 1988, the media release concerning theatre redevelopment at the Royal Adelaide Hospital was discussed. As you know the Opposition shadow Minister for Health, Mr Martin Cameron asked certain questions which related to the proposed theatre redevelopment and in particular Mr Cameron referred to certain difficulties such as sterilisation facilities. As you know we have met on several occasions and all parties have made genuine attempts to solve these difficulties.
>
> At all times the surgical Division has been enthusiastic about the project and in particular we have been appreciative of your efforts in coordinating all aspects of development of the project. The Division advises that it dissociates itself from the politically motivated statements released in the press last week and reassures the Royal Adelaide Hospital administration that the surgeons are not working to any political agenda. Following discussions with you the surgeons recognised how ill-advaised and ill-timed such actions were and wish to reaffirm their support for the theatre redevelopment and their determination to avoid any action which might jeopardise it.
>
> It is recognised that minor problems will be encountered as the building works proceed but as we have discussed we are confident that these can be resolved by ongoing discussion, cooperation and compromise.
>
> (Signed) J. Jose,
> Chairman, Division of Surgery

Although I do not know a J. Jose or any surgeons at the Royal Adelaide, I think the last sentence of that letter epitomises what this Government is about and how we resolve our difficulties. I will repeat it:

> . . . we are confident that these can be resolved by ongoing discussion, cooperation and compromise.

Those last three words are the hallmark of what this Government is about and the way it conducts its business with people in the private sector, other people in the public sector, and why we are so successful in this State. We do not make alarmist remarks or confront at every opportunity: we cooperate, discuss and, if necessary, compromise.

DRUG AND CORRUPTION ALLEGATIONS

Mr S.J. BAKER (Mitcham): After that joke, I will ask a question of the Premier.

Members interjecting:

The SPEAKER: Order!

Mr S.J. BAKER: As it can no longer affect matters before the court, will the Premier table the report into the investigation of the original allegations against the former head of the drug squad so that Parliament and the public can determine whether that investigation was adequate in the circumstances?

The Hon. J.C. BANNON: I do not have authority to do that. That is something held by the police.

Members interjecting:

The SPEAKER: Order! I call the House to order. The honourable member for Newland.

COMMISSIONER FOR THE AGEING

Ms GAYLER (Newland): Can the Minister of Community Welfare say whether the existence of the South Australian Office of the Commissioner for the Ageing is under any threat? A position paper on the ageing put out by the Opposition canvasses a number of issues and programs but fails to mention the South Australian office or the Commissioner for the Ageing. The paper proposes a new department but contains no commitment to continuing the office. However, it proposes that older people be heard in the Cabinet room.

Mr OSWALD: On a point of order, I suggest that, from the explanation, this is clearly a hypothetical question. There is nothing in the question to which the Minister can give an accurate response and I ask you, Sir, to rule the question out of order.

The SPEAKER: I cannot rule the question out of order although fragments of explanation that I heard whilst in consultation with the Clerk on another matter may have been irrelevant. The honourable Minister.

The Hon. S.M. LENEHAN: I can give the House an unequivocal answer to the honourable member's question. Certainly, while this Government remains in power, the Office of the Commissioner for the Ageing and the position itself are under no threat. The Opposition has put together a very vague position paper on ageing. It merely proposes to remind the Commonwealth—

Members interjecting:

The Hon. S.M. LENEHAN: I will get to that. The paper proposes to remind the Commonwealth to monitor closely and to strive to help, but nowhere is any mention made of the Commissioner for the Ageing. Apparently, the Opposition sees no role for the Commissioner. In contrast, since this Government came to power, it passed the Commissioner for the Ageing Act in 1984 and it has got on with the job. The Commissioner and his staff are fully versed in the characteristics of the elderly. They are well aware of their needs and concerns and have responded accordingly.

Briefly, I will share a number of the achievements of the Office of the Commissioner for the Ageing. Australia's first insurance scheme for volunteers over 65 has been negotiated successfully by the office. Secondly, tens of thousands of 'Aged Pages', which are simple, informative pamphlets about health and safety issues for older people, have been produced and distributed. Thirdly, the office has developed guidelines for the location, siting and design of purpose-built accommodation for elderly people, and these guidelines are to be released before Christmas. Finally, the office has been instrumental in obtaining funding from the Australian Bicentennial Authority for the Bicentennial Seniors Symphony Orchestra, which two weeks ago played to a packed audience.

The record speaks for itself. The Opposition may want to ignore the role of the Commissioner and his staff in initiating programs for the aged but this Government stands on its record in supporting and encouraging the Commissioner in the work that he is doing to support our senior citizens. I assure the honourable member that the Commissioner, his staff and the office will remain as long as this Government is in power.

NATIONAL PARK DEVELOPMENTS

The Hon. J.L. CASHMORE (Coles): My question is addressed to the Minister for Environment and Planning.

Members interjecting:

The SPEAKER: Order! I call the member for Fisher, the member for Hayward and the member for Adelaide to order. The honourable member for Coles has the floor.

The Hon. J.L. CASHMORE: Does the Minister see any conflict in the public advocacy role which the Director-General of the Department of Environment and Planning (Dr McPhail) is performing in respect of the proposed Wilpena, Mount Lofty and Kangaroo Island national park developments and his role as head of the department—

Members interjecting:

The SPEAKER: Order! The honourable member for Briggs is completely out of order.

The Hon. J.L. CASHMORE: —which has the statutory responsibility of assessing these developments, including environmental impact statements, on the basis of strict impartiality and objectivity. Dr McPhail is recognised as being a public servant of capacity and integrity. However, the Government has seen fit to either instruct, allow or encourage Dr McPhail to be the front-runner in publicly defending proposed projects in South Australia's national parks from public and political criticism. In the past few weeks, Dr McPhail has appeared on the ABC's *7.30 Report* debating against the Chairman of the Australian Conservation Foundation, Mr Philip Toyne, and on the Keith Conlon program he was forced into a position of conflict with me as shadow Minister for Environment and Planning.

This morning he was interviewed on 5DN and during the interview defended the Wilpena project which, I understand, has not yet been approved by the Reserves Advisory Committee or by the Minister. In this morning's *Advertiser* and in previous frequent newspaper reports, Dr McPhail expressed strong support for the various projects. Senior figures in the conservation movement and some lawyers now believe that the Government has forced Dr McPhail into a position where his public relations role—

The Hon. T. H. Hemmings interjecting:

The SPEAKER: Order! The honourable Minister of Housing and Construction is out of order.

The Hon. J.L. CASHMORE: —for the Government has begun to compromise the statutory responsibilities of his department's roles under the Planning Act and the National Parks and Wildlife Act.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: I do not think that the honourable member's question went for all that long—it was almost a model of brevity! I understand why the Leader of the Opposition dived for the phone as soon as the honourable member announced the nature of her question.

The fact that this question has been asked by the member for Coles shows how specious that little bit of window dressing was a couple of days ago—the business about who is the spokesperson for certain responsibilities on the Opposition bench. All the Opposition wants to do is avoid painting itself into any fixed position on this matter or, indeed, on most other matters.

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: A number of people have attempted to make sense of the black and white statements about the Wilpena project that are on record from the Leader of the Opposition. They have expressed a good deal of frustration about trying to discern what on earth the Liberal Party's attitude is to this project. However, the Director of the Department of Environment and Planning has operated completely properly in this matter. He has been under no instruction from me whatsoever. Let us make it perfectly clear what has been going on here.

Members interjecting:

The SPEAKER: Order! The honourable member for Coles should give the Minister the opportunity to reply to her question. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: You will recall that at no stage has the Government made any secret of its intentions in this matter. The Government purchased the Wilpena station from the pastoralist, Mr Hunt.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! Will the Deputy Premier resume his seat. In view of the number of times that the House has been called to order I will treat repeated interjections, such as those from the Deputy Leader, as flouting the authority of the Chair. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: The Government purchased the Wilpena property and a couple of years ago announced that it was appropriate that this property be made available for a tourist development. The Government was concerned about the standard of the tourist development that is presently at Wilpena. I believe the previous Government was too when it bought out the existing tourist—

Mr Lewis: The question was about the politicising of a public servant.

The SPEAKER: Order! The member for Murray-Mallee is completely out of order and I warn him that if he continues to interject he will be named. The honourable Deputy Premier.

The Hon. E.R. GOLDSWORTHY: A point of order, Mr Speaker, I ask you to rule on the relevancy of the Minister's answer. The question was about the politicising of the job of the Director of the Department of Environment and Planning. The Deputy Premier will not address that question.

The SPEAKER: Order! The Deputy Premier seemed to be developing an answer. He may have drawn certain parallels in the course of that answer; however, in my experience it has never been out of order for Ministers of the Government to make parallels or draw conclusions of a parallel nature while giving a reply. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: So, Sir, there has never been any secret made of the fact that the Government believes that there was a prime investment opportunity (and one which would be to the good of the conservation of that part of the Flinders Ranges) by developing a good quality tourist destination on the former Hunt property. It also believed that it was a defensible position to incorporate the Hunt property into the national park, even though that would bring a certain amount of what I would call ideologically-based opposition from those people who believe that it is just a black and white question as to whether there should be any developments in parks.

In the involvement that it has had so far in the development of this matter, the department has merely followed the directions of the Government on these matters. That is without prejudice to the specific form of the development which can only be approved, if it is to be approved by the Cabinet, following the release of the assessment on the EIS and that is something which is just a little way down the track. Dr McPhail—

Members interjecting:

The SPEAKER: Order! The honourable Deputy Premier.

The Hon. D.J HOPGOOD: I do not know whether, by their interjections, members opposite are reflecting on the integrity of the departmental officer who is doing the assessment.

Mr S.J. Baker interjecting:

The Hon. D.J. HOPGOOD: Well and good. Let them not carry on with that sort of nonsense. Let me make the point—

Members interjecting:

The SPEAKER: Order! I warn the member for Coles.

The Hon. D.J. HOPGOOD: All I want to say is that, in all that he has said, Dr McPhail has merely defended what his department has done in following through on the original Cabinet decision and ensuring that all the proper mechanisms were carried out. That is what has occurred. It is for the Government eventually to determine whether the specific form of the development is appropriate, and that is something which will occur once the assessment—

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order! I warn the honourable member for Heysen.

The Hon. D.J. HOPGOOD: —is made public. The other point I want to make clear is that, in my mind, there has never been any doubt about whether or not any of the submissions which have been made available to us as a result of the EIS should be made public. It is true that Dr McPhail made a mistake in telling one journalist that he understood that this material was made available only once the assessment was made available. That is incorrect and he has admitted that it is incorrect. In this morning's newspaper he indicated how open we are in making all this material available in respect of any environmental projects which are subject to environmental assessment. Dr McPhail has my complete confidence and I believe that he should have the complete confidence of members of the Opposition as being an impartial public servant.

The SPEAKER: The honourable member for Adelaide.

Members interjecting:

The SPEAKER: Order!

ELECTORAL PROCEDURES

Mr DUIGAN (Adelaide): Will the Minister of Education, representing the Attorney General in another place, advise what action is being taken by the State Government to investigate the consequences, if any, on South Australian legislation of the decision of Justice Needham that was handed down in the New South Wales Court of Disputed Returns on the breach of section 147(a) of the New South Wales Parliamentary Electorates and Elections Act in September concerning statements and actions taken during a recent New South Wales election that were determined as having induced voters to act in a certain way and that

resulted in a by-election being ordered for the seat, which by-election was conducted last weekend?

The Hon. G.J. CRAFTER: I thank the honourable member for raising this issue and I understand that the Attorney-General has referred the New South Wales decision, to which the honourable member refers, to the Electoral Commissioner for consideration as to its applicability to the provisions of the South Australian Electoral Act and as to whether the provisions of that legislation require amendment if the New South Wales decision applies to South Australia. Obviously, this decision has caused considerable concern in New South Wales and indeed in all other jurisdictions around Australia, because it casts the role of members, of Parliament as a very narrow one indeed with respect to the provisions of bribery. It is also interesting to note that the fresh election that was ordered in that electorate in New South Wales was conducted last Saturday and reflected the resounding decision of the electors to return the candidate who was alleged to have committed this breach of the legislation under that decision.

WATER CARTING

Mr GUNN (Eyre): I direct my question to the Minister of Water Resources. Following this week's dust storms which have further compounded the problems of farmers and their families on the West Coast, will the Minister immediately review her decision to refuse to provide funds to cart water to Government tanks west of Ceduna?

This week's weather conditions have caused further destruction to crops and blown away top soil across wide areas of the West Coast as well as other cereal areas, adding to the critical situation facing agricultural producers in that part of the State and on Upper Eyre Peninsula. The problems are most severe on the West Coast and farmers have been seeking some assistance through the Minister, with requests to cart 100 000 gallons of water a week to Marbra, Cunderie, Wire Gate, Watraba and Oorla water conservation tanks to the west of Ceduna so that breeding stock do not have to be moved out of the area and essential household needs can be met.

This would cost only a tiny fraction of the amount of money the Government has recently invested in dubious, less productive ventures such as the South Australian Timber Corporation, the State Clothing Corporation and the Central Linen Service. However, so far the Minister has rejected these calls; instead, she has handballed the problem to the Department of Agriculture.

This morning's *Advertiser* editorial has described the rapidly deteriorating situation as follows:

> In the underdeveloped countries, the Third World, this deprivation of essential water would be, often is, a scandal. In South Australia it is an outrage that calls for the strongest reprimand to authorities—

The SPEAKER: Order! The honourable Minister of—

Mr GUNN: —and political leaders.

The SPEAKER: Order! The honourable Minister of Housing and Construction.

The Hon. T.H. HEMMINGS: May I have your ruling, Mr Speaker, on whether the question that was asked by the member for Eyre is in contravention of Orders of the Day: Other Business No. 6 on the Notice Paper of Thursday 10 November 1988?

Members interjecting:

The SPEAKER: Order! I ask for the cooperation of the House while I consult the Notice Paper.

Members interjecting:

The SPEAKER: Order! I am of the view that the question is probably out of order, but it may not be and, accordingly, I ask the member for Eyre to bring up his question so that a delayed ruling can be given. In the meantime I call on the honourable member for Semaphore.

MOTOR VEHICLE COMPLIANCE PLATES

Mr PETERSON (Semaphore): Is the Minister of Transport aware that the motor vehicle compliance plates from wrecked and other vehicles are being used in conjunction with stolen car schemes to enable the registration and sale of such stolen vehicles and, if so, what steps are being taken to stop this practice? There is a story in the *News* today that explains very clearly the problem which leaves people who purchased in good faith with no vehicle and an ongoing commitment to pay for that vehicle.

It is the policy of the Motor Registration Division to destroy the registration disc of a vehicle and it is not possible to buy the number plates from a wrecked or disused vehicle. Why is it not possible to destroy the compliance plates of vehicles that have been written off, thus giving the South Australian motor vehicle buyer greater protection?

The Hon. G.F. KENEALLY: I thank the honourable member for his question and also for the notice that he gave of his intention to ask it. I am aware of the article in today's press, although I have not had the opportunity to read it. However, I understand that it strengthens the honourable member's question. My colleague the member for Newland asked a similar question within the past week or two, so there is considerable concern in the community about this problem, a concern that is shared by the Government.

The Government is aware of problems associated with the reregistration of wrecked or written-off vehicles and the possibility that compliance plates could be swapped between vehicles. These matters have been the subject of discussions between the Director, Motor Registration Division, the Motor Traders Association, representatives from the insurance industry, the police and other interested parties. At a meeting in March 1988 the Director, Motor Registration Division, undertook to cooperate in the introduction of systems to identify the records of vehicles that had been declared write-offs and require inspection prior to any subsequent registration. The type of system adopted will depend on information being provided by the Insurance Council or its members.

A further meeting was held with the Insurance Council on 12 October 1988 at which the offer of cooperation by the Motor Registration Division was restated. Since March 1988 positive measures have been taken to prevent the misuse of compliance plates. Some insurance companies are now removing compliance plates from vehicles considered beyond economical repair and returning these plates to the Vehicle Engineering Branch where they are destroyed. Other insurance companies will be encouraged to follow this procedure.

If the vehicle is rebuilt, subsequent registration is dependent on an inspection by the Vehicle Engineering Branch. If the vehicle is acceptable for registration, an exemption from displaying a compliance plate is issued. Other initiatives, for example, stamping the compliance plate directly on the body of a vehicle, are also being studied by the motor vehicle industry and recommendations will be acted on as appropriate. *Bona fide* applications from recognised dealers are accepted without a physical inspection. However, where there is any discrepancy between previous details and details

provided by the applicant on an application to register, an inspection is required.

Once more, I assure the House that all motor registration divisions throughout Australia, all Ministers of Transport having a responsibility in this area, the Police Departments and Police Ministers are doing what they can, in cooperation with the agencies outside the Government that also have a responsibility, to ensure that systems are in place to reduce the possibility of theft in the manner described by the honourable member. However, I do not believe that it is within the powers of the Government itself to solve the problem. We shall do what we can, but we need the cooperation of other agencies, especially insurers, to help achieve what we would all like to see—a massive reduction in the theft and resale of vehicles and the use of compliance plates from a wrecked vehicle on a new vehicle that is subsequently sold to an innocent victim who later finds that such vehicle is not his or hers and therefore suffers a total loss.

WATER CARTING

The SPEAKER: I have ruled out of order the question asked by the honourable member for Eyre—

Members interjecting:

The SPEAKER: Order!—because it covers the same ground as his own motion presently before the House, paragraph *(a)* of which states:

> . . . calls on the Minister of Agriculture to immediately put into effect short-term financial assistance to the drought affected areas on Upper Eyre Peninsula, including carting water to the Government tanks west of Ceduna.

Mr GUNN: On a point of order, Mr Speaker, I draw to your attention the fact that my motion refers to the Minister of Agriculture, whereas the question that I tried to ask on behalf of those deprived people refers to the Minister of Water Resources in her capacity as the Minister responsible for providing water to all citizens of this State. In explaining my opposition to your ruling, may I say that hundreds of millions of taxpayers' dollars will be spent—

The SPEAKER: Order! The honourable member went way past his point of order with his last remark. I have ruled his question out of order because it covers the same ground as his motion. Because of the principle of Cabinet responsibility, whichever Minister is referred to in the question is of no relevance to the point of order. The honourable member for Mitcham.

Mr S.J. BAKER: On a further point of order, Mr Speaker. It is a very brief one, but—

Members interjecting:

The SPEAKER: Order! Will the member for Mitcham resume his seat.

Members interjecting:

The SPEAKER: Order! I would appreciate the House's cooperation so that I can clearly hear the point of order of the member for Mitcham.

Mr S.J. BAKER: The question was couched in terms of the crisis now being experienced because of the unusual weather conditions in the area and, as such, I believe it is additional and new material and deserves separate consideration.

The SPEAKER: The honourable member for Eyre, for obvious reasons (for which many of us I am sure have a great deal of sympathy), wishes to canvass a particular matter. He may indirectly do so through a question, provided the question does not cover too closely the terms of the motion he has before the House. Alternatively, his motion before the House can be debated tomorrow.

STIRLING COUNCIL

The Hon. D.C. WOTTON (Heysen): Will the Premier investigate whether State Government assistance provided in 1977 to home owners in the Salisbury area set a precedent which requires the Government to give serious consideration to Stirling ratepayers' claims that the Government must intervene to help them? On 15 January 1977 about 100 homes were damaged in a flash flood at Salisbury East. There were claims that the flood had been caused by council negligence in not maintaining an adequate drainage system. The current member for Playford, who was also the area's representative at the time of the flood, was quoted as follows in the *Advertiser* on 25 January 1977:

> The South Australian Government should meet the full loss if the council would not or could not.

This is precisely what the Stirling ratepayers are saying in their present predicament. Subsequently, the Government agreed to provide assistance, the then Deputy Premier (Mr Corcoran) announcing in the *Advertiser* on 26 February 1977 that the Government would meet the damages bill because it was anxious to ensure that residents were not disadvantaged by abnormal circumstances outside their control. Again, this echoes the current views of Stirling ratepayers. While the damages in the two cases are not comparable, the principle would appear to be the same.

The Hon. J.C. BANNON: I thank the honourable member for drawing that matter and that action to our attention. Whether it constitutes a precedent in all such cases, I cannot say without further examination. Certainly the actions of a previous Government are not binding on subsequent Governments. As the honourable member would know, the council was considering its position, I understand, at a meeting last night, and the Minister of Local Government has requested advice from the council on what sort of plan it has to deal with the situation. I understand that she has agreed to meet with the council and the Local Goverernment Association to discuss that situation. So the Government is certainly very interested in and concerned about this situation.

The Hon. D.C. Wotton interjecting:

The Hon. J.C. BANNON: The honourable member quotes that precedent. I imagine there may well be other examples: that is something to be looked at. However, let us get back to the basic point. Local government, as the third tier of government, constitutionally recognised, has some responsibility for its financial dealings. That has probably been reinforced even more in 1988 than it was in 1977, because in 1977 I do not believe that councils were getting the sort of assistance directly from the Federal Government that they now receive through the Grants Commission. So there have been changes in both the financing and the structure of local government in that time.

I do not think that the State Government, whatever the difficulties of the situation, should simply act as a kind of safety net for anything local government does. We obviously have to look very closely at it, but our interest is surely in protecting the overall funds of the taxpayers of this State. Because they are his constituents, I know that the honourable member has a particular interest in this area, but he must have regard to other sections.

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order!

WORKCOVER

The Hon. R.K. ABBOTT (Spence): Will the Minister of Labour advise the House of the current situation regarding

the coverage of domestic workers by WorkCover? When WorkCover commenced operation last year the question of the proper coverage of domestic workers was raised as an issue. Has there been any change to that situation?

The Hon. R.J. GREGORY: I thank the honourable member for his question. When WorkCover was introduced the coverage of domestic workers was similar to that which existed under the old Workers Compensation Act, in that casual domestic workers were exempted from coverage under the legislation. This, of course, raised the question of how such casual workers were to be defined.

No detailed definition was included under the old Act, and the line between a casual domestic worker and a domestic worker in regular employment was very much a grey area under the old system. Under WorkCover, the WorkCover Corporation did provide, for the first time, guidelines to assist householders in determining whether or not their domestic workers were covered for workers compensation insurance. Even though this was an advance on the imprecise basis of coverage under the old Act, the distinction was still not as clear as the Government believed it should be. Accordingly, the Government amended the Workers Rehabilitation and Arbitration Act to do away with the somewhat arbitrary exclusion of casual domestic workers and as from 17 October of this year all domestic workers, whether in casual or regular employment, are now automatically covered by WorkCover.

Previously, cover was provided by WorkCover only to domestic workers who worked for the same householder on more than five occasions each year. Householders had to take out private insurance cover for that 'gap' period of less than five days. Under the new provisions, householders no longer need 'gap' insurance for domestic workers.

A second change which is also effective from 17 October 1988 is that other workers employed by the householder undertaking work which would not normally be regarded as 'domestic' work are now to be covered as domestic workers. This includes building, renovations, maintenance work or catering for private functions, whether casual or permanent work, provided the person is employed as a worker and not as an independent subcontractor, and the work is not for the householder's trade or business.

The payment of levies for such workers remains the same; that is, there is no need for householders to register with WorkCover or to pay a levy unless a total of more than $5 000 per annum is paid in wages in aggregate to all such workers employed by the householder. WorkCover also covers liability for common law claims (for example, negligence) made against householders for work-related injuries with respect to such domestic workers.

CORRECTIONAL SERVICES OFFICERS

Mr BECKER (Hanson): Will the Minister of Correctional Services either reinstate on full pay the two correctional services officers suspended last month, transfer them within the department to other duties, arrange a transfer to another department or arrange to have them paid while suspended? The two officers at the centre of the current dispute within the department have been suspended over an alleged incident 18 months ago which I understand was investigated by departmental management at the time with no action deemed necessary. Suspension of the officers now, without pay, is tantamount to setting a penalty before the due process of investigating the allegations. This is causing serious financial hardship to the officers involved, one of whom has already had to forgo private medical insurance.

In another case of suspension without pay two years ago, investigations against a public servant were eventually not proved, but not before this officer and his family had suffered extreme financial hardship necessitating the sale of the family home to avoid bankruptcy. My question invites the Minister to act to avoid a repetition of these unfortunate circumstances, particularly when, in the case of one of these correctional officers, his suspension is being widely construed as political victimisation because he is a member of the new correctional officers union.

The SPEAKER: Order! The honourable member's leave is withdrawn. The honourable Minister.

The Hon. F.T. BLEVINS: No, I will not.

Mr Becker interjecting:

The SPEAKER: Order! The honourable member for Hanson's interjections are out of order.

The Hon. F.T. BLEVINS: I answered the question quite clearly. The answer is, 'No, I will not.' In explanation, I point out that the two officers concerned have been charged with assault by the department.

Mr Becker interjecting:

The SPEAKER: Order! The honourable member for Hanson will cease interjecting.

The Hon. F.T. BLEVINS: The two officers have been charged by the department. The incident is the subject of a police investigation so, in fairness to all concerned, I will not go into the particular alleged offences. The two officers were offered a transfer to other institutions with full pay. The officers—whether through the Correctional Officers Association or the PSA—embarked on a course of industrial action. On two occasions the officers were requested to start work at another location. They did not start work at that location. The Executive Director of the Department of Correctional Services, who has obligations under the GME Act, after taking advice from the Crown Law Department and from the Department of Personnel and Industrial Relations, decided that the appropriate course was to suspend these officers without pay. I support the Executive Director completely in his actions.

A further offer has been made, that, as these particular officers have leave available to them, they can take that leave if they feel that is in their interests. They choose not to do so. With respect to the last part of the question that this is politically motivated, only the member for Hanson has suggested that. The prison officers certainly do not think that is the case and, in fact, they know it is not the case. These charges are very serious and the police are taking them very seriously indeed. Attempts were made to transfer the two officers out of the institution for their protection, as well, so they could not be subject to any further allegations while the investigations were going on. For whatever reason, officers in those institutions chose not to support that and that was their decision. I have utmost confidence in the Executive Director and I support him strongly, particularly given the quality of advice that he has received from the Crown Law Department and the Department of Personnel and Industrial Relations. The Executive Director also has obligations under the Act and he must fulfil those obligations, or he is in breach of his responsibilities and duty of care. He will not do that.

PUBLIC WORKS STANDING COMMITTEE

The Hon. L.M.F. ARNOLD (Minister of State Development and Technology): By leave, I move:

That pursuant to section 18 of the Public Works Standing Committee Act 1927 the members of this House appointed to that committee have leave to sit on that committee during the sittings of the House tomorrow.

Motion carried.

PERSONAL EXPLANATION: BILL FILE

Mr S.G. EVANS (Davenport): I seek leave to make a personal explanation.

Leave granted.

Mr S.G. EVANS: Yesterday, when speaking on the Australian Formula One Grand Prix Act Amendment Bill, I expressed concern that the Bill was not on file. I made the point at the time that I was not reflecting on any individual. In fact, the Bill was on file and my eyesight or the lighting in this place was such that I read 58 as 38 on the Notice Paper and I thought that 38 was the last Bill. I was looking for Bill No. 41. In fact, the last Bill on the Notice Paper was 58, so I apologise for those comments.

APPROPRIATION BILL

Returned from the Legislative Council without amendment.

TECHNOLOGY PARK ADELAIDE ACT AMENDMENT BILL

The Hon. L.M.F. ARNOLD (Minister of State Development and Technology) obtained leave and introduced a Bill for an Act to amend the Technology Park Adelaide Act 1982. Read a first time.

The Hon. L.M.F. ARNOLD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to make three main amendments to the Technology Park Adelaide Act 1982. First, it seeks to change the name of the Technology Park Adelaide Corporation to the Technology Development Corporation. Secondly, it seeks to increase the membership of the Technology Park Adelaide Corporation from eight to nine members through the appointment of an additional member on the nomination of the Flinders University of South Australia. Finally, it seeks to delete reference to the park as a singular entity to enable the corporation to administer the proposed Science Park Adelaide to be established on the Sturt Triangle.

The Technology Park Adelaide Corporation has demonstrated itself to be an effective organisation which has brought together a unique blend of private, tertiary and Government sector expertise to deal with the task of promoting technology development throughout South Australia. Its functions under the Act are:

(a) to promote scientific and technological research and development;

(b) to promote and encourage:

(i) the establishment and development in South Australia of industries using high technology or producing goods or providing services involving high technology; and

(ii) the introduction and development of high technology by industries already established in South Australia;

(c) to encourage cooperation and the exchange of ideas and knowledge between industry and educational institutions;

(d) to attract to the park from Australia and overseas individuals and companies undertaking scientific and technological research and development, using high technology in industry, or producing goods or providing services involving high technology;

(e) to develop and maintain land and to provide and maintain accommodation, facilities and services for the purpose of carrying out the above function.

Its objectives developed on the basis of the Act and pursued with the agreement of the Government are:

(a) the establishment and/or development of new technology based industries in South Australia, particularly those based on local invention and innovation; and

(b) the development and/or adoption of appropriate new technologies by existing South Australian industry.

Minor amendments relevant to the administration of the corporation were enacted during 1986.

The rapid pace of development at Technology Park Adelaide has aroused Australia-wide interest, as has the concept of the corporation's multi-tenant 'incubator' facilities and indeed the park is recognised internationally as one of the fastest growing in terms of employment and built areas. The Adelaide Microelectronics Centre administered by the corporation is an outstanding success in the field of introducing the use of microelectronics technology into the processes and products of existing and newly formed companies. The Adelaide Innovation Centre developed by the corporation has been another success and is considered the model centre in Australia.

The success of the corporation initiatives is in a large part a consequence of the corporation structure—through the membership of the corporation a wealth of private sector expertise and experience has been tapped, important links forged with tertiary institutions and the cooperation and support of the Commonwealth Government realised.

In view of the increasingly broad range of initiatives administered under the umbrella of the corporation and in particular the proposed establishment of the proposed development of Science Park Adelaide incorporating land provided by the Flinders University of South Australia it is considered appropriate to increase the membership from eight to nine through the appointment of an additional member as a nominee of the university; this will not only provide an opportunity for the university to participate in decisions affecting its investment, but will facilitate strong working links with the university in the interests of the new Science Park. It is proposed to change the name of the corporation to encompass the range of initiatives which it already administers and to remove the inappropriate perception that its sole function is the physical development of a single property development, Technology Park Adelaide.

With respect to the appointment of members, the corporation is subject to the general direction and control of the Minister and must specifically seek the approval of the Governor. In relation to the expenditure of moneys, the corporation must seek the approval of both the Minister and Treasurer.

Clause 1 is formal. Clause 2 provides for commencement on a day to be fixed by proclamation. Clause 3 amends the long title to the principal Act. Clause 4 amends section 1 of the principal Act by substituting a new short title. The new short title is 'Technology Development Corporation Act, 1982'.

Clause 5 repeals section 3 of the principal Act which is an arrangement provision. Clause 6 amends section 4 of the principal Act which is an interpretation provision. It amends the definition of 'the Corporation' and strikes out the definitions of 'the Council' and 'the Park'. Clause 7 repeals the heading to Part II of the principal Act and substitutes a new heading.

Clause 8 amends section 5 of the principal Act which established the Technology Park Adelaide Corporation. The amendment changes the name of the corporation to Technology Development Corporation. Clause 9 amends section 6 of the principal Act which deals with the membership of the corporation. The amendment provides for an increase in the membership from eight to nine, the additional member to be a person appointed on the nomination of the Flinders University of South Australia.

Clause 10 amends section 12 of the principal Act which deals with the corporation's functions. The amendment expands the corporation's functions. Whereas paragraph *(d)* of subsection (1) presently states that it is a function of the corporation to attract 'to the Park' individuals and companies undertaking scientific and technological research, etc., the amendment makes it a function of the corporation to attract the same 'to this State'. Paragraph *(e)* of subsection (1), which is an incidental power, is replaced by the following function: to establish, develop and maintain science and technology parks and to provide and maintain accommodation, facilities and services within those parks for the purpose of carrying out the other functions specified in subsection (1).

Clauses 11 and 12 make amendments, respectively, to sections 13 and 21 of the principal Act, consequential on the deletion of the definitions of 'the Council' and 'the Park'.

Mr S.J. BAKER secured the adjournment of the debate.

ROSEWORTHY AGRICULTURAL COLLEGE ACT AMENDMENT BILL

The Hon. L.M.F. ARNOLD (Minister of Employment and Further Education) obtained leave and introduced a Bill for an Act to amend the Roseworthy Agricultural College Act 1973. Read a first time.

The Hon. L.M.F. ARNOLD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It seeks to amend the Roseworthy Agricultural College Act 1973 in a number of ways. Most of the amendments are relatively minor and could be described as being of a housekeeping nature reflecting changing usages and practices with the passage of time. The impetus for the change arises from the council of the college itself reviewing the Act and suggesting ways in which it might be updated.

Perhaps the most significant of the changes relates to superannuation. The Act presently provides (section 20 (6)) that college employees are employees for the purposes of the Superannuation Act. In other words, it provides an entitlement to membership of the State Superannuation Scheme without giving the discretion to the college, after consultation with staff, to opt for some other arrangement. Recent developments in higher education have seen the establishment of a national scheme entitled (perhaps inappropriately but for historical reasons) the Superannuation Scheme for Australian Universities (SSAU). The Commonwealth, as the principal funding agent for higher education, is keen to see institutions adopt SSAU as the vehicle for making superannuation available to staff. It is proposed in this Bill to amend the college Act in such a way as to enable the college to move to SSAU if it so wishes, whilst at the same time preserving rights of access to the State scheme and protecting existing entitlements.

The Act also provides for the college to be able to be required to pay to the State part of its primary production and agricultural processing income. This provision is a legacy of earlier days in the college's history when it was under the control of the Minister of Agriculture as Commissioner for Agricultural Endowments. It is not an appropriate provision in the Act of a modern higher education institution, particularly at a time when such institutions are being encouraged to develop their entrepreneurial roles for the benefit of education and research programs. Furthermore the provision has not been used since the college was established as an autonomous institution. This Bill seeks to delete the provision.

Other parts of the Bill seek to:

- delete references to the now non-existent South Australian Board of Advanced Education, Australian Council on Awards in Advanced Education and Australian Commission on Advanced Education;
- update the definitions of academic and ancillary staff;
- clarify eligibility for membership of the council of the college;
- update references to the Department of Technical and Further Education;
- increase the maximum penalty for contravention of the by-laws.

Some might wonder why amendments to this Act are being proposed at this time given the present discussions taking place in relation to the organisation of higher education in the State. In that regard it must be recognised that any such sector-wide changes are not likely to be implemented before the end of 1990 and in the meantime the college has identified a number of areas relating to its present operations requiring attention in the Act. Of particular practical significance at the present time are the provisions dealing with superannuation and, given the need to change those, it is sensible to attend simultaneously to other matters.

It should be mentioned, however, that the college did seek to increase the size of the council. The Government does not support such changes at this time given the statements on sizes of governing bodies in the Commonwealth White Paper on higher education and the discussions taking place in South Australia. This question would need to be addressed in a system-wide context.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 amends the definition section, section 4, by replacing the current definitions of the academic staff and the ancillary staff of the college. The new definition of the academic staff differs from the present definition in two major respects. First, it omits the present requirement for members of the staff to be in the full-time employment of

the college. Secondly, it specifically includes within the staff the Associate Director of the college. The new definition of the ancillary staff differs from the present definition in that it omits the requirement that members of the staff be in the full-time employment of the college.

Clause 4 removes an obsolete reference to the Board of Advanced Education. Clause 5 replaces subsection (3) of section 10 relating to election of the President and Vice-President of the council of the college. The new provision excludes the Director of the college from eligibility for election as President or Vice-President. This is in addition to those currently excluded, that is, members of the academic staff, members of the ancillary staff and students.

Clause 6 is of a drafting nature only, correcting or removing outdated references. Clause 7 replaces subsection (6) of section 20 of the principal Act which provides that an employee of the college is an employee for the purposes of the Superannuation Act 1969. The new subsections provide instead that the college may enter into superannuation arrangements with the South Australian Superannuation Board under the new Superannuation Act 1988, as if the college were an instrumentality or agency of the Crown, but that this does not prevent the college from entering into other arrangements for the provision of superannuation benefits for employees of the college subject to the approval of the Treasurer.

Clause 8 increases the maximum penalty for an offence against a by-law of the council of the college from $50 to $200. Clause 9 removes subsection (2) of section 26 which requires the college to pay to the Treasurer, at such times as the Treasurer may determine, so much of the net income of the college from primary production and agricultural processing industries as may be determined by the Minister after consultation with the Treasurer.

Mr S.J. BAKER secured the adjournment of the debate.

FISHERIES ACT AMENDMENT BILL

The Hon. M.K. MAYES (Minister of Fisheries) obtained leave and introduced a Bill for an Act to amend the Fisheries Act 1982. Read a first time.

The Hon. M.K. MAYES: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It provides for a number of amendments to the Fisheries Act 1982 to enable both the Government and the Department of Fisheries to more effectively meet the objectives of the Act as set out under section 20. Specifically, the amendments recognise the dynamic nature of fisheries management and the need to provide measures for the proper management and conservation of the State's aquatic resources.

During 1982 when the Fisheries Act 1982 was in the process of being drafted, the penalties incorporated under the Act were increased substantially from those that applied under the Fisheries Act 1971. This was in recognition of the serious nature of fisheries offences, and the need for realistic penalties which would also serve as a deterrent to persons contemplating breaches of fisheries legislation. The need for appropriate penalties to act as a deterrent as well as reflect the current economic situation is fully supported by the fishing industry.

The major managed fisheries of South Australia are fully exploited. The stocks are limited and future yields from fisheries are dependent upon management measures which protect adult stocks and provide for adequate recruitment of juvenile fish. Controls placed on fishing effort such as gear restrictions, area and seasonal closures, legal minimum size and bag limits are management measures which provide for replenishment of stocks; and also for maximising the yield available from fish stocks.

Management of the fish stocks of South Australia involves biological, economic and social issues. Infringements of the management measures may result in substantial financial gain for the offender but have detrimental biological effects. In all cases, infringements result in some degradation of the fishing rights of other users of limited community owned resources. In addition, fisheries management can be difficult and expensive to police because of the large numbers of fishermen involved, and the often remote nature of fishing activities. What may appear to be relatively minor offences can have a substantial cumulative impact on the resource and how it is shared. Often, detection and successful prosecution of such offences are only achieved at great expense to the community. The penalties applied by the courts should demonstrate the gravity of fisheries offences and by providing a deterrent will assist in reducing the costs of fishing offences to the community.

Since 1982, the Adelaide CPI rate has risen in excess of 30 per cent. As a consequence, this has had the effect of eroding the deterrent value of current penalties for fisheries offences. In addition, a review of the penalty provisions contained in the Fisheries Act 1982 has shown that a number of the sections no longer reflect penalties commensurate with established increases in fish values. The penalties need to be increased to more realistic levels in line with increased fish values, and in keeping with the serious nature of fisheries offences.

The Bill proposes amendments to the penalties applicable to convictions for breaches of all sections of the Act. As an example, the more serious penalties are covered by sections 37, 41, 43 and 44 of the Act. These sections deal with:

- contravention of licence conditions (37);
- engaging in a prescribed (illegal) class of fishing activity (41);
- fishing in contravention of the Act (43);
- the sale, purchase or possession of fish taken in contravention of the Act (44).

The existing penalties are:

- first offence—$1 000;
- second offence—$2 500;
- subsequent offence—$5 000.

The proposal is to increase these penalties to:

- first offence—$2 000 (Division 7 fine);
- second offence—$4 000 (Division 6 fine);
- subsequent offence—$8 000 (Division 5 fine).

In the case of section 44, no graduated penalty is proposed. The penalty would be a Division 5 fine—$8 000.

In addition, the Bill proposes an amendment to section 66 of the Act, which provides for the courts to impose an additional penalty where a person is convicted of an offence against the Act involving the taking of fish. The existing penalty is:

- five times the amount determined by the convicting court to be the wholesale value of the fish at the time at which they were taken;

or

- ten thousand dollars;

whichever is the lesser amount.

The proposal is to increase the $10 000 component to $30 000 to more adequately reflect the high value of catches, particularly in the abalone, prawn and rock lobster fisheries. Such increases would restore the deterrent value of penalties, which would in turn assist in the fisheries management process. I would make the point that the South Australian Fishing Industry Council and a number of other industry associations have urged the Government to increase penalties for offences under the Fisheries Act.

The Parliamentary Counsel is under instruction that where a substantial amendment is proposed to an Act of Parliament, the penalty clauses contained in that Act must be revised in accordance with the requirements of the Statutes Amendment and Repeal (Sentencing) Act 1987. Accordingly, all the monetary penalty amounts contained in the Fisheries Act 1982 have been reviewed, and changes made to bring penalty amounts into line with the levels of fines contained in the Statutes Amendment and Repeal (Sentencing) Act 1987.

The incidence of illegal taking and sale of fish, particularly abalone, from South Australian waters has dramatically increased over the past two years. In order to conteract these activities, fisheries officers have increased their surveillance efforts in an attempt to apprehend and prosecute offenders. In the case of the abalone fishery, such illegal activities are putting at risk a well managed, multi-million dollar industry. Offenders have a total disregard for the principles of responsible fisheries management.

Under the present legislation, section 44 of the Fisheries Act makes it an offence to sell, purchase or have possession of fish taken in contravention of the Act. The difficulty with this is that the Department of Fisheries must establish that the fish were in fact taken in contravention of the Act. In practice, this has become almost impossible when attempting to obtain convictions for the illegal taking of abalone because of the highly organised activities of the offenders. Their activities are all pre-planned so that any surveillance or attempted apprehension by fisheries officers is effectively foiled. Accordingly, the Bill proposes an amendment to section 44 of the Fisheries Act such that a person in possession of fish allegedly taken illegally must prove that the fish were not taken in contravention of the Act.

During 1987, the Attorney-General encouraged departments to consider the use of expiation procedures as a means of streamlining prosecutions. The Department of Fisheries has identified a number of offences prescribed under the Fisheries Act 1982 which may be resolved without necessitating court hearings. Such offences include:

- failure to submit catch and effort returns;
- failure to mark a vessel with appropriate registration number;
- use of unregistered gear;
- exceeding the number of permitted devices;
- exceeding bag limits;
- taking undersize fish.

It is proposed that the additional penalty provisions (i.e. five times the wholesale value of the fish) need not apply to those offences resolved by expiation.

With regard to seizure of fish taken illegally, it is proposed that where an expiation notice is issued, only those fish taken over the permitted bag limit or less than the legal minimum length will seized by the fisheries officer. Upon payment of the expiation notice, the seized fish will be forfeited to the Crown. The main advantages of having a fisheries offence expiation system would be:

- removal of the anxiety associated with attending court for relatively minor offences;
- reduction of delays in resolving minor prosecutions;
- reduction in time spent by fisheries officers processing minor briefs;
- reduction in demands on the Crown Solicitor's Office prosecution staff;
- reduction in demands on the courts processing minor fisheries offences.

The Department of Fisheries would, of course, retain the option of pursuing court action for serious breaches of the fisheries legislation.

It should be noted that the fisheries expiation system will be in line with the provisions of the 'Expiation of Offences Act 1987', which outlines the principles of administering such a system. Accordingly, the Bill proposes the implementation of an expiation system for minor fisheries offences. The Department of Fisheries has a responsibility to protect the South Australian aquatic environment against the introduction of feral fish and exotic fish diseases.

Recently, there has been significant interest in the development of commercial aquaculture in this State, and a number of applications to establish marine and freshwater fish farms have been received by the department. Such undertakings are fully covered by the Fisheries Act 1982 as the definitions of 'fish farming' and 'farm fish' specifically refer to the activity of propogating or keeping fish for the purpose of trade or business.

However, as a result of this commercial development, a number of individuals have taken the opportunity to establish 'fish farms' for non-commercial purposes—e.g., food for the family. This type of operation does not come within the ambit of the Fisheries Act, and therefore the department cannot legally take steps to eliminate or control any outbreak of fish disease without the cooperation of the individual concerned.

The inherent risk in such a situation is that the owner could harbour diseased fish or contaminated water which may subsequently be transmitted into the State's rivers or underground water system, which could then spread the disease further afield. This has the potential to affect other fish, possibly killing native or fish farm stocks elsewhere. In order to overcome this deficiency, an amendment to the definitions of 'farm fish' and 'fish farming' is warranted so that non-commercial fish farming comes within the scope of the Fisheries Act 1982. Therefore, the Bill proposes a redefinition of 'fish farming' and 'farm fish' so that the activity includes non-commercial as well as commercial operations.

It must be pointed out that in the case of private fish farms, that is, non-commercial, the Department of Fisheries is only seeking powers at this stage over those aspects that relate to the introduction of feral fish and exotic fish diseases into South Australia. On the subject of fish processing, the Fisheries Act 1982 requires commercial fishermen who process their own catch to be registered as fish processors. The current definition of processing covers activities other than scaling, gilling, gutting or chilling fish.

During discussions between the department and the then Australian Fishing Industry Council, SA branch, (now SAFIC), when the fish processor regulations were introduced in their present format in 1984, it was agreed by the department and industry that the definition of processing be expanded to include scaling, gilling, gutting, filleting, freezing, packing, reselling, chilling or any other activity preparing fish for sale; and that commercial licence holders, who process their own catch, be excluded from the requirement to be registered as a processor.

At present, fish processors who purchase only from licence holders who process their own catch, are not required to register and submit statistical returns regarding value of catches—which is the basis for production data and fee calculation. As more fishermen become registered as processors, the fewer other processors there are to provide the required information.

The current provisions for fish processors are complicated and have only been made to work through the use of ministerial exemptions. An amendment to the definitions of 'fish processor' and 'processing' in the Fisheries Act would have little or no effect on policy, but would remove anomalies and simplify procedures.

Accordingly, the Bill proposes a redefinition of the terms 'fish processor' and 'processing' to encompass the activities of scaling, gilling, gutting, filleting, freezing, packing, reselling, chilling or any other activity preparing fish for sale—and to exempt commercial licence holders (including authorised fish farmers), who process only their own catch (or product from the fish farm), from the requirement to be registered as a fish processor.

In providing the above explanation of proposed amendments to the Fisheries Act 1982 I would inform the House that both the South Australian Fishing Industry Council, representing the interests of commercial fishermen, and the South Australian Recreational Fishing Advisory Council, representing the interests of amateur fisherman, have been consulted and support the proposed major amendments to the Act.

While drafting the proposed Bill to amend the Fisheries Act, the Parliamentary Counsel has taken the opportunity to make minor procedural amendments to sections 3, 34 and 48 of the Act. These amendments do not change the intent of the legislation, they only clarify existing provisions, and are described in the clause by clause explanation attached. I commend the measures to the House.

Clause 1 is formal. Clause 2 provides for commencement on a date to be fixed by proclamation. Clause 3 repeals section 3 of the principal Act. The repealed section set out the way in which the principal Act was arranged. Sections of this kind are no longer used.

Clause 4 amends section 5 of the principal Act (the definition section). A new definition of 'expiable offence' is inserted as subsequent amendments through clause 12 provide for the expiation of offences. The definitions of 'farm fish' and 'fish farming' are amended extending those definitions to include fish that are kept for purposes other than for the purpose of trade or business, namely, for food or for the control or eradication of aquatic or benthic flora or fauna. The definition of 'fish processor' is amended to provide that any person who for the purpose of trade or business processes or purchases or obtains fish is a fish processor. It is intended that certain classes of persons (registered fishermen who process their own catch and fish shop proprietors) will be excluded by regulation from the obligation to be registered. The definition of 'processing' is amended extending the definition to include scaling, gilling, gutting or chilling which were formerly excluded from the definition.

Clause 5 amends section 28 of the principal Act by inserting a paragraph in subsection (9) and by making a consequential amendment to paragraph *(d)* of that subsection. The amendments are required to provide for the forfeiture of fish or other perishable things where the offence in relation to which the fish or things were seized is expiated. The amendments provide that, where an offence is expiated, fish or perishable things seized in relation to the offence will be forfeited (if they have not already been forfeited by order of the Minister under that section) and that, whether the fish or things have been forfeited by the Minister or by virtue of the expiation, no compensation may be recovered in respect of the fish or things seized and forfeited.

Clause 6 amends section 34 of the principal Act by amending subsection (2) and repealing subsection (3). The effect of the repealed subsection is preserved by the amendment to subsection (2) but the regulation-making power is broadened. At present, section 34 (2) makes it an offence to use a boat for commercial fishing unless the boat is registered. Subsection (3) provides that subsection (2) does not apply to boats of a prescribed class, thus the regulation-making power is limited to prescribing classes of boats to which the subsection does not apply. The proposed amendments preserve the regulation-making power but do not restrict it to prescribing classes of boats. The power is extended so that regulations may prescribe a situation or a set of circumstances in which a boat may be used lawfully for commercial fishing without the boat being registered.

Clause 7 repeals section 44 of the principal Act but replaces it with a new section that includes the substance of the repealed section with certain additions. Subsection (1) makes it an offence to sell or purchase fish that have not been taken by the holder of a fishery licence. Subsection (2) makes it an offence to sell, purchase or have the possession or control of fish taken in contravention of the Act or fish of a prescribed class. The class of fish likely to be prescribed for the purposes of subsection (2) are protected fish such as whales and dolphins. As regards fish taken in contravention of the Act the principal examples likely to be encountered are undersized fish or fish taken by an unlicensed person.

Subsection (3) provides a defence to a person charged with offences against subsection (1) or (2) if the person can prove that the fish (the subject of the charge) were obtained from a person whose ordinary business was that of selling fish, that the fish were obtained in the ordinary course of that business and that he or she did not know and had no reason to believe that the fish were fish that had not been taken pursuant to a licence, in contravention of the Act or were of a prescribed class.

Subsection (4) provides that, in relation to fish taken in contravention of the Act, regulations may prescribe a class of fish and a specified quantity of that class of fish. Where a person sells, purchases or has possession or control of more than the specified quantity of that class of fish and is not a licensed fisherman or registered fish processor the person will be found guilty of selling, purchasing or having possession or control (as the case may be) of that fish unless the person has the defence previously referred to or is able to prove that the fish were not taken in contravention of the Act. That is, persons who deal in large quantities of fish which have come into their possession otherwise than in the ordinary course of business will have the burden of proving that the fish were taken lawfully.

Clause 8 strikes out subsection (1) of section 48 of the principal Act and substitutes a new subsection (1) and makes a minor amendment to subsection (6). The amendment to subsection (1) makes it clear that the regulations or a permit that are contemplated by the subsection may permit persons to engage in a fishing activity in an aquatic reserve. The minor amendment to subsection (6) broadens the species of fish that may be excluded from the definition of 'aquatic or benthic flora or fauna' by regulations made pursuant to that subsection.

Clause 9 amends subsection (1) of section 54 of the principal Act and will enable regulations to be made as a result of which certain classes of person may act as a fish

processor without being registered. This will enable regulations to be made that will allow licensed fishermen to process their own catch without being registered as fish processors. The clause amends also subsections (2), (3), (5) and (6) of section 54 by striking out the references to 'unprocessed fish'. These further amendments are consequential upon the amendments made through clause 4 to the definitions of 'fish processor' and 'processing'.

Clause 10 amends section 55 of the principal Act by striking out from paragraphs *(b)*, *(c)* and *(d)* the references to 'unprocessed fish'. These amendments are consequential upon the amendments made through clause 4 to the definitions of 'fish processor' and 'processing'. Clause 11 amends subsection (10) of section 56 of the principal Act and is consequential upon the amendment made to section 44 through clause 7.

Clause 12 inserts a new Division in the principal Act that consists of sections 58a, 58b, 58c and 58d all of which relate to the expiation of offences. Section 58a contains definitions for the purpose of the Division. Section 58b provides for the issue of an expiation notice, the form of the notice, that it may relate to no more than three offences, that it may not be given to a person under sixteen years and that it may be issued only by a fisheries officer. A notice may be given personally or sent by post.

Section 58c provides that once an offence is expiated the person expiating cannot be prosecuted for the offence expiated but, where a notice relates to more than one offence and not all the offences are expiated, the alleged offender may be prosecuted for the offences that have not been expiated. The section provides also that expiation does not constitute an admission of guilt or of any civil liability and cannot be used as evidence to establish such guilt or liability.

Section 58d provides that the Minister may withdraw a notice where the Minister is of the opinion that the notice should not have been given or that the alleged offender should be prosecuted. A notice may be withdrawn even after expiation in which case the fee must be refunded but it cannot be withdrawn after 60 days have elapsed from the date of the notice. Withdrawal must be effected by written notice served personally or by post and, where withdrawal occurs after payment, the fact of payment is not admissible in proceedings against the alleged offender.

Clause 13 amends section 72 of the principal Act and enables regulations to be made to create expiable offences and expiation fees. Such fees may be variable depending upon the circumstances of the offence. The Schedule amends the penalties imposed by the principal Act and expresses them in the new form.

Mr S.J. BAKER secured the adjournment of the debate.

LIFTS AND CRANES ACT AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Lifts and Cranes Act 1985. Read a first time.

The Hon. R.J. GREGORY: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The object of this small Bill is to amend a transitional provision of the Lifts and Cranes Act 1985 (the 'new Act') before it is brought into operation early in 1989. The provision concerned deems cranes, hoists and lifts registered under the current Act to be registered under the new Act only for the balance of the term for which they were registered. The practical effect of this provision is that the registration of all existing lifts would come to an end on 31 January 1989, and the owners of those lifts would be obliged to apply immediately for registration under the new Act. The Department of Labour cannot register a lift under the new Act unless the lift has first been inspected. It was not intended that either of these things should happen, but that the current annual registration of all existing lifts would be automatically converted to permanent registration (i.e., no requirement to renew) on the commencement of the new Act. The amendment seeks to rectify this problem.

The opportunity has also been taken to upgrade the penalties provided by the new Act, to express them in terms of divisions and to achieve a degree of uniformity with those provided by the Occupational Health, Safety and Welfare Act 1986. There is no logical reason why a breach of an obligation under the new Act should attract a significantly lesser penalty than a breach of an equivalent obligation under the Occupational Health, Safety and Welfare Act 1986.

Clause 1 is formal. Clause 2 amends the transitional provision in section 13 of the principal Act by deleting those words that limit the operation of the provision to the balance of the term for which a crane, hoist or lift was registered under the repealed Act.

The schedule contains penalty increases, to bring them more into line with those provided by the Occupational Health, Safety and Welfare Act, 1986.

Mr S.J. BAKER secured the adjournment of the debate.

STATUTES AMENDMENT (WORKERS REHABILITATION AND COMPENSATION) BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Workers Rehabilitation and Compensation Act 1986, and the Workers Rehabilitation and Compensation Act Amendment Act 1988. Read a first time.

The Hon. R.J. GREGORY: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It addresses a number of matters that are necessary for the effective ongoing operation of the WorkCover scheme. As a result of recent legal interpretation it has become necessary to clarify certain provisions of the Act to ensure that the original intent of the Act is maintained. The Bill also seeks to establish a mechanism for distributing the surplus of the Silicosis Fund.

With respect to the first issue, in *Santos Ltd v Saunders* the Supreme Court in majority decision dated 8 September 1988 considered the question of the principles that should apply when a company appealed a decision of the WorkCover Corporation denying them exempt status. The Supreme Court held that a review officer hearing such an appeal was required under the current Act to consider such applications afresh and accordingly were not able to apply the

normal rules that apply to the review of an exercise of a discretion.

This majority finding of the Supreme Court has serious implications for the WorkCover scheme because it undermines the discretion of the corporation in such matters and de facto makes the review officers decision the key determinant of exempt status. This is clearly not appropriate.

In addition, the Supreme Court held in the case cited that review officers were not empowered on an appeal, to take account of the financial effect on the fund of a grant of exempt status. As Justice King stated in his minority reasons for decision, 'In such a scheme the necessity of considering the effect on the fund of exemptions seems to be inescapable. If all employers with good records and adequate capacity to meet obligations must be exempted, the amount of levy must rise and the corporation would be powerless to protect the solvency of the fund'. As it stands the majority decision of the Supreme Court means that the corporation will lose control of the fund unless the Act is amended as a matter of some urgency.

To overcome these problems this Bill proposes to make clear that the only avenue of appeal from the WorkCover Corporation's decision on exempt status is to the Minister. Under this Bill, section 60 (4) is also to be amended to include the financial effect on the fund as a criteria to be considered for exemption and section 60 (3) is to be amended to make clear that the Corporation need only exercise its discretion to grant exemption in exceptional cases. A number of the provisions of this Bill are concerned with the utilisation of the surplus on the Silicosis Fund.

This Fund, which is currently administered by the Silicosis Committee, was established under the previous Workers Compensation Act to meet the claims of workers or their dependents as a result of the workers death or disablement from silicosis. Contributions to the Silicosis Fund were made by employers in those industries where workers were engaged in work involving exposure to silica dust. Collection of Silicosis Fund contributions from these employers ceased upon the commencement of the new Workers Rehabilitation and Compensation Act in late 1987 and the Workers who are disabled by silicosis as a result of work undertaken after the commencement of the new Act now come under the general umbrella of the new scheme. Silicosis is now included under the second schedule of the new Act with those other disabilities where there is a recognised general causal connection between the disability and the nature of the work.

Under the new Act, clause 4 *(b)* of the First Schedule of the Act provides that the Minister may cancel the scheme and transfer the Silicosis Fund to the WorkCover Corporation as part of its compensation fund, with the corporation thereafter picking up the liability for any Silicosis claims. Currently, there is a considerable excess on the fund as the number of claims have significantly reduced over recent years. The fund currently stands at $5.528 million. It would appear that the majority of this amount is surplus to foreseeable needs to meet the cost of claims that have arisen under the old Act.

As the new Act is currently worded, however, this surplus in the fund cannot be used for purposes other than to meet the cost of claims. Discussions have taken place with the trade unions concerned and the South Australian Chamber of Mines and Energy and broad agreement has been reached on the proposed framework to utilise the surplus on the fund for occupational health and safety purposes within those industries that contributed to the Silicosis Fund. This Bill also contains certain provisions that are necessary as a result of legal interpretation of a section contained in the last set of amendments to this Act.

In that last set of amendments a new section 58 *(b)* relating to continuation of employment was enacted, but has not yet been proclaimed. This provision sought to protect workers suffering compensable disabilities from having their employment terminated where it was reasonably practicable to keep them in their original jobs or in other alternative employment. The intention of this provision was to assist the rehabilitation and eventual return to work of workers who were incapacitated by a work related injury. It has become apparent, however, that the amendment has gone further than was originally intended and accordingly it is proposed to amend the section to make it clear that the notice of termination provisions under that section do not apply to those workers who have fully recovered from their disability.

The other provisions contained in this Bill are of a technical nature and relate to the bringing into operation of amendments already approved by Parliament under the Workers Rehabilitation and Compensation Act Amendment Act 1988. I commend the Bill to the House.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. The amendments to section 60 of the Workers Rehabilitation and Compensation Act 1986, are to be deemed to have come into operation at 4 p.m. on 30 September 1987. Clause 3 provides that for the purposes of Part II of the Bill (clauses 3 to 9 inclusive), a reference to 'the principal Act' is a reference to the 1986 Act.

Clause 4 provides for the replacement of subsections (3) and (4) of section 60 of the principal Act by new subsections. New subsection (3) will provide that the corporation may register an employer or a group of employers as an exempt employer or group of exempt employers if the corporation is satisfied that special circumstances exist that justify the conferral of exempt status. New subsection (4) sets out various matters that should be considered by the corporation when deciding whether to confer exempt status. The subsection includes the matters that are presently contained in the existing legislation, plus a paragraph that directs the corporation to consider the effect that an exemption would have on the compensation fund. The subsection will also clarify that the corporation may consider any other matter that it considers relevant.

Clause 5 will amend section 65 so as to enable the corporation to 'group' employers. A similar provision had been included in section 18 of the Workers Rehabilitation and Compensation Act Amendment Act 1988, in conjunction with the amendments to section 66 of the principal Act. It has now been decided that the amendments to section 66 of the principal Act are not to proceed immediately.

However, the grouping provisions could be usefully applied in the meantime. It has therefore been decided to include the relevant amendments in this Bill and remove them from the Workers Rehabilitation and Compensation Act Amendment Act 1988.

Clause 6 strikes out paragraph *(d)* of subsection (2) of section 95 of the principal Act. Other amendments to the principal Act by the Workers Rehabilitation and Compensation Act Amendment Act 1988, provide that an employer or group of employers can appeal to the Minister against a decision of the corporation in relation to the registration, or proposed registration, of the employer or group as an exempt employer or employers. This approach is in conflict with the operation of section 95 that provides that such a decision is reviewable by a review officer, and so it has been decided to amend section 95.

Clause 7 introduces new provisions relating to the Silicosis Fund. It is proposed to continue the scheme under the repealed Act but to transfer the management of the fund, and any liabilities, to the corporation. The fund will be held in a special fund entitled the Mining and Quarrying Industries Fund. This fund will be notionally divided into two parts, one part to be immediately available to satisfy the corporation's liabilities in relation to appropriate claims and the other part to be available to a new committee to be established under the fourth schedule. The fund may be invested as if it were part of the compensation fund.

Clause 8 establishes the Mining and Quarrying Occupational Health and Safety Committee, to apply money available from the Mining and Quarrying Industries Fund towards promoting and supporting projects and other activities that could improve occupational health or safety in the mining and quarrying industries or assist in the rehabilitation of disabled workers in those industries.

Clause 9 is a transitional provision designed to ensure that the amendments affected by the principal Act by clause 4 are not taken to effect any decision of the corporation, made before the commencement of this Act, to register an employer a group of employers as an exempt employer or employers.

Clause 10 provides that for the purposes of Part III of the Bill (clauses 10, 11 and 12), a reference to 'the principal Act' is a reference to the Workers Rehabilitation and Compensation Act Amendment Act 1988.

Clause 11 proposes an amendment to section 15 of the principal Act in relation to proposed new section 58b of the 1986 Act. It is proposed to clarify the operation of subsection (3) of that new section. Clause 12 is a consequential amendment to section 18 of the principal Act in view of the proposed enactment of clause 5 of this Bill.

Mr S.J. BAKER secured the adjournment of the debate.

MINING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 1167.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): The Opposition supports the Bill. I want to say a bit about it because it covers a fair compass. I wish to complain that it is rather difficult for the Opposition to come to terms with the disparate matters dealt with in the Bill because it was introduced on Wednesday of last week. Inquiries have to be made and a report obtained for the shadow Cabinet and then for the Party meeting, all within the space of a few days.

This complaint is not new—it was made last night by the member for Mitcham. However, I repeat that it would facilitate the operation of Parliament if Ministers could introduce their Bills so that the Deputy Premier could at least give the Opposition sufficient time in which to make all of its inquiries. Some of the legitimate objections which were raised only yesterday at the Liberal Party meeting had to be checked out at the eleventh hour. However, as a result of those inquiries I have come to the conclusion that the Opposition should still support the Bill.

As I say, the Bill deals with a number of matters. Taken in the order in which the Minister reported to the House, the Bill seeks to facilitate the matters which surround a precious stones claim. It does two things in this regard: first, it purports to facilitate the registering of those claims and, secondly, it purports to make more convenient the size of those claims. Having checked those points, I do not know whether I can pass judgment on whether or not this Bill will facilitate the initial registration for three months and thereafter yearly. I am not in a position to make a judgment as to whether or not that provision will improve the situation, but it is asserted so I will take it at face value, not having received any feedback which indicates any problem with it.

However, I do find a bit unsatisfactory the blind statement that larger precious stones claims will be achieved by varying the regulations, because there is no indication as to what the variation in the regulations will be. From the inquiries I made in relation to this matter I was told that the regulations will state that the claims will be doubled in size—from 50 metres by 50 metres to 50 metres by 100 metres. The rationale for doing this is to allow a bulldozer to operate. According to an indication I received by word of mouth the provision allows the size of the claim to be doubled. I have not seen the regulations, so I do not have the faintest idea whether these regulations say that the claim should be half-a-mile by half-a-mile or even 10 square miles.

It is not satisfactory to simply indicate in the explanation that larger precious stones claims will be created by varying regulations without any indication as to what the variation will entail. However, if the information that I have been given is correct—that the claim is simply to be doubled in one dimension and the variation is to facilitate the operation of a bulldozer on a precious stones claim, which of course has to be an opal claim—I have no objection.

In relation to the dispute settling mechanism, I have one query. The proposal is to transfer any disputes of up to $100 000 from the Land and Valuation Court to the Wardens Court. There are strict guidelines in the other court jurisdictions as to what can be dealt with. The upper limits for financial settlements are pretty stringent in some of the other courts—for instance, the District Court in relation to the Supreme Court. I do not dispute the Minister's assertion in his explanation that this will facilitate the hearing of these claims and they could be less expensive. I have no evidence to indicate that, but if that is a statement of fact I will not argue with it.

One query has been raised in relation to this matter, and that is that we are normally loath to allow courts of lower jurisdiction to handle claims up to this amount of money. I think that this goes even further than some of the claims that lower district courts are allowed to deal with. That fact has been put to me, but I am not *au fait* with the fine detail of this position because I do not move in legal circles—fortunately, I might add.

Mr Robertson: Concentric circles, perhaps.

The Hon. E.R. GOLDSWORTHY: If I am moving in concentric circles, I would think that the honourable member who interjects is in a state of complete disarray.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: He is running in not only eccentric but concentric circles—he is running around in ever decreasing circles until he finishes up in a most awkward situation. That is where the honourable member finds himself and in due course he might find himself there politically. However, I do not want to be diverted from the point I am making that there is a query about this matter. Although, if what the Minister claims here is the case—that it will cut down the cost of litigation and lead to a speedier settlement of these disputes—I would support it. If the points made to me in the brief time I have had to look at this Bill are sustainable, I guess there will be further discussion in another place in due course, but that does not deter me from supporting the Bill at this moment.

In regard to the exempt land provision, I do not know what is the situation with respect to a miscellaneous lease. It seems quite logical to write this into the provisions of the Mining Act where, from personal experience, I know that people must obtain a cessor of exemption if they want to carry out a mining operation—from memory, I think it is within 400 metres of a dwelling. It seems to me that, if a miscellaneous lease is ancillary to a mining operation, it is quite reasonable that this provision be included.

However, I have one query. If you want to construct a dugout at Coober Pedy, you must obtain some sort of miscellaneous mining lease so that you can keep the precious stones that may be found while you are digging. I think it is quite unreasonable that, if you want to construct a dugout, you must have a cessor of exemption with respect to your neighbour who may have a dugout less than 400 metres away. However, I would like the Minister to clear up this matter in due course.

I have been told that Andamooka and Coober Pedy are exempt from the provisions; in fact, that this miscellaneous lease proposal will not affect people at Coober Pedy, Andamooka or Mintabie if they want to do the sort of thing I am talking about and construct a dugout which could be within 400 metres of a neighbour, thereby requiring a miscellaneous lease for that purpose because it would be caught by this provision. If what I am saying is not the case, I would have a big question mark about this provision. I hope that the Minister can clear up this matter.

The inquiries that I have made indicate that this is not the case—they do not have to get a miscellaneous lease to construct a dugout—and that these three fields are exempt and will not be caught by this provision. Otherwise, I think it is quite sensible because, if you are going to construct a tailings dam ancillary to a mining operation or a mullock heap, it would seem quite illogical to construct the tailings dam before you can be assessed for your mining operation. In that case, a cessor of exemption should be required for any ancillary operation which would normally be covered by a miscellaneous purposes licence. So, I have that query. Some of the advice indicates that the query is not well-founded, but I would like the Minister to reassure me on that point.

I have no objection to the Minister requiring a bond, as is outlined here, because once the damage is done, the horse has bolted and the bond has not been received. It seems to me that the requirement of a bond early in the operation as proposed in the Bill is quite sensible.

I agree with the provision relating to the forfeiture of a lease. People have complained that conditions of licences have not been met. They have to watch the *Gazette* and then they have 14 days in which to try to grab the lease and get a licence. If they miss the *Gazette*, they miss the 14 days and they miss the bus. I have received complaints about this matter, so I think this provision is eminently sensible.

I refer to the provision relating to banning people from the lease and transferring the provision from the Police Offences Act into the Mining Act. That provision bans people from the lease during certain hours of the day and, over the years, it has been amended several times. It is simply transferred into the Mining Act under which permission has to be sought and obtained to go on to the lease. That seems to be a sensible provision. Although the Bill contains quite a number of provisions, I have looked at it and I have also consulted the Mining Act. A number of queries have been raised. However, having sought further information, I think that those queries have been laid to rest. I would like the Minister to take up those queries about what the regulations provide regarding the consolidation or the size of the lease; further, will he provide a little more detail about the miscellaneous purposes lease and how it will affect people in the opal mining communities, if at all? I certainly want him to comment about the point I raised regarding dugouts. I support the Bill.

The Hon. J.H.C. KLUNDER (Minister of Mines and Energy): I thank the honourable member for his comments. This Bill will tidy up many of the aspects of the Mining Act. I understood that the honourable member had asked for Bills to be introduced on Wednesday rather than Thursday in order to give the Opposition an extra day and I took pains to do that. At least I have tried to assist him to that extent. The precious stones claim will increase in size from 50 metres by 50 metres to 100 metres by 50 metres, so it will double in size. That has been done by agreement with all three mining groups in the precious stones area, so I expect that that will be satisfactory to them.

The limit of the Local Court jurisdiction is now $100 000, which is the same as applies to the Warden's Court so, in terms of those lower courts, there is no difference. As the amending Bill states, anything above $100 000 automatically goes to the Land and Valuation Court.

The Hon. E.R. Goldsworthy: How would it speed it up?

The Hon. J.H.C. KLUNDER: The lower court does not usually involve QCs and so on, so the cost of claims involving a lower amount will be much less. I think it is sensible to settle claims for lower amounts in a court where the costs are likely to be less. The Land and Valuation Division of the Supreme Court tends to settle a lot of other land problems also and, therefore, tends to have a very long waiting list. I hope that many of the minor claims will be settled more quickly in the lower court. However, any of the parties involved can move from the lower court to the higher court at any time. Finally, I have been advised that the miscellaneous purposes licence is not required for dugouts, so that problem may have been raised with the honourable member in error.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. E.R. GOLDSWORTHY: What court has jurisdiction for claims of up to $100 000?

The Hon. J.H.C. KLUNDER: The Local Court of Full Jurisdiction.

The Hon. E.R. GOLDSWORTHY: Is this clause meant to provide a more precise definition of 'owner'?

The Hon. J.H.C. KLUNDER: Yes. It is difficult to define 'owner', because one needs to talk in terms of people who have a direct interest in the property and that can involve owners, people who lease the property and so on. I think that the main effect of the current change is to exclude the mortgagee.

Clause passed.

Clause 4—'Application of Act.'

The Hon. E.R. GOLDSWORTHY: Is the rewording of this section an attempt to clarify where 'extractive minerals' fit into the picture?

The Hon. J.H.C. KLUNDER: This clause will allow the various departments which, under their own Acts, are permitted to mine for extractive minerals to be exempt from the operations of the Mining Act. This section previously referred to the Commissioner of Highways, reference to whom has now been deleted. It will now allow any such organisation, which under its own Act is permitted to do so, to mine for such minerals.

The Hon. E.R. GOLDSWORTHY: Other than the E&WS Department, what other body does the Minister have in mind?

The Hon. J.H.C. KLUNDER: Presumably, local councils, the E&WS Department and any organisation which under its Act may do so.

The Hon. E.R. GOLDSWORTHY: Are councils that run their own quarry to obtain rubble for their roadworks encompassed by the Mining Act?

The Hon. J.H.C. KLUNDER: There is such a provision in the Local Government Act.

The Hon. E.R. GOLDSWORTHY: So, they are not governed by the Mining Act?

The Hon. J.H.C. KLUNDER: Not for the purpose of taking out extractive minerals for their own purposes only.

The Hon. E.R. GOLDSWORTHY: Do they come under the Mines and Works Inspection Act? What legislation covers the safety aspects of councils which raise their own road metal and so on?

The Hon. J.H.C KLUNDER: That comes under different legislation and therefore it is not affected by amendments to this Act.

Clause passed.

Clause 5 passed.

Clause 6—'Private mine.'

The Hon. E.R. GOLDSWORTHY: This clause seems to me to widen the section in the Mining Act, and it also clarifies it, but can the Minister explain the significance of the amendment?

The Hon. J.H.C. KLUNDER: This provision merely requires those groups to now comply with those sections of the Act which refer to a private mine.

Clause passed.

Clause 7 passed.

Clause 8—'Registration of claims.'

The Hon. E.R. GOLDSWORTHY: How will the three months limit relating to initial registration facilitate operations? I am not *au fait* with the current difficulties, but I can understand there is some problem with consolidation. What is supposed to happen during that period of three months before people register annually? I do not understand the rationale behind the three months stipulation.

The Hon. J.H.C. KLUNDER: Traditionally, miners who have registered either find something within the first three months or tend to give up the claim: they stop working the claim for the remainder of that year. Since they have registered that claim for three months, no-one else can work it for the remaining nine months of that year. This provision does not make any real change for those people who wish to continue mining because they feel that they have found something in the first three months; they merely register for a year from then onwards. But where people have virtually stopped working a claim and have no intention of working it, and where other people may wish to continue working that claim, this provision makes it easier and quicker for them to do so.

The Hon. E.R. GOLDSWORTHY: Just to clarify, if one person relinquishes the claim, someone else gets it and can have a go for another initial period of three months. Subsequent to that, what fees are charged for the initial three months and for the subsequent year?

The Hon. J.H.C. KLUNDER: We are in a period of transition; the precious stones claim will be increased from 50 metres by 50 metres to a larger claim of 100 metres by 50 metres. I will give the honourable member the figures for a 50 metres by 50 metres claim and he can double them to obtain the figures for the larger claim. It is intended to charge a $9 fee for the initial three months registration, and the fee for 12 months will be $27; that becomes $18 and $54 respectively for the larger claims. It will not terrify people in terms of the large impost of the up-front fee.

Clause passed.

Clause 9—'Unlawful entry on precious stones claim.'

The Hon. E.R. GOLDSWORTHY: I have no objection to the clause. I believe that the Police Offences Act provided that entry to land was prohibited between sunset and sunrise. I gather that this amendment extends the time.

The Hon. J.H.C. KLUNDER: There have been several changes in translation from the original 1972 provision to the current one. The monetary penalty was increased from $500 to $1 000, the provision for six months imprisonment as a possible penalty was removed and the hours were extended from night-time to the full day. I believe that the intent of this provision is to let people know that at any time it is illegal to wander on somebody else's property without permission especially when that property is a precious stone's claim and there is a suspicion that people might be there for particularly nefarious purposes. Why on earth the original Police Offences Act talked in terms of only night-time hours, I really do not know.

The Hon. E.R. GOLDSWORTHY: I think the idea was that people might fall in a hole. We will ask the Attorney, when he comes down to earth, to again consider trespass laws in the Hills, with a bit of luck.

Clause passed.

Clauses 10 to 16 passed.

Clause 17—'Forfeiture and transfer of leases.'

The Hon. J.H.C. KLUNDER: I move:

Page 5, lines 27 and 28—Leave out '(3), (4) and (4a)' and substitute '(3) and (4)'

Subsection (4a) of section 70 should not be struck out; the amendment will ensure that it remains in the principal Act.

Amendment carried.

The Hon. E.R. GOLDSWORTHY: I take it that this provision will tidy up all those arguments that occur when someone plaints the claim and they automatically get the right to take it up on the conditions that currently prevail. Is that not the rationale?

The Hon. J.H.C. KLUNDER: That certainly is the intent of this amendment. I think there were some difficulties with people having to be on hand to put in their claim. It is largely to resolve those difficulties and to indicate that someone who has taken the trouble to plaint in the first place should be the person who has the result of that.

Clause as amended passed.

Remaining clauses (18 and 19) and title passed.

Bill read a third time and passed.

SUMMARY OFFENCES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 2 November. Page 1168.)

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I support the Bill. The section to be struck out of the principal Act is now redundant.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 2 November. Page 1162.)

Mr INGERSON (Bragg): The Opposition supports the Bill which is virtually in four parts. The first of these deals specifically with seat belts, and the Opposition strongly supports the changes made by the Government in recognition that there have been difficult areas to police in this regard, especially concerning motor vehicles manufactured before 1 July 1976.

The Hon. R.G. Payne: You are talking about mine.

Mr INGERSON: I have noticed that the member for Mitchell now has a vehicle a little different from the one in which he used to ride. I have seen two of his aged vehicles, but I am sure that he enjoys driving them or he would not own them. The provision recognises that before 1976 many vehicles did not have restraining belts or indeed belt anchorages, let alone the new type of baby capsule, so passengers, especially children, could not be adequately secured in those vehicles. The Opposition supports the change made by the Bill because any change that increases road safety in this State will be supported by the Opposition and I believe by the Government.

The provisions of the Bill may be difficult to police, especially clause 5 which provides that, if there is a spare seat belt and the passenger is riding in the back seat, that passenger will have to sit in the seat that is fitted with the seat belt. That provision may be difficult to police in certain situations and the community must be adequately advised so that people understand that, when travelling in a motor vehicle, they will be required to move to a seat that is fitted with a seat belt. It will not be difficult to sell this idea, but it will be a public relations exercise and I hope that the Minister recognises that it is just that.

Having said that the Opposition supports the Bill, I hope that the Minister will inform the public of the need to shift into the front seat of a vehicle if that seat is vacant and fitted with a seat belt, because many people will inadvertently continue to sit in the back seat unless the reasons for this Bill are clearly explained to them. If they continue to do so, they will be brought before the law and obviously suffer the penalty.

Clause 3 of the Bill changes the definition of 'pedestrian' to include a person in a wheelchair. Although the Opposition supports that amendment, I point out that sometimes the person using a wheelchair is travelling on the footpath at a speed above the recognised maximum of 10 km an hour. Opposition members are concerned about that, but we realise that, again, it is a policing problem. We are concerned, too, that many people drive motorised wheelchairs on the road. Perhaps in his second reading reply the Minister of Transport will say how such people will be defined and whether they will be included in the definition of 'pedestrian'. If they are included, how will the law deal with such people, because there may be problems in this area? We all realise the difficulties experienced at intersections by people in wheelchairs, and we support this move to recognise the needs of those unfortunate people who are confined to wheelchairs.

The fourth amendment in the Bill relates to the definition of road making and road maintenance vehicles, involving a problem which has often been brought to my attention and about which we have difficulties. The principal Act is being amended so that both these areas are recognised. I understand that the Government has introduced this amendment on the advice of the Crown Solicitor that road making and road maintenance vehicles must be defined more clearly. On behalf of the Opposition, I support the Bill.

Mr MEIER (Goyder): I am pleased to see this Bill before us today. First, I shall address some remarks to clause 4 of the Bill, which amends section 40 of the principal Act by inserting in subsection (1) *(d)* 'or road maintenance' after 'road making'. I am pleased to see the Government introduce this amendment, because I was approached by an overseer some time ago to see what could be done in this respect. After some delays, I sought more information from this person and it suprised me that this issue goes back so far. In fact, I have before me a letter dated 24 July 1979 from the District Clerk of Yorketown to the Secretary of the Road Traffic Board, stating:

Dear Sir, re: Operation of patrol grader on open surface road maintenance.

The common practice on patrol maintenance appears to consist of setting up one standard 'Grader Ahead' sign at the commencement of work, and to cut out a rill, or windrow of loose material from the edge of the road. At the end of the first run the second sign is erected and the grader then proceeds to float the cut out material across the surface of the road, often travelling against the flow of traffic, i.e., on the wrong side of the road.

There have been occasions when, having set up the 'Grader Ahead' sign, the operator has proceeded to cut out from the wrong side of the road, thus giving oncoming traffic no warning of the presence of the grader. The practices outlined above have been queried with respect to council's liability in case of an accident involving a grader working against the traffic flow, either cutting out or floating material, and your early advice on this matter would be appreciated.

Yours faithfully.

I also have a copy of the reply from the Secretary of the Road Traffic Board, dated 31 July 1978. It states:

Dear Sir,

I refer to your letter GC/6/4 concerning the operation of graders on open surface road maintenance and advise that the practice of the driver to face on-coming traffic, i.e., driving near to the right boundary of the carriageway is contrary to the provisions of section 54 of the Road Traffic Act.

In the event of an accident, the driver of the grader and/or council may be held liable. Even though advance warning signs are placed on the roadside, the driver of a vehicle, even though he may see the grader, would not expect it to be approaching him on the same side of the road. A hazardous situation is then created when the motorist misjudges the distance when to overtake.

Yours faithfully.

I am aware that amendments have been made to the Act since that time but it seems, as can often be the case, that the amendments did not correct the situation. In fact, section 40 of the Road Traffic Act provides:

The following are exempt vehicles within the meaning of this section:

(d) a vehicle of a specified class being driven or used for road making purposes.

As a result, the District Council of Yorketown and, I daresay, many other councils have refrained from operating their graders against the flow of traffic, but at a great cost. I will now refer to a more recent letter, dated 23 July 1985, from the District Council of Yorketown to the Secretary-General of the Local Government Association of South Australia, as follows:

Dear Sir, re: Amendment to Section 40, Road Traffic Act (20.12.84)

I request that the Local Government Association of South Australia initiates immediate action to have the wording of section 40, subsection (1), paragraph *(d)* of the Road Traffic Act, 1961, amended to read:

a vehicle of a specified class being driven or used for road making and or road maintenance purposes.

The estimated cost to this council of operating its patrol graders in compliance with section 54 of the Road Traffic Act is $7 721.92 per annum. This cost includes labour, machinery hire and consumables, but does not include any estimated parts or repair costs for the accelerated wear on the machinery.

The important thing is the extra cost that ratepayers have had to pay over the years because there has been a question regarding the Act as to what a grader is legally allowed to do. I find it somewhat disconcerting that this issue was first raised in 1979 by the council, and we are nearly at the end of 1988—nine years later. At least we are getting the Act

changed. That is a positive step forward but it shows that things sometimes take a long time before they change, even though in this instance only two words had to be changed.

Certainly it will assist country councils, and it comes at an opportune time when we have seen rural areas continue to suffer a serious economic downturn due to the weather conditions. Only this past week we have seen a potentially good barley crop virtually destroyed on many parts of Yorke Peninsula because of the high winds, and I know that many ratepayers would be feeling the effect of any increase in rates. Here is an opportunity for many, if not most, councils in country areas to cut down or save money on road making operations.

It is appreciated that possibly some councils have been prepared to take the risk by saying, 'That's one intepretation, but we'll continue to grade against the flow of traffic.' If they have been doing that and have got away with it, that is fine, but surely it is our responsibility to remedy such a situation. Perhaps the Minister will answer this point when he replies; otherwise we can deal with it when we reach the clause in Committee.

Two suggestions have been made to me as to how the problem could be overcome. I believe that the Minister's amendment will be just as satisfactory, but the first suggestion was that section 40 (1) *(d)* be amended to read 'a vehicle . . . used for road construction and/or road maintenance purposes', or, secondly, that 'road making' be officially defined as including road construction and maintenance operations. We see in this case that the words 'road maintenance' only have been used and not 'and/or', and I am sure that that covers the situation. I do not see any problems with it, and I am sure that the author of the letter to which I have referred would have no objection, either. The main thing is that the problem is solved. The author was a Mr Graham Newstead, the overseer of works in the Yorketown District Council. In a letter to me earlier this year, he stated:

> Your assistance may well resolve this matter which does not quite rival *Blue Hills* for longevity—yet!! I hope so.

It is a good thing that the Government has made this amendment.

Mr Robertson: It's great to see that *Blue Hills* is still rating so highly.

Mr MEIER: I did hear that *Blue Hills* had a rerun on the ABC during this bicentennial year, but I did not have the opportunity to hear it. It looks as though this will be a lot shorter than *Blue Hills*. It is pleasing that the Bill contains provisions relating to child restraints as they relate to vehicles not fitted with seat belts. I also compliment the Police Department on the way in which it has policed the rules relating to child restraints that were introduced last year.

I recall driving with my family along King William Street. My then three year old daughter was in a child restraint which our two older children had used. It was attached through the normal seat belt in the back seat and she was fitted with a seat belt attached to the restraint. I turned into North Terrace and was about to do a U-turn outside Parliament House (I am never sure whether that is legal or illegal) when a motorcycle policeman asked me to stop in the middle of North Terrace. It is always embarrassing when stopped by the police but in the middle of the road it is even worse.

My wife wound down the window and the police officer explained that our daughter was not in an appropriate child restraining device. I said that it had been okay for the past few years and that I could not see what was wrong with it. It had a seat belt around it and a seat belt holding her in. He informed me that it needed an extra belt over the back, so an additional fitting needed to be made to my vehicle. Because the law had been advertised at that stage, I assumed that we would suffer the due fine, so I was grateful when the police officer gave us only a warning on that occasion, provided we had the matter attended to. That sort of policing has a very positive effect because we had the situation rectified forthwith. If the police follow that method with other people, it does not create ill-feeling within the community. I admit that I was here when the legislation passed and had listened to the advertisements yet, inadvertently, I made a mistake. It is good to see that the law relating to child restraints is being broadened.

The provision with respect to wheelchairs is long overdue. Under this Bill, people in wheelchairs will be recognised in a similar capacity to pedestrians. The shadow Minister, the member for Bragg, made appropriate comments in that respect, and I will not add anything more. I am happy to support this amending Bill.

Mr ROBERTSON (Bright): I welcome several provisions in this Bill. Clause 5 (3) relates to a child's mass and age and provides that a child must be appropriately restrained in a securely adjusted child restraint appropriate to the child's mass. I note this with approval because there is a difference between weight and mass and the use of the word 'mass' in the Bill obviates any legal argument about forces that might result from deceleration, for example. That might have been a fertile field for lawyers, so I welcome the use of a term which is scientifically and logically correct.

Clause 5 (4) causes me to ask a few questions. It seems to me that, in giving an exemption to drivers who do not have seat belts in their car, we may be defeating the purpose of subclause (3). Subclause (4) provides that a driver may be exempted from the provisions of subclause (3) if all seats are occupied. The effect of those two subclauses taken conjointly is that, if all seats are full, the provisions of subclause (3) do not apply. The ethical question is why a child over the age of one year should not have priority over an adult in occupying one of the seating positions.

In addition, subclause (3) provides special measures for children under the age of one year. It compels drivers to ensure that all babies are strapped in. There are exemptions for older children if the car is not fitted with enough seat belts, but I note with approval that babies are given special treatment. Whilst there is a good social argument for providing an exemption for drivers of pre-1976 cars not equipped with seat belts for all seats, in treating children under the age of one as a special case, the Bill deserves commendation. I recognise that there are social reasons for not enforcing the provision of seat belts in pre-1976 cars because the Australian design rules did not provide adequate mounting points. This particular provision means that, if a person cannot afford to buy a modern car, at least babies will travel in safety because the child must be strapped into an appropriate and approved capsule, and I welcome that provision.

Mr TYLER (Fisher): I welcome the provisions in the Bill. It makes some significant changes, especially with respect to child restraints. As the member for Bright indicated, in particular, it affects children under the age of one. As the father of a six-month-old baby, I am well aware of the advantages and obligations of parents in making sure that their children are firmly secured.

Clause 3 amends section 5 of the principal Act by amending the definition of 'pedestrian' to include a person in a wheelchair. The Minister's second reading explanation indicates that the term 'wheelchair' will mean a motorised or

manually-operated wheelchair. Most motorists believe that a person in a wheelchair is a pedestrian and oblige people confined to wheelchairs by letting them cross roads at pedestrian crossings. I noted some ambiguity in the law and I welcome the Minister's initiative in having it clarified.

I admit to being amazed at another point that the Minister seeks to clarify in this Bill. The Crown Solicitor has recommended that road maintenance vehicles have the same powers as vehicles used in road making. That clears up a technicality in the law. Most people understand the need for road maintenance vehicles to travel on the road. As the member for Goyder pointed out, people involved in this area have expressed concerns about it. On that note, I welcome the initiatives contained in this Bill.

The Hon. G.F. KENEALLY (Minister of Transport): I thank members who have participated in this debate for their support of this legislation and I will respond to a couple of comments. The honourable member made two points to which I need to respond at this stage: first, I agree that it is important that there be appropriate education and advertising with respect to these changes so that people are aware of their responsibilities as far as seat belts are concerned. I believe that we now have the most comprehensive seat belt legislation that it is possible to have, and it will be incumbent on all motorists to be knowledgeable of the new law and conform with it. As has been pointed out by the member for Goyder, the police are very conscious of the need to effectively police the wearing of seat belts and that, by doing so, they will save the lives of South Australians and visitors to our State.

The other question raised by the member for Bragg—and I believe it is important—is whether or not the occupant of a motor-driven wheelchair when on a pedestrian crossing should be treated as a pedestrian, because there are occasions when motorised wheelchairs are able to be on the road. In those cases they are classified as vehicles and they need to have appropriate brake lights, etc. The answer to the honourable member's question is that the occupant of any wheelchair, whether or not it is motorised, when on a pedestrian crossing, will be classified as a pedestrian, so that all people in wheelchairs when on pedestrian crossings will be afforded the protection of the law. I think that this is appropriate and a matter that the House would support.

The member for Goyder made two comments to which I will respond. I agree that it has taken some time to bring before the House the amendments included in clause 4 of the Bill. However, it has not taken from 1979 to 1988 because in 1984 there was an amendment to the Bill which included road making. It was considered at the time that 'road making' included 'road maintenance'. However, subsequent legal opinion has shown that this is not the case, and this amendment is to make absolutely certain that both road maintenance and road making are included in the Bill.

The member for Goyder suggested that there may be another way to word this amendment. I advise him that his suggestion would be equally as appropriate as the Government's amendment. However, so that the Act can be better understood, the Government's measure is probably more appropriate. That is not to say that his suggested amendment would not be worthy of consideration. He has not put it forward for consideration in the Committee stage, but he can tell his constituent that he was on the ball. I thank the House for its support of this measure. There are safety provisions in the legislation which are important to the continued well-being of motorists, particularly young people whose lives and well-being depend upon the actions of motorists and, as such, are worthy of the support of us all.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr INGERSON: I want to clarify a question raised by the Minister in his second reading speech and reiterated in the past few minutes, and I refer to the fact that recognition of a wheelchair is specifically related to intersections. He virtually said that in his second reading speech, and I understand what he said. He also said that there was a requirement for registration and lights for wheelchairs which travel on the road. Can that point be clarified? I am positive that that was what was said, but I think the matter needs to be clarified in case I have misinterpreted it. It does not seem that only an intersection is actually specified, so I would like the Minister to explain that point. Does this provision apply only at intersections and, if a motorised wheelchair is on the road, what are the requirements, because there seems to be some confusion?

The Hon. G.F. KENEALLY: To further clarify the matter: there is no requirement to register a motorised wheelchair, but it is required to have appropriate brakes and lighting if the operator wants to travel on the road. If a motorised wheelchair is able to travel on the footpath, it must travel at less than 10 kilometres per hour. The honourable member has already drawn that matter to our attention, and he pointed out that it is a policing matter.

We are trying to ensure that, where pedestrians normally cross a road at intersections or pedestrian crossings, a person in a wheelchair—whether it be motorised or otherwise—has the same protection from turning vehicles as a pedestrian. So, for the purpose of intersections and pedestrian crossings—it is not jaywalking; it is pedestrian crossings, designated as such—a wheelchair, whether it be motorised or otherwise, has the same protection as a pedestrian and will be classified as a pedestrian. So, if there is any conflict following an accident with a motor vehicle, the law is unambiguous to ensure that everybody understands that people in wheelchairs at intersections and on pedestrian crossings deserve the protection of the law and will get it.

Mr INGERSON: If a person in a wheelchair is on the road and is involved in an accident with a motor vehicle, what is the situation in relation to SGIC insurance? Is that wheelchair treated as a pedestrian or a motor vehicle? I am not sure whether there is any significant difference, but it has been put to me that that point should be clarified.

The Hon. G.F. KENEALLY: Two years ago the Government established a system whereby a person in a motorised wheelchair who wanted to go on to the road could pay 50c and have third party cover. The interesting question is, if a motorised wheelchair on the road collides with a motorised wheelchair going across a pedestrian crossing, who has the right of way? I think the legislation makes it quite clear that the wheelchair which is acting as a pedestrian would have the protection. Perhaps the courts will determine that matter for Parliament in some future situation. We can only do the best we can and the best we can do on this occasion is to give that protection. I hope that those answers satisfy the honourable member's queries.

Mr S.G. EVANS: The Minister has exercised my mind. I want to ask whether the same provisions would prevail for a wheelchair on the road as for a motor vehicle in the case of the consumption of alcohol. If a person on a pedestrian crossing in a motorised wheelchair has over .08 of alcohol in their blood and they run over or bump into a pedestrian—for example, an elderly lady who breaks a leg—what is the position in regard to the blood alcohol content of the person in the wheelchair?

The Hon. G.F. KENEALLY: I am not aware of any such occasion, but it somebody was in control of a motorised wheelchair on a road and was driving in such a way as to be a danger (not only to themselves but to other road users) and they were detected by the police, who believed that they were in charge of the vehicle whilst intoxicated, I imagine that the police would take the appropriate action. What that is I do not know; it would be a matter for the police and the courts to determine.

This legislation does not deal with the circumstances raised by the honourable member. I do not profess to have the legal competence even to suggest what the position would be but, because the matter has been raised during this debate, it will be referred to the appropriate authorities. I do not know what the law is on this matter, but I believe that, in those circumstances, both the courts and the police would act very responsibly.

Mr S.G. EVANS: When the matter is referred to an authority for assessment, and perhaps even before it goes to the other place, could it be determined whether there is a need to administer a blood alcohol test on occupants of motorised wheelchairs who are involved in accidents, as is the case with people who drive a motor vehicle?

The Hon. G.F. KENEALLY: I will refer the honourable member's comments to my department. However, I point out that his comments are not pertinent to this legislation so they will not affect the passage of this Bill. However, as the honourable member has asked he question, so I will have the matter investigated and bring back a report.

Mr TYLER: The Bill which we are debating quite clearly states that a 'pedestrian' includes 'a person in a wheelchair'. I understand that to mean that all people who are in wheelchairs (whether they be manually or motor operated) are deemed to be a pedestrian. That would also include anyone in a wheelchair who is on the road for whatever purpose. Many roads in my electorate do not have footpaths to accommodate a wheelchair, so people in wheelchairs are forced to go onto the road so that they can have a smooth ride. I understand that in those circumstances they would be classified as 'pedestrian'. Can the Minister please clarify this point?

The Hon. G.F. KENEALLY: If I understood the honourable member correctly, he asked whether or not a person in a wheelchair, whether it be motor or manually operated, is deemed to be a pedestrian. When a person in a motorised wheelchair has paid their 50 cents for third party cover, and, if they want to go onto the road, they have the same rights and responsibilities as other people who are in charge of a vehicle on the road. I understand that, in those circumstances, they would not be classified as a 'pedestrian'.

For the purposes of this legislation, when a person is in charge of a motorised wheelchair at an intersection or a pedestrian crossing, they will be deemed to be a pedestrian. There is a clear distinction. If a person is in a motorised wheelchair on the footpath and they are travelling at less than 10 kilometres per hour (which is the legal speed), they would be regarded as being a pedestrian. I think the only time they are not regarded as being a pedestrian is when they are on the roadway in a motorised wheelchair.

I assume that, if you are on the roadway in a wheelchair which is in a stream of traffic, you would be regarded as being a pedestrian. However, I will obtain legal advice on this matter. Again, it is not necessarily pertinent to the support or otherwise of this legislation. It is a fine point of law which is of interest and I will obtain a fine legal opinion for the Committee.

Clause passed.

Clause 4—'Exemption of certain vehicles from compliance with certain provisions.'

Mr MEIER: I was out of the Chamber when the Minister addressed the question as to whether he believed the words 'or road maintenance' are sufficient when compared with the suggested words 'road construction and/or road maintenance purposes'. I believe that the words would achieve the same end.

The Hon. G.F. KENEALLY: If this amendment is passed by Parliament and becomes part of the Act, it will contain the words 'road making or road maintenance'. The wording suggested by the honourable member at another stage of this Bill would be appropriate. It was suggested that 'road making' could be defined to mean 'road making/road maintenance'. However, I believe that anyone reading the Act would obtain a clearer idea of its intention if the Government's amendment is supported.

Clause passed.

Clause 5—'Wearing of seat belts is compulsory.'

Mr INGERSON: Subclause (3) specifically deals with children under the age of one year, and we support that provision. However, there may be some practical problems particularly relating to anchorage points. Will the Minister explain what is meant by 'properly adjusted and securely fastened child restraint of a kind declared by regulation to be suitable for use by a child of that child's age and mass'? How will they be properly set into position in a car? I can understand how seat belts can be properly set into position in vehicles which were manufactured after 1976, but there may be some practical problems with vehicles manufactured before that date.

The Hon. G.F. KENEALLY: That wording is currently in the Act, so that is now the law. I think the honourable member queries whether it is appropriate to make such a provision for vehicles which were manufactured prior to 1976, because anchorage points are not necessarily available in those cars. I accept that it may well be argued that there is an anomaly here with respect to those people who own vehicles which were manufactured before 1976. If they have a responsible attitude towards the safety of their children and they put in anchorage points and seat belts, they will be required by law to protect their children in the same way as the law protects children who travel in cars which were manufactured after 1976.

However, if you are not necessarily a responsible person (and by that I do not mean irresponsible) so far as your child's safety is concerned, and you do not put seat belts or anchorage points into a pre-1976 vehicle, this legislation does not apply to you. We are trying to ensure that where anchorage points and seat belts are provided, particularly for children, the protection of the law is available.

We are not saying, for all the reasons that were debated when the legislation was first brought in, that one must provide seat belts and anchorage points in pre-1976 vehicles. The clause provides:

> . . . a properly adjusted and securely fastened child restraint of a kind declared by regulation to be suitable for use by a child of that child's age and mass.

My advice is that that definition is appropriate and well understood. If the honourable member has some difficulty with that and he can be more specific, I will try to respond to him. If in fact the query is about the language of the subclause, which is the product of people much better equipped to write legislation, I am happy to ask the appropriate questions. We are not changing the verbiage—we are just making it apply in a more general sense to vehicles hitherto not covered by this legislation.

Mr INGERSON: The reason for my asking the question is that I understood that a Government member said that

it would be compulsory with respect to children in pre-1976 vehicles. Whilst it was not the Minister who said that, I gathered that that is what would occur. While we want to encourage everyone to do that, I merely clarify the point that people will not be told that they must have these restraints in pre-1976 vehicles.

Clause passed.

Title passed.

Bill read a third time and passed.

BUILDING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 1251.)

The Hon. B.C. EASTICK (Light): The Opposition supports the measure which is currently before the House. The opportunity has already been offered to discuss the content in some detail, because it is a measure which was introduced in another place. In respect of those parts—and it is the majority of the Bill which is currently before us—that seek to increase the penalties, that is completely consistent with action which the House has taken over an extended period in all manner of legislation, and therefore there is no difficulty. But the position that I refer to, and one which was questioned at some length in the other place, is that which seeks to introduce the Building Code of Australia which will be called up by way of regulation in what the Minister explained in her address as rather 'strange circumstances' to the normal parliamentary procedure. Indeed, there was a dialogue in the other place which indicated that it is the intention of the Government to attach a copy of the code to the regulations such that in essence Parliament will have the opportunity to address the subordinate legislation which is an essential part of the action we are currently taking.

Some of the Minister's own terminology in presenting the Bill almost suggested that it would not be possible to look at the code and question it in any great detail. Members of this side are fully appreciative of the fact that the code has been brought together by the activities of the ministerial council; that the code, which will be the first to be introduced, was first given acceptance by the ministerial council in 1986; and that there are provisions for variations relative to each of the States which can have regard to particular prevailing circumstances, whether it be associated with temperature, the area of land upon which buildings can be built or other peculiarly local events. They are attached as part of the schedule to the code.

Earlier in his second reading explanation the Minister said that he hoped to have the code in place by 1 January 1989, but in answer to questions in the other place that has been extended to 1 January 1990. We also recognise that for a period it will be possible for a builder to nominate whether he will function under the old provisions or under the new. My only question there is whether a person who commences a building operation under the old provisions—and let us accept the circumstances that some building activities will take two or three financial years or two or three calendar years to complete—will be able to fulfil the total of their operation under the set of regulations under which they commenced and not suddenly find, that after the 12 months transitional period, they are expected to comply with a new set of circumstances. That would be quite intolerable and I would not believe that the Government would seek to put that difficulty in place.

While it may be expected that most building operations would be completed within, say, 18 months, there are circumstances from time to time—by way of appeals and difficulties in locating the necessary money to finish the second or third stages—which would prevent a builder from complying within a shorter period. So long as the Opposition can be assured that those circumstances are accommodated, we have no difficulty.

I do recognise that from time to time the code will change, because the ministerial council will undoubtedly address the material which is presented to it by the individual States and Territories, and it is a reasonable expectation that there will be alterations which will be the considered view of the ministerial council.

I expect adequate notice to be given to the industry and any changes effected by the ministerial council to be put into place. What is happening now indicates that the Government is not in a rapid introduction phase: it is acting with other Governments, including the Commonwealth Government, to gradually introduce measures that have now been in position for two years, and it will be at least another 15 months before they operate completely. I will ask a couple of questions in Committee, but otherwise I support the Bill.

Mr S.G. EVANS (Davenport): I, too, support the Bill. I realise that in taking this action we are trying to move as closely as possible to a standard code and a set of regulations for the whole of Australia. As regards local issues, including the type of country and what we in this State call Bay of Biscay soil, the regulations may have to vary to accommodate the peculiarities applying from State to State, especially in our State as compared to other States. In saying that, I am conscious that we as a Parliament often respond to complaints from individuals about builders by considering changing regulations or standards, as do the Parliaments of the Commonwealth, other States, and Territories.

In the consultative process that went into establishing this code, some influence undoubtedly came from the various objections, challenges and court cases in relation to the building industry thoughout Australia, as well as from the experience of successes and failures of the various types of structure or applied standards. However, we need to be cautious and to ensure that we do not get to the point of over-specifying for the average cottage home because, by doing so, in the end we will apply our middle-class or higher standards to accommodation that many single income or average families could never afford to buy or build.

Although I have not seen a copy of the code, I understand that it will be made available later and I appreciate that, but I take this opportunity of saying these things now because I was brought up in the building industry and I have seen many changes. I have seen shonkies who would use the same set of building rods for three or four homes by shifting them out of the wet cement on to the next job, sliding them out without bending them. I have seen all the rackets that can be worked in the industry. Although I realise that this Parliament and other Parliaments have over the years tried to stop the crooks, in doing that we have raised the expectations of the consumer. One can now buy a 30, 40 or 50 year old home and the walls may not even be perpendicular. Indeed, there may be a variation of 1½ inches between the top and the bottom over the width of a room.

In years gone by, no damp proofing was used and the houses were stuck onto large slate slabs and sat on the ground, sometimes not even dug into the soil. However, some of those houses are now treasured even though they

conform very little to modern building standards. Some of them have not even got sawn timber for the purlins, as is the case with one house at Piccadilly. Yet, if one tried to knock down such a house there would be a massive hue and cry that it was of historic significance and should be retained as a lovely place in which to live.

Nevertheless, if an individual or a young couple wanted to build a house of a similar style today (and remember that some of these homes have lasted for over 100 years), the law would prevent that, even though the owners applied to build the house themselves and were prepared to live in it. The difference between then and now is this: formerly people often built a home and stayed in it for most of their lives, whereas today with a more mobile society we move around and our homes are sold more regularly.

In saying that, I am not arguing against the legislation: I am talking about the code. The time has come when we, as a society that should have a greater capacity to think things through, should be able to permit an individual wishing to live in a home which complies with health laws but which is not up to the middle-class and higher standards that would apply to most homes under the present regulations to do so. Indeed, I do not think that the new homes will be better in that regard, although they will be just as costly. If we can allow the individual to have specifications drawn up and lodged with the local council, and provided that those specifications conform to the health laws and there is no danger in the structure, as built by our grandfathers for instance, that individual should be allowed to build such a home.

However, on the form 90, on which encumbrances are declared, there should be a declaration that the house has not been built to conform to the building regulations or code at the time of construction. Then, any intending purchaser would be warned of the difference and would have to be supplied with a copy of the specifications, which would mean that they would have to be kept for some time and be available at the local council office.

Some people may regard that as radical, but in our society home ownership is becoming out of the reach of many people. God help us if we follow the Eastern States as regards housing costs. Although I understand the point of the higher standards that apply these days, I believe that the opportunity should be provided for those who wish to take the sort of action that I have suggested. Indeed, I hope that one day in this Parliament some Government or individuals will get together and say, 'We are prepared to run that sort of argument through the Parliament,' and seek to change the law. Many people out there would accept such a challenge.

There will automatically be an argument from some people, especially in local government, if Mr and Mrs X, Mr X or Ms X wish to build in Mr and Mrs Y's environment a home of the type about which I am talking and they do not want such a house there, in the same way as some people at one time objected to the mud brick house that others have successfully built in recent years. Originally, however, there was talk that some people would not accept the mud brick house.

Now it is an accepted standard. That is the sort of construction our great grandfathers were playing around with. The middle and higher class residents of an area are complaining by saying, 'We do not want it in our street.' However, once it is built, well cared for and has established gardens, a mud brick home is just as good to look at as any other home in the area. In my area and others, people are reintroducing cottage gardens in old homes and making them look 'old world'. My plea to the Government, in acting in conjunction with the Federal Government, the other States and the Territories, is for a standardised code, the regulations and administration of which accommodate local issues. I hope that the Government will not ignore what I have said.

Members opposite should go back to the ALP Caucus or relevant committees and start thinking about whether or not we have applied the standards and whether the expectations of individuals (which has nothing to do with the code) have become so high that people are not prepared to move into a two-bedroom home: it must be a three-bedroom home with en suite and two bathrooms. Is that partly our fault as legislators? Do we need to look at the other area and encourage first home buyers as a second step to move into something better if they can afford it later?

I commend the action that has been taken in achieving this proposed amendment. I hope that it becomes law. I realise there may be some difficulty with builders trying to decide whether they will work under the present regulations or the old code, and the member for Light has referred to the time delay between design and completion.

Finally, I am deeply concerned at the way some small builders are placed in difficulty because of the building laws in this country. The consumer, that is, the person having a home built, is given virtually all the rights, but the builder has very few. Big builders can afford lawyers, for instance, to fight their case, but it sometimes takes two or three years for disputes on final settlements or standards to come before the court.

Although this Parliament has provided the opportunity for arbiters to be appointed to decide disputes and for either party to go through the legal system, the modern trend is for consumers to go to court because they know that it takes 18 months to two years or more to get the matter before the court; just before the court hearing, they suggest that the parties should sit around the table and talk about the matter to come to an agreed settlement. In the process, they have saved themselves interest on, say, $10 000 to $30 000. We need to look at that, because that is why the big builders are able to survive. It places smaller operators in an impossible situation.

The small builders are the core of our industry. However, they end up in the same position as a lot of poor people in trying to fight court cases. It is all right for the rich. The really poor get help from Legal Aid, but the group just above them are left out on a limb. That does not quite come within the ambit of the Bill, but I appreciate the opportunity to say it. I support the Bill.

The Hon. G.F. KENEALLY (Minister of Transport): I thank all members who have contributed to this debate for their support of this Bill. I will certainly give an undertaking to the member for Davenport that his comments will be drawn to the attention of the Minister of Local Government for her consideration. He has raised a number of points to which she may well give the consideration he is seeking. However, the decision and recommendation that flows from that is something for her to determine and I will not in any way try to pre-empt the Minister's right to make the decision.

I thank the member for Light for his contribution and will respond to one of the matters raised by him. He foreshadowed a question in the Committee stage, and drew attention to what he thought might be a problem in the transition period, where a builder has the opportunity to operate under the existing regulations or under the new building code of Australia. He asked, where there was an extended building time—there might be two, three or four

stages or more—whether the original building approval and regulations that applied at that time would be the regulations that applied for the life of the project. The answer to that is 'Yes'. The regulations that applied at the date of approval would apply to the completion of the project. If during the project the nature of the project changed and the builder applied for new building approvals, and if the 12 month period had been completed, the new regulations (the Building Code of Australia) would apply as amended for local circumstances. The honourable member has already drawn attention to that matter.

There is no doubt that the member for Light is fully advised of the intent of this legislation, because his second reading speech was in all aspects quite accurate as to the intention of the Government and the meaning of the legislation. I just ask the House to support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—'Council may require conformity with Act.'

The Hon. B.C. EASTICK: The Minister has indicated the circumstances as known. I draw attention to the fact that both clauses 9 and 10 do a little tidying up having regard to court cases and other activities, and we have no argument with that at all. No Bill ought to be set in cement. More is the pity that, as circumstances require, we cannot get some of them back to tidy up loose ends more rapidly than we do instead of waiting for circumstances such as this to graft on other actions. We are quite in accord with these arrangements.

Clause passed.

Clauses 11 to 15 passed.

Clause 16—'Regulations.'

The Hon. B.C. EASTICK: This clause caused some concern when the Bill was first presented and the Minister drew particular attention to the different presentation to the norm. At one stage it made one believe that there was the likelihood that it would be beyond the capacity of Parliament to question various activities.

During the discussion in another place, a copy of the code was made available to some of my colleagues and, because they were able to view that code and as a result of the statements made by the Minister, my colleagues moved away from seriously questioning this measure to full acceptance of it. The Opposition accepts the position as is. A parallel can be drawn between the code, which will be subject to scrutiny of the Subordinate Legislation Committee, and supplementary development plans under the Planning Act, which are subject to that scrutiny and the Parliament. That is as it should be. Part of the Opposition's concern related to recent changes to septic tank regulation, the changes having been made by proclamation of the Health Commission without parliamentary scrutiny.

It is not possible for Parliament to seriously question the new regulations relating to septic tanks and the problems that they have caused. They have added considerably to the cost of building a new home and the requirement for 45 metres of soakage pipe is impractical. Depending on the number of people in the house, the tank's capacity must be 4 000 litres. Tanks of that size do not exist. When asked whether tanks of 3 657 litres would be sufficient, a Minister replied that it was near enough to 4 000 litres, so it would be appropriate. Near enough is not good enough, particularly when it comes to the law.

I draw this parallel to show how the powers of Parliament are being usurped by the role, in this case, of the Health Commission. With respect to this Bill, in the first instance my colleagues believed that the powers of Parliament would be usurped in that the Building Code of Australia would be beyond the scrutiny of Parliament. That has been sorted out and I have taken the opportunity to mention the septic tank issue, not because we are debating it now, but because it is an indication of how the powers of Parliament have been usurped against the best interests of the people we represent.

The Hon. G.F. KENEALLY: I assure the Committee that the Government has no intention of evading or usurping the role of Parliament and a number of pieces of legislation this session support that. While I understand why the matter was raised with my colleague in another place, I am happy that the member for Light and his colleagues in the other place have accepted that, when the regulations come before the Subordinate Legislation Committee, a copy of the Building Code of Australia will be available. A copy of that code was presented to the member for Light's colleague in another place and, if as shadow spokesperson he does not have a copy, I will make sure that a copy of the code is given to him for his consideration and information.

I will refer the honourable member's comments about septic tanks to the responsible Minister, and I feel that they will be read with some interest. As the honourable member said, that issue is not pertinent to this legislation although he used it to make a point. I reassure the Committee that, on every occasion that it is able to do so, this Government will provide Parliament with the appropriate opportunity to question and make decisions on legislation and Government actions.

Clause passed.

Title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 1160.)

The Hon. B.C. EASTICK (Light): The effective part of this Bill comprises about six words and, on the surface, it should not create any problems. However, such is the nature of those six words that I make quite clear that the Opposition opposes the Bill. The Fire Brigades Act 1936 to 1974 effectively became the South Australian Metropolitan Fire Service Act, and the functions of the service rested on section 22 of the old Act, which stated:

(1) The duty of regulating and enforcing all necessary steps for extinguishing fires and protecting life and property in case of fire and the general control of all fire stations and fire brigades shall, subject to the provisions of this Act, be vested in the board;

(2) In the performance of that duty, the board may provide and maintain fire brigades consisting of efficient firemen furnished with such appliances as may be necessary for the complete equipment of such brigades in the performance of their duties.

In the early 1980s, as a result of the activities of a former colleague the Hon. W.A. Rodda, many of the aspects of the fire brigade were discussed against the background of a major review that had been undertaken by Cox. Subsequently, a Bill was introduced in 1980 which went to a select committee. A number of members of that committee are still members of Parliament. They took evidence in a number of places, including overseas and interstate. I think the committee went to New Zealand.

The select committee report was tabled in this House in 1980 and appears as paper No. 143 of the 1981-82 parliamentary year. Changes to the Fire Brigades Act were recommended in that report and, in respect of administration,

the report recommended a number of new sections to replace sections 8 to 33. New section 9 provided:

(1) The functions of the Corporation are as follows:
(a) to provide efficient fire fighting services in fire districts; and
(b) to provide services with a view to preventing the outbreak of fire in fire districts.

Other sections followed relevant to how those purposes would be carried out. That new section was enacted by Bill No. 68 of 1981. In 1984 there were minor amendments to that section: Bill No. 98 of 1984 amended section 9 by striking out paragraph *(a)*—set out above—and inserting in lieu thereof 'to provide efficient services in fire districts for the purpose of fighting fires and of dealing with other emergencies'. It is rather significant that in the debate that occurred when the old Fire Brigades Act was changed to the new Act, including the insertion of new section 9, not a word was mentioned on either side about the scope of the contents of the measure. We now find that the Government has decided to change the Act by including these few additional words which are the subject of the amendment. The Minister said in his second reading explanation:

The fire service is presently carrying out different functions including marine and Penfield operations and salvage.

Marine involves the fire service at Port Adelaide and Penfield the service at the Weapons Research Establishment, or in that general area, on behalf of the Commonwealth Government. There is no particular problem about that because it is providing a fire service. The Minister continued:

Also, it has become necessary to expand fire equipment servicing activities to include replacement sale of fire protection equipment. The Fire Equipment Servicing Division of the fire service presently services and maintains fire extinguishers and fire hoses on contract bases for clients throughout the State. It is essential that the division be able to supplement the servicing by the replacement of condemned fire protection equipment in order to provide a total service to its clients. Furthermore, the need to replace such equipment will be exacerbated in 1989 by the introduction of new standards which will render obsolete a very large number of fire extinguishers currently in use by fire service clients.

My inquiries indicate that the body representing the industry—the Fire Protection Industry Council—was not consulted about this change, and that council's membership has reacted adversely to the Bill, because *(a)* it was news to them; and *(b)* they believe that it seeks to undertake a series of actions beyond the capacity of the Fire Service or the Government.

The idea of the amendment is to provide such capacity—there is no argument about that—but the statement that the standards will change in 1989 has been refuted by the Standards Association of Australia, which has faxed me the information that there is no change in contemplation and it knows nothing at all about the Minister's statement to the House. There have been a number of discussions between the South Australian Metropolitan Fire Service and members of the Fire Protection Industry Council over a range of subjects but not this particular one. They have examined the possibility of creating a permit system—which exists in other States—and I will draw attention in a moment to a statement made by the Minister's colleague in Western Australia relative to the course of action being taken by the Fire Service in that State with total Government concurrence.

The companies which have faxed information to me expressing their concern about this Bill are: the Australian Fire Company, Total Fire Protection, Australian Fire Services Pty Limited, Wormald, Simplex, Fire Fighting Enterprises, Chubb Fire, South Australian Fire Extinguishers, Fire and Safety Products Pty Limited, South Australian Fire Enterprises and O'Donnell Griffin. If we were to list the people who make up the Fire Protection Industry Council and are the leaders in the whole industry, those names would be contained on that list. About 75 companies provide some assistance in this area to clients throughout the State, but I suggest that those 11 companies are the major ones involved. The statement from the Standards Association of Australia, which has come to me by way of facsimile machine is as follows:

1. Standards Australia has no proposed standards which will obsolete any type of extinguisher.
2. South Australian Metropolitan Fire Brigade will service soda acid type extinguishers and chemical foam type extinguishers as long as parts are available and they meet the requirements of the standard hydrostatic test.

I am not suggesting that somewhere down the track—or even at present—there may not be a need to look at the quality of equipment in place, but the Standards Association of Australia has conveyed that information to me, having been given a copy of the Bill and the Minister's explanation. Other information drawn to the Opposition's attention in relation to this measure is as follows:

The intention of the Act was to have a fire brigade responsible for:
fighting fires;
implementing fire prevention measures, such as burning-off vacant blocks and eliminating other potentially dangerous fire risks.

Privately owned companies were established and developed to undertake other functions associated with fire detection and suppression including:
research and development;
design, production and installation of automatic fire protection systems;
manufacture of manually operated firefighting equipment;
inspecting, testing and repairing systems and equipment.

At the present time, no less than 75 private companies are listed in the Yellow Pages of the South Australian Telephone Directory as suppliers of fire safety products. Sixty of these are listed under the heading 'Fire Protection Equipment and Consultants' and 10 are members of the Fire Protection Industry Association of Australia Limited, an organisation established to provide industry, commerce and the community generally with satisfactory standards of workmanship and to maintain ethical principles appropriate for an industry engaged in the preservation of life and the conservation of property. As responsible fire protection contractors, we strongly oppose the provisions of the proposed amendment to the South Australian Metropolitan Fire Service Act for the following reasons:

1. As the above statistics indicate, the market in South Australia cannot support another major fire protection contractor. Entry of a Government supported competitor would certainly cause retrenchments in private companies.
2. The report associated with the proposed amendment is inaccurate in the following statements:
'It has become necessary to expand fire equipment servicing activities to include replacement sale of fire protection equipment.'
The replacement sale of fire protection equipment is traditionally the function of private enterprise, where a competitive market exists in all parts of the State.
'It is essential that the division be able to supplement the servicing by the replacement of condemned fire protection equipment in order to provide a total service to its clients.'
We question the validity of the Fire Brigade being in the business of servicing equipment—equipment manufactured, sold and also serviced by private enterprise companies.
We believe the presence of a public funded corporation in the commercial area is questionable—especially in an area where an extensive competition is waged by numerous private companies.
It is certainly not essential for the Fire Brigade to provide equipment to its clients—this is the traditional function performed efficiently by a number of private companies.
'The introduction of new standards (in 1989) which will render obsolete a very large number of fire extinguishers.'
Our inquiry to the Standards Association of Australia revealed that this statement is quite erroneous.
3. The open-ended nature of the proposed amendment—'such other functions as may be assigned to the corporation by the Minister'—

and those are the words we seek to include in this legislation—

together with the obvious intention of the SAMFS to expand its commercial activities would mean that, at any time in the future, a Minister could be influenced to further extend the activities of the Fire Brigade into other products and functions—at the expense of private enterprise companies.

Without arguing the pitch and toss of that assertion, if we go back to the words which we propose to include, any Minister could do such things. It is not a matter of whether or not any Minister would but, rather, that he or she could do such things and it is the very open-ended nature of the proposed amendment, and major shift from the norm, that is questioned. The letter continues:

4. A Government funded corporation which is not required to satisfy the legitimate requirements of shareholders should not be placed by statute in unfair competition with private enterprise companies who are satisfactorily providing the public with an efficient service in the open marketplace.

5. The subject of unfair competition could possibly be expanded by conducting a close examination of the SAMFS income and expenditure statement for fire equipment servicing for year ended 30 June 1987.

This statement shows a credit balance of $40 000 on an income of $1 006 000 which represents a 4.14 per cent profit margin on costs of $966 000 and 3.976 per cent on total income. Sources of income are not revealed but on known SAMFS rates in the marketplace. Even the extremely low margins indicated are unlikely to have been achieved through actual trading operations. We believe the current Act should only be changed to reinforce its original intentions, that is:

to establish a fire fighting brigade;

to implement measures to prevent the outbreak of fires.

Measures to prevent the outbreak of fires should be restricted to inspections of properties, an advisory service and the reception of automatic and manually operated fire alarms.

I have drawn these matters to the attention of the House, because I believe that they must be addressed by the Government before it proceeds further with this legislation. The Opposition cannot accept the Bill in its current form, and I have indicated that we will oppose it. I realise that it is easy for people to forget whether an organisation in the marketplace has not performed as well as it might. I have questioned that situation, but I have been unable to find any organisation which has lost its registration because it has not performed properly or because it has not gone back to rectify an error. Whether it be Government or private enterprise, from time to time minor errors will occur when maintenance is undertaken or when equipment (which is not of their own manufacture) is used and has to be relied upon. I say that in a very positive sense. I have not been able to discern any criticism which can justifiably be made against the private enterprise group which has traditionally filled this role in the community.

I do not in any way denigrate or attempt to downgrade the valuable assistance provided to the South Australian community by the Fire Service. I believe that changes to the legislation have been made on a bipartisan basis. I cite the discussions which took place between 1980 and 1981 and the subsequent change in 1984. There has been no difficulty, but this new movement into an area, which is now being clouded by certain statements, causes us to part company. We oppose the Bill.

Mr S.G. EVANS (Davenport): I oppose the Bill. I am deeply concerned when proposed changes to the law give Government departments the opportunity to compete directly with private enterprise when it is providing a satisfactory service and particularly when those Government departments do not have to pay land tax and the full E&WS rates. Those considerable benefits are not enjoyed by private enterprise. Government departments can use staff, but they do not necessarily have to write the hours of the staff off against the servicing and supply of goods to private companies or individuals. When an organisation does not have to face all those Federal and State taxes, it becomes very difficult for private enterprise to compete.

The member for Light indicated that a change in standards in 1989 will mean the obsolescence of a large amount of firefighting equipment. If that is the case, we should debate that issue. I spoke in an earlier debate (to which I cannot refer in detail) about a problem in modern society. We continue to upgrade standards, but sometimes unnecessarily. In these modern times manufacturers sometimes say that the older model is no good. They say, 'We have a better type at twice the price. We cannot sell any more of the older ones, because everyone has one, so we will come up with something better.' It is debatable whether or not it is better and that a change is necessary. However, as a result of the introduction of the new model, society is faced with higher costs.

We need to be cautious when companies raise their costs under such circumstances, because many lower and middle income people are struggling to survive. If we believe in small business and if we need people to pay taxes to keep the State going, we do not need a Government department's cutting the throat of private enterprise, in particular smaller operators. We might be told by the Minister that that is not his intention. The Minister, like any one of us in this place, is nothing but a bird of passage. We can be removed by the voters; we can walk out of our own free will, or the other power who is above can find a way of taking us any time.

An honourable member interjecting:

Mr S.G. EVANS: That is true and it is fortunate for the Minister that I have been here to protect him all that time. So, I ask the Government to remember when they get up on their bandwaggon and say 'We want to help small business and encourage it to stay in this State,' that we do have a declining population and a problem as a State; they know that. They should look at every little move they make to ensure that they do not guarantee the continuation of that stagnation. The Government should at least try to maintain what we have got and then go on from there to increase the numbers employed, the number of small businesses, and so on.

I hope that the Minister is prepared to leave this aside and to come back with something that is not quite so open-ended, or to say to the private enterprise system, 'We have left the gap there. You will be competing with the Metropolitan Fire Brigade, which, like it or not, with or without ministerial approval, might gradually move into a more competitive field with the private enterprise sector.' It would be possible for it to move in in a minor way initially without a Minister even being informed, because until now most of the work has involved the maintenance and servicing of firefighting equipment.

If they are going to the point of supplying equipment, it will indeed be open-ended. The Minister might therefore say whether he intends to extend the Metropolitan Fire Brigade boundaries so that they can set up their own store or something down at Happy Valley. In other words, is it intended to extend the Metropolitan Fire Brigade service into the Country Fire Service areas? He might like, as an odd comment, to tell us when we can expect publication of the report of the Country Fire Service which we have all been expecting for a long while (it was promised in August) but which we still have not seen.

The Hon. D.J. HOPGOOD (Minister of Emergency Services): First of all I will respond in particular to the final comments of the member for Davenport. I think I am

indulging the House just a little in that they are not altogether relevant to the matter that we have before us. But, having been asked the question, I feel that it is necessary for me to respond to it. As a result of the representations that were made to me in relation to Salisbury and the ambitions of the City of Salisbury to have the MFS extend into their area, I have made it perfectly clear that I am not prepared to make any decisions on those matters, whether it be Salisbury, Happy Valley or Noarlunga, unless an agreement is put before me by both chief fire officers.

The second point which I have to make and which I feel is the stronger point—and that is why I am really indulging the honourable member, the House and myself—is that I have the power to do that, anyway, under the existing legislation, irrespective of the Bill that we currently have before us. So, in a sense, his question really is not all that relevant. In any event, I am happy to answer it, because I have made clear that there must be complete cooperation between the two fire services before I will be prepared to exercise the powers which are already committed to me under the existing legislation which has nothing to do with the Bill before us.

I can understand a good deal of what the member for Light had to say. I simply point out that the amendments that I am urging upon this place would put the Act for the MFS in a position which would be very similar to that which obtains in the States of Victoria and Tasmania. The sky does not seem to have fallen in those particular areas. I do point out that some of the fears that may reside in private industry probably come from the fact that in Victoria, where this occurs to a certain extent (as I am advised) the fire service sources its equipment from only one supply. It is not for me to give gratuitous advice to fire services in other States because that is asking for trouble, I guess; that is to invite the suspicions of private industry generally.

I understand that a different system obtains in Tasmania, and certainly my advice to the fire chief here would be that we do not get into a position where we source our equipment purely from one supplier; nor is it envisaged that the fire service would adopt an aggressive marketing stance in relation to this matter. It is not suggested, either, that any mark-up that it would have would be such as to undercut private industry that is currently operating. We believe that those whom we service would appreciate the opportunity of having this additional service, and that is purely the context in which it is placed. I commend the Bill to the House.

There is a further point to which I need to respond, and it relates to the matter of standards. I am informed that there is a committee on which the SAMFS is serving and which includes *inter alia* the New South Wales Fire Board, the building owners, the Army, the Commonwealth Fire Board, the New South Wales Consumer Affairs, the Departments of Defence, Housing and Construction, and Industrial Relations, and several other bodies such as Telecom, the ICA, and the FBIAA. These people have been working for some time towards revised regulations. Clearly, once a draft is available, this will have to be consulted very closely with any sectors of the community including private industry which might possibly be inspected by these standards, and I would certainly give it that consideration.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Functions and powers of the corporation.'

The Hon. B.C. EASTICK: I said earlier that we will resist the Bill, and this clause will be taken to a division. I accept the circumstances as outlined by the Minister, but it is rather unfortunate in the broader sense that the major debate that is taking place among this consultative group interstate has not yet been made known to industry. If there is a breakdown in that area, the Government may in due course seek to call upon such an organisation to recognise its responsibility in the broader sense rather than just to a group of Government instrumentalities or others.

Having said that, I am still not satisfied and I have clearly indicated that the Opposition will vote against this provision. Earlier, I said that a different view had been taken in Western Australia. On 3 December 1987, the Western Australian Minister for Emergency Services issued the following press release:

> The Western Australian Fire Brigade is to take on a new role in fire protection. It is to train and license appliance maintenance contractors throughout the State and monitor them to ensure a high standard of extinguisher and hosereel maintenance. Emergency Services Minister Gordon Hill today announced that the new fire protection unit would be established over the next 12 to 24 months. Mr Hill said volunteer brigades would have the additional benefit of licensed contractors in certain areas. However, the brigade would transfer responsibility for its commercial extinguisher and hosereel maintenance operations to private suppliers and contractors, and instead train and regulate them.
>
> Mr Hill said it was much more cost-effective for the private sector to service extinguishers, as it had been doing since the early 1970s, and officers of the brigade to use their expertise for training and monitoring. He said a steering committee would be established to assist in the progressive establishment of the new unit and the orderly progression of improvements in this area of fire protection.

Then follow some brief comments. I believe that that course of action should be considered in this State rather than the course of action contemplated by the Minister's amendment. I applauded the present Minister when I said that any action that he would take under the provision, if it was passed, would be scrupulously fair, but one cannot speak for a future Minister or circumstances. We cannot be certain that anyone who becomes the chief, the Minister, or the administrator will not see within the provision, which is too wide, an opportunity to expand the service far beyond anything that the Minister or I might contemplate at present. Therefore, the provision should be tighter than it is. I do not offer a different set of words at present: I abhor what is being said to be done and I will oppose it.

The Hon. D.J. HOPGOOD: The FPIAA, which is considering new standards, is a body representative of the industry generally. I will certainly take up the challenge of ensuring that private industry is made fully aware of the existence of that body. Information coming from the body in the form of draft standards will certainly be widely canvassed. I understand that the Western Australian servicing division always ran at a loss, whereas our service has always been able to avoid that unhappy situation. That is probably why the Western Australian Minister, for whom I have the utmost respect, has decided to travel in the direction that he has taken. However, we have not had their unfortunate and unhappy experience, although I do not have information about the extent of those losses.

The Committee divided on the clause:

Ayes (26)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, Crafter, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Noes (16)—Messrs Allison, P.B. Arnold, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick (teller), S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, and Wotton.

Pairs—Ayes—Messrs Ferguson and Paterson. Noes—Messrs D. S. Baker and Oswald.

Majority of 10 for the Ayes.
Clause thus passed.
Title passed.
Bill read a third time and passed.

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Deputy Premier): I move:
That the sittings of the House be extended beyond 6 p.m.
Motion carried.

ADJOURNMENT

The Hon. D.J. HOPGOOD (Deputy Premier): I move:
That the House do now adjourn.

The Hon. D.C. WOTTON (Heysen): I am glad that the Deputy Premier is in the House at present because, just before he disappears, I wish to refer to the totally irresponsible way in which he has represented his portfolio.

Members interjecting:

The SPEAKER: Order! I call the House to order. The honourable member for Heysen.

The Hon. D.C. WOTTON: In particular, I wish to refer to the Minister's handling of the emergency services portfolio. I will refer to a number of issues. The first is in regard to questions that I put on notice, and I have brought this matter to the attention of the House on six occasions. In fact, on 2 December last year, I asked question on notice No. 505 dealing with the Metropolitan Fire Service, but I have not yet received a reply. I have since placed another question on the Notice Paper to find out when the previous question will be answered, but I still have not received an answer. During the Estimates Committee I referred to this lack of replies to my questions and the Minister and his senior officers at the table gave me an assurance that I would have answers to those questions within a matter of days. However, I have still not received a reply.

I can only presume that the Minister is frightened to reply: he does not want to give an answer. What is the Deputy Premier trying to hide? It is a reasonably simple question dealing with officer recalls within the Metropolitan Fire Service and a couple of other matters. I would not have thought that it was too difficult for the Deputy Premier to provide some answers. But I have yet to receive a response and I just wonder how long it will take. I presume that it is not too often that members of this House have to wait more than 12 months to receive an answer to a question on notice, but that might be the case. That is my concern with respect to a question I placed on notice nearly 12 months ago on 2 December.

The other question that I am concerned about was placed on notice on 23 March this year, and it relates to the CFS. There is still no reply to that question, either. Again, when I had the opportunity to question the Minister during the Estimates Committee, I was given an assurance by both the Minister and the officers at the table that a reply would be provided within a matter of days—but there is still no reply. I can only presume that the Deputy Premier and the Government are trying to hide something in not making available replies to my questions on the Metropolitan Fire Service and the CFS. I know that the CFS provided the Deputy Premier with a reply many months ago. I presumed that he was waiting for a response from the MFS so that he could look at the replies before responding in the House. However, still there is no reply to those questions. It is an absolute disgrace that members place questions on notice, and we are told that that is the most appropriate way to gain information from the Government—

Mr Becker: The democratic way.

The Hon. D.C. WOTTON: It is supposedly the democratic way, but it is totally abused by the Government and the Deputy Premier, particularly as it relates to his portfolio of emergency services. I do not know what the Minister will do about this, but I demand that I receive replies to these questions. I will be particularly interested to see what happens from now on. If those answers are not provided, I assure the Minister responsible that I will continue to raise this matter in the House and through every other channel that I have to make it known to the public of South Australia that the Deputy Premier is frightened and wants to hold back information from other members in this House on these important issues.

I also refer to the answering of correspondence by the Deputy Premier. I do not know about other members, but I have now reached the stage that, if I write to the Deputy Premier, I expect to wait three or four months for a reply. That seems to be the normal procedure these days. I understand that the Minister now has more assistants working for him within his ministerial office than was previously the case.

The Hon. D.J. Hopgood: No, less.

The Hon. D.C. WOTTON: The Minister says 'less'. I would question that, because that is certainly not the information that has been obtained by members on this side of the House. The fact is that it now takes longer to receive replies to correspondence from the Deputy Premier than has ever been the case. I also refer to the CFS legislation. How much longer do we have to wait before this legislation comes before the House? Time after time the Deputy Premier has stood up in this place and indicated that we would see this legislation within days. I advise the Minister that, if he does not do something about it pretty soon, he will have a ruddy riot on his hands out in the electorate, particularly in the Hills. The situation is extremely serious. The legislation was to have been introduced last year, and it was certainly to have been introduced in time for this year's fire season. We will have a very bad fire season this year. The fire season is here. It is no good the Minister nodding his head suggesting that we will have it in time for the fire season. There is no way that the CFS organisations out in the sticks will be able to get their act together to fall into line with the restructuring that will take place as a result of this legislation.

The Hon. D.J. Hopgood: They've already got their act together.

The Hon. D.C. WOTTON: I know they have got their act together, but they are waiting for this blinking legislation. They are fed up to the back teeth listening to a Minister who makes promise after promise but fails to bring results. That legislation is critical. I would have thought that, with the situations that have occurred at Mount Remarkable, in the Stirling council area and many other areas, he would have recognised the urgency of bringing that legislation before this House.

I will also refer to the matter of CFS funding. That has obviously become a purely political issue. We are told that the Government is not prepared to look at the funding situation. The Premier is not prepared to look at it because it might have political consequences, and it might be difficult for the Government at the next election. Well, Mr Speaker, to be quite honest with you, I could not give a damn about that. The situation is that the CFS requires improved funding. I do not know how many deputations have to meet with the Ministers, how many pieces of cor-

respondence the Minister has to receive and how many articles in the press the Minister has to recognise to come to grips with the need for increased finance for this important volunteer organisation. The situation is critical, and the Minister sits there and does absolutely nothing. As far as funding is concerned, the Premier will not touch it with a 40 foot pole because he says it is political and he will wait until the next election and, I suppose, he will make it an issue at that time. In the meantime, this very worthy organisation is in dire straits because of its lack of finance and because of the lack of legislation—

The Hon. E.R. Goldsworthy: And political will.

The Hon. D.C. WOTTON: And political will, as the Deputy Leader says. I implore the Minister to get off his backside and do something about these issues that I have referred to, because it is a matter of urgency in all of those situations.

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

Mr HAMILTON (Albert Park): I have listened to the hypocrisy of the honourable member opposite. I remember when I was in Opposition and I raised a question of the honourable member when he was a Minister, and a very foolish Minister he was at that. On one occasion, the Minister who sits on the front bench at the moment had to sort out the problems I had in my electorate with Allied Engineering. The honourable member opposite had the brain of an ant because, when I told him that my constituents were being affected by the noise from that factory, he suggested that they should get psychiatric treatment from a local institution. Who sorted out the problem and relocated the factory? It was the Deputy Premier. The goose over there is not worth a pork pie.

The SPEAKER: Order!

Mr HAMILTON: I withdraw, Sir. However, I get very angry when I hear people like him. When I sought funding for the West Lakes Community Club, I got nothing but promise after promise after promise from the previous Government. It gave me nothing because I was in Opposition. Yet he stands there like the pompous person he is, preaching and attacking the Government. I vividly recall that, after we got into government in 1982, the now Minister of Housing and Construction came to my electorate to meet with the West Lakes Community Club management. We found out that not 1 cent had been provided in the budget, despite the previous Government's promises. Who came along and sorted it out? It was Mr Hemmings and Jack Slater, who was also a Minister at the time. Gavin Keneally, who was Minister of Local Government, sorted out the funding. In no time, in addition to the $10 000 that was put up for the feasibility study, $225 000 was provided to my constituents. The club at West Lakes on Hawkesbury Reserve stands as testimony to the guts of this Government and also to the local member, though far be it from me to praise myself. Mr Speaker, I point out that the clock is not winding down.

Members interjecting:

The SPEAKER: Order! A member who has such integrity as to draw the Chair's attention to the fact that the clock has not started should be treated with greater courtesy by the House.

Mr HAMILTON: Thank you, Sir; you are very astute. Today I will comment about a few statements made by the Leader of the Opposition. It would be easy to say that he is a fool, that he is as thick as 10 bricks or that he is mischievous. I do not intend to say that he is either of the first two, but I do state that he is mischievous. In a press release on education of 26 August of this year, when talking about the first priority of the next Liberal Government being to provide parents with a genuine choice between quality Government schools and private education, the Leader of the Opposition went on to say, in part:

> There is no doubt that at present there is a crisis of parental confidence in our Government schools . . . the Bannon Government has ignored parental concern about standards and discipline in our schools.

He went on to say that the Bannon Government has denied parents and individual school communities the right to influence discipline policies, thereby reducing the role of families in the development of their children. He wants political control.

I turn now to a newsletter from the West Lakes Shore school, which is one of the schools in my patch. It is fair to say that it is a very conservative part of my electorate, but it is interesting to read some of the comments in that newsletter, particularly with respect to the school's yard behaviour policy, as follows:

> The school staff has continued to review/monitor this policy on a regular basis, and the curriculum committee has also had discussions.
>
> Generally we:
>
> 1. Believe that yard behaviour has improved with more children involved in organised games and far fewer problems in 'out of bounds' areas.
> 2. Acknowledge some 'teething' problems—all of which were predicted and are being addressed.
>
> Specific issues include:
>
> 1. A decision to exclude reception children from the reflection room for their first term at school, unless repeated serious infringements occur.
> 2. A willingness by administrative staff to make a considered decision on 'contentious' issues once all facts have been discussed.
> 3. Continued monitoring of the 'seriousness' of serious infringements.

It goes on to say—and this is the guts of the newsletter:

> Interestingly a recent circular to schools from the Director-General of Education indicates that we are not only in line with departmental guidelines, but at the forefront.

Over time, the Government has provided encouragement. If Opposition members had a little bit of get up and go, they would visit a research library and source some of the statements made by the Minister of Education about what the Government is doing in schools. I keep all press releases from all my ministerial colleagues and, when I can get them, from the Opposition. I will put some comments from the Minister on the record. On 26 October 1987 it was announced that the State Government would investigate support for children with social behaviour problems, and the Minister launched South Australian Children's Week. I applaud the Government for putting money into schools to try to overcome some of these problems and other difficulties.

With respect to parents, a major new policy was announced to give parents a stronger say in schools and to actively encourage them. That goes back to November last year. In December last year, a major $10 million boost was announced for child-care. On Friday 18 December 1987 it was announced that more school students would benefit from smaller classes. In March of this year, the Government announced a $50 000 grant to encourage parents to have a say in schools and they did, particularly in my patch. I do not know what Opposition members do.

The Hon. H. Allison interjecting:

Mr HAMILTON: Yes, they do, and very accurately in my electorate. The member for Mount Gambier is well aware that there is strong participation in schools in my electorate and I actively encourage that through the newsletters I put out regularly, over half a million get a plug in for themselves. I am provided with information which is sent on to the Minister, and the Minister—

Mr S.J. Baker: Are you worried?

Mr HAMILTON: Yes, I am worried about you. You have a problem. How long have you had it? See me afterwards and perhaps I can direct you to a place where you can get attention. I cannot be bothered with foolish statements from members opposite. I am concerned about education and, as members opposite know, if it comes to a question of education I will fight like hell to get the best results for my area. That has been proven and well supported by all those people in my electorate. Nearly every time we go to the polls, I get an increased majority. I am not worried about the drivel and waffle from the clowns opposite.

I turn now to the recently launched three-year plan for education. Because it is not right to hold up this rather large draft plan in Parliament, I will lay it on the table, but unfortunately I will not be able to go through it all. The objectives include: to improve the capacity of the Education Department to anticipate and respond to change; to improve school curriculums in the processes of teaching and learning—

Members interjecting:

Mr HAMILTON: The jackals can bark, I will go on. Other objectives are: to promote equality of educational opportunity for students—I applaud that; to strengthen support for schools; to improve staff morale, performance and career opportunities; to manage resources better; and to build public confidence in State education. I return to the idiotic statement made by the Leader of the Opposition on 26 August 1988. Despite all the issues that he mentioned, I have not seen the shadow Minister of Education in my patch. Where is he, or is it she? Not in my patch—no way! They will not come down there. They will not confront the issues. They sit up in the other place and bark and carry on but, when it comes to confronting, meeting people and putting up policies that they say they will provide for the community, they are sorely lacking in providing the electorate at large with what they want. Let them come out now and say what they intend to do. So that the policies can be tested in the community, let us see those policies; let them come under public scrutiny. No way—they do not have the intestinal fortitude to come before the public to show what their policies are.

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

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I enter the adjournment debate today to refer to the activities of the Attorney-General in recent days. These activities need to be put into a proper perspective. The Opposition has never alleged that the Attorney was a corrupt politician. This is the Attorney's invention. He has been unable to detail a single, specific allegation of corruption made against him by the Opposition. What he has done is refer to speculation which has been abroad for some time.

The Liberal Party did not start that speculation. The Attorney had been questioned about it by the media on at least three separate occasions in recent months—before he launched forth publicly last Thursday and blamed the Opposition for that speculation. On each occasion, he threatened to sue the journalist asking the questions. What the Attorney now claims is that the Opposition put up those journalists to ask those questions, questions he would not answer then, but which last Thursday he demanded that the Opposition debate with him.

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: This is the sort of inconsistent and illogical behaviour in which the Attorney has indulged. But with the Attorney's inventions have come other accusations of a wider nature. For example, he has charged that allegations have been made against him because he can speak the Italian language. The introduction of ethnic slurring to the debate is unnecessary and unfortunate. It is another diversion. The Attorney wants to use the Italian community as a political football. The Liberty Party has more respect for the Italian community than that. We do not need crutches to fight our political battles in the way the Attorney does.

His crocodile tears are intended to convey that he always has been prim, proper and principled in his public behaviour, that he has not, without good reason, attacked the reputations of people, that he has not smeared the reputations of decent people. This is fiction. The fact is that the Attorney has not hesitated, in the past, to make grave charges against individuals, to smear them, to scandalise them.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: Listen! Listen, you dopes!

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: The fact is—

Mr RANN: On a point of order, Mr Speaker.

The Hon. E.R. GOLDSWORTHY: Could there be—

The SPEAKER: Order! The honourable member for Briggs—

The Hon. E.R. GOLDSWORTHY: I withdraw.

The SPEAKER: —has a point of order.

The Hon. E.R. GOLDSWORTHY: The fact is that the Attorney—

The SPEAKER: Order! The honourable Deputy Leader cannot withdraw until the point of order has been placed before the Chair.

Mr RANN: On a point of order, Mr Speaker, the member for Kavel is using unparliamentary language in his somewhat tired and emotional approach.

The Hon. E.R. Goldsworthy: I don't want to waste any time—quick!

Mr RANN: I ask him to withdraw, Mr Speaker, on a point of order.

The SPEAKER: Order! I am sure that the honourable Deputy Leader will gladly withdraw the words alluded to.

The Hon. E.R. GOLDSWORTHY: Withdrawn; withdrawn—anything he wants! Could there be any graver charge than to accuse a member of Parliament of being a rapist, a tax evader and an associate of the Nugan Hand Bank? Yet the Attorney has done all of these things in recent years.

Mr RANN: On a point of order, Mr Speaker.

The SPEAKER: Order! The honourable member for Briggs.

The Hon. E.R. GOLDSWORTHY: Of course—

The SPEAKER: Order! The honourable member for Briggs has a point of order.

Mr RANN: The member for Kavel, the Deputy Leader, seems to be reading a written speech, Mr Speaker.

The Hon. E.R. Goldsworthy: He doesn't like it.

The SPEAKER: Order! I am sure that the honourable Deputy Leader's alliteration stems purely from copious notes.

The Hon. E.R. GOLDSWORTHY: Thank you, Mr Speaker. Of course, in his mock outrage of recent days, the Attorney hoped these accusations he has made would be overlooked. He hoped the Parliament and the public would overlook the fact that, without a shred of evidence, in August 1980, he accused Liberal Party members of being associated with the Nugan Hand Bank. This was on the

basis of one brief meeting which the then Minister of Community Welfare, the Hon. Mr Burdett, had, five years before these allegations were made, in his professional capacity as a solicitor with a person named Schuller. However, this completely innocent encounter did not stop the Attorney asking the following question on 26 August 1980:

In view of speculation about the contents of documents received by the Commonwealth police that it is alleged indicate some involvement of Liberal members of Parliament, past and present, in Schuller's activities in South Australia, can the Attorney-General assure the Council that no Liberal members of Parliament, past or present, were involved in support for and promotion of Schuller's business activities in South Australia.

The SPEAKER: Order! The honourable Deputy Leader cannot refer to debates in the other place.

The Hon. E.R. GOLDSWORTHY: This person, Schuller, was a director of the Nugan Hand group, but the Hon. Mr Burdett's meeting with him in 1975 had nothing to do with this business association.

The SPEAKER: Order! Can the honourable Deputy Leader explain exactly what material he is referring to at the moment?

The Hon. E.R. GOLDSWORTHY: I am referring to the allegations of the Attorney-General that Liberal Party members were associated with the Nugan Hand Bank.

The SPEAKER: In so doing, is the honourable Deputy Leader quoting statements that the Attorney-General made in the other place?

The Hon. E.R. GOLDSWORTHY: I have finished that. Honourable members will recall that in 1980, the Nugan Hand group had been exposed as an illegal arms dealer and drug trafficker, and linked to a series of murders. And here was the Attorney-General's attempt to put all Liberal members of the South Australian Parliament right in the middle of all that dirt. It was the classic smear. It had, of course, no foundation in fact.

In September 1982, the Attorney again had out his brush. This time the target was the Hon. Trevor Griffin. Again, without evidence. The Attorney accused the Hon. Mr Griffin of having been party to an arrangement involving tax evasion. This was the period when talk about bottom of the harbor schemes was in vogue. The Attorney was accusing the Hon. Mr Griffin of a serious crime against the tax laws. He asked questions on three separate days in 1982 which were heavy with innuendo but carried no weight of evidence whatsoever.

The Attorney stooped even lower in 1984. In an outburst in 1984 he talked about accusations against a member of Parliament of being a rapist, of having raped a number of people. Apart from anything else, this bordered on contempt of court by the chief law officer of the State. On the same occasion, he said:

One might ask about the front bench member of the Liberal Party who was unable to carry out his duties because of the number of bottles of whisky he had consumed before he started work every day.

Mr TYLER: On a point of order, Mr Speaker.

The SPEAKER: Order! The honourable member for Fisher.

Mr TYLER: Thank you, Mr Speaker. I draw your attention to—

The Hon. E.R. Goldsworthy: They don't like it—

The SPEAKER: Order!

Mr TYLER: —Standing Order No. 154 which states, 'No member shall digress from the subject matter of any question under discussion; and all imputations of improper motives—

The SPEAKER: Order!

The Hon. E.R. Goldsworthy: You are wasting my time; you are wasting my bloody time.

Mr TYLER: —and all personal reflections on members shall be considered highly disorderly'. I would put to you—

Members interjecting:

The SPEAKER: Order!

Mr TYLER: Mr Speaker, I put to you, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

Mr TYLER: —that the Deputy Leader is clearly in violation of that Standing Order.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! The Chair cannot uphold that point of order. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: On the same day he said this:

You can't get a sober word out of Goldsworthy after six o'clock.

It was a remark which received wide publicity. It upset my family, just as the families of those other members accused by the Attorney were hurt. But we did not go into the theatrics in which the Attorney has indulged. He made specific accusations which were false. We have made none. The facts I have put before the House tonight also show how much of a hypocrite he has been. He has been a whinger and a whiner. He has been quite happy to fling insults and allegations under parliamentary privilege—

The SPEAKER: Order! I call the Deputy Leader to order. He has been extended a far greater degree of tolerance than might perhaps have been justified. He cannot continue to reflect on a member of another place.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! If the honourable member wishes to make certain comments about another member, he must do so by way of substantive motion and not by other devices of debate. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: The honourable member has been happy to make allegations under privilege about other members, to accuse them of the gravest of crimes, but he cannot take the heat himself. It is quite clear that the Attorney is now under pressure and has lost his balance. The Government has lacked the resolve to confront corruption—

Mr TYLER: On a point of order, Mr Speaker.

The SPEAKER: Order! The honourable member for Fisher.

Mr TYLER: I would argue that the Deputy Leader has just flouted your previous ruling, Mr Speaker, and is now reflecting on a member of another place.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! If the honourable Deputy Leader cannot restrain himself, he will be named, even if there is only one minute to go before the House adjourns. Certain consequences follow on from that from Standing Orders. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: It is quite clear that the Attorney is under pressure. The Government has lacked the resolve to confront corruption head on. He shares the responsibility. As an excuse, as a diversion, he has invented stories about allegations being spread about him. In the *Advertiser* on Friday, he was reported to have said that a rumour had emanated from the Opposition that he had been involved in a murder conspiracy. That is a reference to the murder of Donald McKay.

I deny flatly and absolutely that the Opposition has been in any way associated with making any allegation along these lines. Nor can the Attorney point to one single shred of evidence that we have. The Attorney's own allegation can only have come from the mind of a person who has so much lost control of himself that he can no longer separate fact from fiction. Those against whom the Attorney has, in

the past, made his own grave charges, are still in Parliament, I can only say to the Attorney—

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

The Hon. E.R. GOLDSWORTHY: —if he cannot take the heat, get out of the kitchen.

The SPEAKER: Order! I ordered the honourable member to resume his seat. I have indicated that his time had expired. He flouted the Chair. I accordingly name him for defying the Chair. Has the honourable member any explanation or apology.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I have not yet called on the honourable member to apologise. Has the honourable member any explanation or apology he wishes to tender?

The Hon. E.R. GOLDSWORTHY: Yes, Mr Speaker; you had not told me that my time had expired.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: The Speaker had not told me that my time had expired. I did not go over time any longer than did the honourable member who preceded me, Mr Speaker. To suggest that I be named for finishing a sentence when you had not given me that warning, I do not believe is just or fair. I ask you to reconsider that situation.

The SPEAKER: Is the honourable member apologising on the basis that he did not believe that he heard the Speaker ask him to cease speaking?

The Hon. E.R. GOLDSWORTHY: I apologise, Mr Speaker. In fact, you did not indicate that my time had expired. You called the House to order. You did not indicate that my time had expired. I will swear on a stack of bibles that are piled to the ceiling to that fact, but I apologise if you require me to do so.

The SPEAKER: The Chair is happy in those circumstances to withdraw the naming of the honourable member.

Motion carried.

At 6.31 p.m. the House adjourned until Thursday 10 November at 11 a.m.