HOUSE OF ASSEMBLY

Wednesday 16 November 1988

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

QUESTION TIME

The SPEAKER: Before calling on questions, I advise that questions that would otherwise be directed to the Minister of Labour will be taken by the Minister of Health.

HINDMARSH ENTERTAINMENT SITE

Mr OLSEN (Leader of the Opposition): Will the Premier say whether the Government is negotiating to sell to the Australian Tax Office a part of the Hindmarsh site compulsorily acquired for an entertainment centre and, if so, does this mean that the Government has now abandoned any plans to use the site for an entertainment centre as promised by the Premier at the 1985 election? The Opposition has received information that the Grand Prix Board has been negotiating, on behalf of the Government, to dispose of part of this property to the Australian Taxation Office, which is looking for a site on which to establish office accommodation covering about 44 000 square metres. This is a site the Government has progressively taken over since 1985 through compulsory acquisition, and subsequently a number of small businesses collapsed. We are further informed that these negotiations have been conducted behind the back of the Hindmarsh council, which has a vital interest in this matter, and in direct competition with major real estate companies retained by the taxation office to locate a suitable site.

The Hon. J.C. BANNON: First, I point out that a large proportion of that site was Government owned already. Something—and I cannot give the House—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —the precise figures—of the order of 60 per cent was already Government owned. A number of the businesses to which the Leader of the Opposition refers were already on a short-term lease basis because they were acquired by the Highways Department. Secondly, it was always envisaged that, in the development of a site for an entertainment centre, if surrounding commercial development could take place as part of the overall project it would assist in defraying the expenses—indeed, contribute to the value of the site. That makes good commercial sense. Thirdly—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —the Hindmarsh site still remains the Government's preferred option for the site of an entertainment centre. Fourthly, although the investigations and inquiries into these possibilities have not been completed, it is still the Government's intention that somehow or other—but not at some drastic cost to South Australian taxpayers, in view of the massive reduction we have in our capital funds—we will have an entertainment centre.

I believe that the entertainment centre is something that the community wants, but I believe it would condemn the Government as being irresponsible if it allocated to it a large amount of capital funds, which we had in 1985 and do not have now, and by so doing took away funds from other essential areas of public expenditure. The situation is that at present we have an asset—a very well located acquired site at Hindmarsh. We cannot leave that site as some sort of desert. We must ensure that something happens on it. I hope that it will be an entertainment centre, but if that is not possible or if there is some alternative—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: If that is not to be, we would certainly need to have that site developed. I know that the Hindmarsh Corporation is very eager to see that happen. The Hindmarsh Corporation also would be very keen to see the taxation office established in that corporation, whether on sites it has identified or as part of an overall development in conjunction with an entertainment centre. All those options are being explored. In view of the options that are being explored, the Opposition could have 10 questions a day on what is or is not possible. Please do so; it will get the same reply—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —to those questions which is that until we have actually pinned down a project and are able to announce something that is locked in place—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —I can give no further indication than what I put before the House today.

Members interjecting:

The SPEAKER: Order!

WORLD EXPO

Mr DUIGAN (Adelaide): Will the Premier give the House an assessment of the success or otherwise of South Australia's involvement in the World Expo in Brisbane? The World Expo has been hailed as a great success for Australia, attracting millions of visitors from both within Australia and overseas. South Australia's participation has been the subject of considerable public comment over the past six months, and many people have expressed great interest in knowing the final outcome of our involvement in the Expo.

The Hon. J.C. BANNON: We believed that it would have been an irresponsible expenditure of taxpayers' money to spend some millions of dollars on an Expo stand. I think that that decision has been vindicated. There are far better ways that we can get tourist return for our dollar. On the other hand, we were eventually convinced that to have no presence at the Expo would not have been a good idea. Accordingly, we went for an adequate, low-budget tourist front office to South Australia. The big spenders on the Opposition side did not like that.

Those who wanted to throw public money around in all directions objected and we had a barrage of complaints and attack from Opposition members very often before they saw the stand or listened to the reaction to it. We heard extraordinary statements. The so-called tourism spokesman (the spokesman who is intent on destroying any tourist development) said that it was about time that Mr Bannon stopped defending his Government's half-hearted attempts in Brisbane and started issuing instructions to make sure that we got it right up there, even though it was late in the day. Very good!

The Leader of the Opposition said that the display was third rate and appallingly bad and that we should do it properly and professionally when the eyes of the world were on us. He said that second best was not good enough. However, there was nothing second best about what we did: within the budget and style we sought, it was the best. Then we had the other prominent critic, the self-proclaimed spokesman for the arts in another place—

Members interjecting:

The Hon. J.C. BANNON: Members opposite do not like to be reminded too much about their attempts to sabotage our Expo exhibit, but they worked hard at it, saying that it was clearly the weakest of the pavilions. This self-proclaimed spokesman for the arts in the other place said that, whereas other pavilions were attracting large crowds, the South Australian stand was less patronised than the others and that it was friendless. However, these are the statistics: over the period of operation, one million people passed through our stand at Expo. That is pretty friendless, I must say! Over one million! Over 500 000 wine tastings took place. That is pretty unfriendly!

Members interjecting:

The SPEAKER: Order! The honourable member for Coles.

The Hon. J.L. CASHMORE: On a point of order, Mr Speaker, in accordance with your previous ruling that detailed replies that have already been given to the House by a Minister should preferably not be repeated by another Minister, I draw your attention and that of the Premier to the extremely detailed figures that he has given to the House. Those figures were given to the Estimates Committee by the Minister of Tourism.

The SPEAKER: Order! As I recall, my ruling was that the Minister should not repeat word for word or figure for figure information—

Members interjecting:

The SPEAKER: Order! —that that Minister had provided to the Estimates Committee when it was more convenient to refer members to the relevant page of *Hansard*. However, the Premier is not the Minister who responded on this subject in the Estimates Committee. Further, it appears to the Chair that the Premier is only supplementing material previously given to the House, not duplicating it.

The Hon. J.C. BANNON: The figures that I quoted are the result of an assessment provided to me only yesterday and the member for Adelaide requested the opportunity to ask a question on it. I understand why the Opposition, which sought to sabotage our Expo exhibit, does not like to hear these figures. Let me repeat them: one million people; 500 000 wine tastings; and over $30 000 worth of Grand Prix tickets were sold over the counter. About 200 inquiries a week were received concerning holidays, and some of those people might have even gone to Padthaway, as pamphlets for that town were displayed at the stand, I remind the honourable member. So our stand received a large number of inquiries during the period of the Expo.

The other important thing is that our participation was successfully held well within budget—indeed, we came out ahead of budget. I place on record the State's thanks to the voluntary and permanent staff who maintained their commitment and enthusiasm despite the criticisms and attempted sabotage. In fact, one of them remarked to me, when I was congratulating them on their effort, that the reception was superb. That staff member said, 'We had a marvellous time. We were delighted to be on the stand. The only unfortunate aspect was the number of South Australians who came clearly with preconceptions about the stand and were quite unpleasant about it. If we had not had South Australian visitors, we would have had an overwhelming and unmitigated success.' What a sad commentary on the Opposition and its attempted sabotage.

HINDMARSH ENTERTAINMENT SITE

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): My question is to the Premier and it is supplementary to that of the Leader. Is the Grand Prix Board negotiating on behalf of the Government the redevelopment of the Hindmarsh site?

The Hon. J.C. BANNON: The answer is 'No'.

PAP SMEAR TESTS

Ms GAYLER (Newland): Is the Minister of Health aware that a major provider of pathology services in South Australia is charging well above the scheduled fee for Pap smear tests? I was approached by a woman who had just received the Medicare refund and statement of benefit for a recent Pap smear test. The scheduled fee for this service is $18.40, the Medicare refund is $15.65, and the gap should have been only $2.75, representing the standard 15 per cent gap. However, the pathology company charged $22.85. State and Federal Governments are providing increased amounts of public money to educate women in the benefits of regular tests and taking preventive health measures, particularly in relation to cervical and breast cancers. However, the woman who approached me stated that some sections of the medical system are working at odds with this commendable policy. She said that, because the gap has more than doubled from the small $2.75 to $7, some women will be discouraged from asking for these tests, thereby increasing their risk of contracting quite preventable cancers.

Mr Lewis: Go to another pathologist.

The Hon. F.T. BLEVINS: I thank the honourable member for her very important question. I would not want to see any woman deterred, by what can be termed quite excessive costs of some pathology services, from having these necessary tests. Preventive medicine is obviously much more desirable than curative medicine. I am aware of the charges of the company concerned. I do not intend to name the company, but it is a very large company that I believe is owned in New South Wales by a group of business people who are not involved in the medical profession. It is indeed just a company, the same as a brickworks, and its owners treat it in the same way. I heard the interjection of the member for Murray-Mallee who said that the woman concerned should go to another pathologist. Indeed, women in this State are fortunate, as are all South Australian citizens, that there is another pathologist available, and that is the Institute of Medical and Veterinary Science.

The IMVS provides a superb service at no cost to the women concerned. All members in the House would be interested to know that the IMVS is very aggressively marketing its services to the medical profession and, indeed, to the public in general. I would hope that all patients would request their medical practitioner to have any pathology tests that are required carried out by the IMVS, because the IMVS has a tremendous reputation not only throughout South Australia but also internationally for the quality of the work and the service that it provides. For the IMVS to provide the service that the honourable member mentioned at no cost to her or any other honourable member's constituents also demonstrates the degree of service to the South Australian community that the IMVS provides.

I know from holding previous portfolios the very high regard in which the IMVS is held. I would urge all members to impress upon their constituents that they do have a right to request their medical practitioner to refer to the IMVS any requirement they have for pathology tests. It would be quite tragic if the costs of this test from this large private company deterred some women from having this very necessary screening.

COMPUTER EQUIPMENT

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): Will the Acting Attorney-General urgently investigate a decision by the Court Services Department to award to an American company of dubious reputation a contract estimated to be worth up to $500 000 for the installation of computer equipment, a decision which cut an Adelaide based company out of the contract? Will he also intervene to ensure that the department does not pursue its plans to become the marketing agency for this equipment in Australia?

Two years ago, an Adelaide based company successfully tendered to develop and install a transcription system for the South Australian Court Services Department. This was done in conjunction with the Stenograph Corporation of America, the acknowledged world market leader in court transcription systems. I understand that the department has been satisfied with the cost and efficiency of the system and the important local back-up support provided for its reporting services which will cost taxpayers almost $6 million this financial year. The Adelaide company has also successfully installed similar systems in Sydney, Brisbane and New Zealand, with another contract imminent in Hong Kong. However, in looking to purchase additional computer equipment to transcribe cases, the South Australian Courts Department has now decided to purchase another American system called MicroCAT.

I am informed that this sytem is manufactured by a very small American company which has insignificant market penetration in the United States. Further, MicroCAT's principal supplier in the United States, Tandy, has recently cancelled its reseller agreement and two former principals of MicroCAT are preparing to sue each other over who is responsible for a number of faulty systems which were installed by the company and which had to be replaced at a cost of some millions of dollars.

Other serious questions about the award of this contract arise from information that the specifications for the work given to MicroCAT were different to those required in the original tender. The department was asked to recall the tender because of this, but refused to do so. In addition, the Opposition has been informed that, as a result of the award of this contract to MicroCAT, the department plans to enter into an arrangement with this company to market its system elsewhere in Australia, a move which would mean another South Australian Government agency risking taxpayers' money to compete with the private sector and, in this particular case, to possibly deny business to a successful Adelaide based company employing 35 people with an annual turnover of $9 million and a proven track record in this field.

The Hon. G.J. CRAFTER: I would be pleased if the honourable member provided me with the information in his possession on which he has based his assertion that a dubious company has tendered for Government contracts and has won a contract presumably, on the assertion of the honourable member, by fraud or misrepresentation which has resulted in an unfair or uninformed decision by the Tender Board. Upon receipt of that information from the honourable member, I will be pleased to have the matter investigated.

OUTBACK WATER SUPPLY

The Hon. R.G. PAYNE (Mitchell): Will the Minister of Water Resources advise what action the Government has taken to provide urgently needed water to the townspeople of Penong? All members would be aware of the drought conditions that prevail in that area generally, not the least being the member for Eyre and the member for Flinders. I understand that the Minister met with representatives of the Penong Progress Association last Friday and I am sure that she would have given them a sympathic hearing. However, I have not heard the outcome of that meeting.

The Hon. S.M. LENEHAN: I am delighted to announce to Parliament that, as part of the package that the Premier announced yesterday—

Mr Lewis interjecting:

The SPEAKER: Order! The Minister will resume her seat. If the honourable member for Murray-Mallee is to interject on every single question and answer before the House, I fail to see how we can maintain an orderly operation. The honourable Minister.

The Hon. S.M. LENEHAN: I thought that all members opposite would be very interested in and supportive of what I have to say. I know that the member for Eyre is interested, and I was going to acknowledge the amount of work he has done to make me familiar with the problems of his electorate. Unfortunately, the member for Murray-Mallee does not seem to share his concern about the plight of people in the outer areas of this State.

I make this announcement because it has not been announced to the media and a large number of city people as well as country people share my concern and the concern of the Government and certain members of the Opposition about the plight of some of these communities. Late last Friday afternoon I was approached by a Mr Rod Riddle, the President of the Penong Progress Association, who informed me of the plight of the township. Since I became the Minister of Water Resources I have visited the town of Penong and I was aware of the enormous water restrictions and the conditions under which these people live. However, I was not aware that crisis point was almost upon the township. In response to a deputation, I asked my department to immediately provide figures on how much water had to be carted and to verify the severity of the problem.

I am delighted to inform the House that the E & WS Department responded effectively and sensitively by providing me with those figures. The Premier then made a decision in conjunction with me and the Minister of Agriculture to immediately initiate cartage of water to Penong. The Government is asking the townsfolk of Penong to pay $1 a kilolitre, which I remind the House is slightly more than anyone else pays throughout South Australia.

Mr Becker interjecting:

The Hon. S.M. LENEHAN: It is not more; we all pay 71c a kilolitre, and can I suggest—

Mr Becker interjecting:

The SPEAKER: Order! The member for Hanson is out of order.

Mr Becker interjecting:

The SPEAKER: Order! I call the member for Hanson to order and I warn him for continuing to interject after having been called to order. The honourable Minister.

The Hon. S.M. LENEHAN: As usual, the member for Hanson shoots from the mouth instead of first using his head. I would remind the honourable member—

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I ask the Minister not to bait the member for Hanson, particularly in language verging on the unparliamentary.

The Hon. S.M. LENEHAN: Mr Speaker, I apologise, but having sat on the back bench and put up with the member for Hanson for a long time I feel it is now time to expose him.

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

The SPEAKER: Order! All 47 members have had to put up with one another at one time or another.

The Hon. S.M. LENEHAN: He is just a little more difficult than most.

The SPEAKER: Order! Does the member for Hanson wish to proceed with a point of order?

Mr BECKER: Mr Speaker, will you accept a point of order regarding the statement of the Minister, because I believe that she was reflecting on your decision to ask her to withdraw?

Members interjecting:

Mr BECKER: Don't you call me a bitch. We can deal with you very well.

The SPEAKER: Order! I ask the honourable member to resume his seat. I do not uphold the point of order. The honourable Minister.

The Hon. S.M. LENEHAN: I want to explain to the House that the Government's commitment to this cartage program will be about $7 a kilolitre. We are talking about approximately 1 200 kilolitres of water, so in fact the Government is prepared to commit itself to about $10 000. Last night on the phone I discussed the Government's proposal with the Penong Progress Association. I can tell the House that the association is delighted, indeed quite overjoyed, with the offer that was made and, quite contrary to the interjections of the member for Hanson, this is a very generous offer which reflects the policies and practices that have taken place in the past.

In fact, for the benefit of the honourable member I can state that in other areas where we have carted water the communities have contributed a considerable amount in excess of $1 per kilolitre—in some cases up to $4.60 a kilolitre—and, I understand, they have been very happy to do so.

I am concerned that some members opposite have sought to interject and make light of this very serious issue and the important response of the Government. I can only say that the member for Eyre is not one of those, and again I thank him for the information that he has provided to me regarding that area of his electorate which at the moment is suffering drought-stricken conditions.

PRISONER REMISSIONS

The Hon. J.L. CASHMORE (Coles): My question is to the Minister of Correctional Services. When Cabinet made its decision relating to the granting of remissions to prisoners for the loss of privileges, did that decision specify that prisoners should receive four days remission even if only two hours of privileges were lost, as happened at the Port Augusta Gaol? Will the Minister table the Cabinet submission on which this decision was based and provide the House with information on the number of occasions prior to the Port Augusta industrial dispute on which four days remission has been granted even if loss of privileges has been for only two hours a day? Will the Minister also explain why these remissions have not been gazetted, as is the normal practice when the Governor in Executive Council exercises the royal prerogative of mercy?

The Hon. F.T. BLEVINS: As to the last part of the question, I understand that they were gazetted; they went through Executive Council and were gazetted. I do not attend to the gazetting personally, but I am sure that the Cabinet Office, which attends to those things, would have seen to that. However, I will have it checked for the honourable member. If the Cabinet Office is falling down on its job after the Governor—

Mr Lewis interjecting:

The Hon. F.T. BLEVINS: I beg your pardon?

The SPEAKER: Order! I ask the Minister not to encourage the member for Murray-Mallee by responding to his out of order interjections, and I call the member for Murray-Mallee to order. The honourable Minister.

The Hon. F.T. BLEVINS: Thank you very much, Mr Speaker. Certainly, I will have that checked. My suspicion is that whatever is required to be gazetted was gazetted by the Cabinet Office. I would have thought that the honourable member, as a former Minister, would realise that the Cabinet Office does those things very efficiently indeed, and perhaps she has not had time to do her homework thoroughly.

Members interjecting:

The Hon. F.T. BLEVINS: It was a long time ago, I appreciate that. Certainly, I will have the rest of her question examined. I think that the member for Coles wanted some details, which I certainly would not have in my head, as to the number of occasions, etc—

The Hon. J.L. Cashmore interjecting:

The Hon. F.T. BLEVINS: I should have!

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order!

The Hon. F.T. BLEVINS: Mr Speaker, the member for Coles says that I should have those details in my head. I do not, and I do not think anyone would agree with her that that is the kind of detail that I would carry in my head. I have about 3 000 prisoners a year—

The Hon. J.L. Cashmore interjecting:

The SPEAKER: Order! The member for Coles is out of order. I again call her to order. The honourable Minister.

The Hon. F.T. BLEVINS: I deal with about 3 000 prisoners a year and all the fine details of their sentences and remissions—

Mr Lewis interjecting:

The SPEAKER: Order!

The Hon. F.T. BLEVINS: Mr Speaker, I did not catch the interjection of the member for Murray-Mallee, but I must admit that I do not carry around in my head all those details. As to the Cabinet submission, again, with respect, the member for Coles is being somewhat childish. The honourable member would appreciate that Cabinet submissions are precisely that—they are Cabinet submissions—Cabinet documents.

The Hon. J.L. Cashmore interjecting:

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

The Hon. F.T. BLEVINS: Cabinet submissions and Cabinet documents are not tabled by this Government—or by any other Government—and I cannot imagine that they ever will be. I will be interested to learn of any precedent for tabling Cabinet documents. I know of none but, again, life is a learning experience and so I look forward to the member for Coles giving me the details.

The Hon. T.H. Hemmings: I bet she can't, though.

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

Members interjecting:

The Hon. F.T. BLEVINS: That is—

The SPEAKER: Order! I believe that the Minister has adequately covered the matter contained in the question. I ask the Minister to resume his seat in view of the number of interjections being encouraged by his remaining on his feet.

The Hon. F.T. BLEVINS: I look forward to a supplementary question, Sir.

DISABLED PERSONS' PARKING PERMITS

Mrs APPLEBY (Hayward): Will the Minister of Transport inform the House whether ATAC has had any success in implementing recommendations for reciprocal conditions in relation to disabled persons' parking permits? Conditions applying to the granting and use of parking permits for disabled people vary greatly from one State or Territory to another. However, as our disabled are far more mobile in interstate travel for business, holidays, sports, and so on, a number of people have raised with me concerns about being unsure of the various States' regulations and how this may affect their right to display their parking permit issued in their State of origin.

The Hon. G.F. KENEALLY: If my memory serves me correctly, the honourable member asked me to take this matter up at ATAC some 18 months or so ago, and it was listed on the ATAC agenda and dealt with. To the best of my recollection, the States of New South Wales and Victoria undertook a pilot program in relation to reciprocal rights. I think that they had considerable experience with some of these problems in connection with the Albury/Wodonga cities, involving difficulties that might occur with people travelling across the Murray River from one city to the other.

I do not have any knowledge of a resolution of that matter. I think it is opportune for the honourable member to raise it again, because I will ascertain for her and the House the present situation in Victoria and New South Wales. Suffice to say that all members of this Parliament, and certainly the member for Hayward—

Mr LEWIS: I rise on a point of order. For the second time today the Minister of Community Welfare has left the Chamber, entered the gallery and returned to the Chamber, and on both occasions failed to acknowledge the Chair when entering and leaving.

Members interjecting:

The SPEAKER: Order!

Mr LEWIS: On the first occasion she stood in the gallery and spoke to somebody—a stranger.

Members interjecting:

The SPEAKER: Order! The honourable member for Murray-Mallee is entitled to take a point of order. The honourable member for Murray-Mallee.

Mr LEWIS: Therefore, I ask whether that is acceptable under the traditions of this House in relation to the conduct of members entering and leaving it.

The SPEAKER: All members should be aware of the Standing Orders applicable to entering and leaving the Chamber, and I ask them to try to uphold the traditional standards of the Chamber. The honourable Minister of Transport.

The Hon. G.F. KENEALLY: I thank the honourable member for that interlude because it has enabled me to recollect some other developments. As I recall it, one of the problems—and this is a problem of which the honourable member would be aware—is a difficulty in administering disabled persons' parking permits in terms of whether it ought to be with departments administering transport or those responsible for local government. That is a matter that the honourable member has also taken up in this Parliament, seeking to have that responsibility appropriately transferred.

As I said earlier, all members of this House would most stringently criticise any able-bodied person who parked in a disabled person's parking area. Nevertheless, it happens, and it happens whether it be a disabled person's parking area provided either by local government (as it often is) or by private enterprise. The overwhelming majority of people acknowledge what is a very important facility for people less fortunate than others. The advice I have received in the past indicates that in most instances a person who has a permit in one State can use that permit in other States.

However, as the honourable member has pointed out, there are differences and problems, and it is those differences and problems on which I will undertake to obtain a further report for her and for the House. Once again, I commend her for the way in which she continues to promote the best interests of that group in the community that needs champions.

PRISON OFFICERS

Mr BECKER (Hanson): Will the Minister of Correctional Services say why the Government has adopted double standards in its treatment of prison officers and prisoners? Two prison officers are now in the thirty-third day of a suspension pending the investigation of certain allegations against them. They are suspended without pay, an action which the Public Service Association says effectively prejudges the allegations. Since their suspension on 14 October, they have not been interviewed about the allegations, which are up to 18 months old and already have been the subject of a departmental investigation. Nor have they been told whether or when they will be interviewed or how long the investigation is likely to take. The personal financial hardship being forced on them for an indeterminate period has angered their colleagues and the situation has been inflamed, according to statements this morning by a spokesman for the officers, by the leniency being shown to prisoners who are getting four days remission for the loss of as little as two hours of privileges.

The Opposition has an internal management memorandum circulated within the Adelaide Remand Centre which shows that, in addition to the 76 days of remission granted recently to prisoners at Port Augusta Gaol, remandees are able to get up to 52 days off their sentences because of the current industrial dispute. Prison officers are saying that, if the Government was consistent in its application of natural justice, it would at least continue to pay the officers under suspension until this investigation is completed.

The Hon. F.T. BLEVINS: I think that the point is that two officers have been charged.

Members interjecting:

The SPEAKER: Order!

The Hon. F.T. BLEVINS: About three, maybe four, weeks ago they were charged by the department and a hearing will be set. One officer has been charged by the police, and I understand that that matter is before the courts this week. The investigation by the police into the two officers who have been charged by the department will, I suppose, con-

clude soon, but that is entirely up to the police. As regards double standards, I did not understand what the honourable member was on about, but I will tell the House what the standard is.

There are possibly hundreds of complaints made by prisoners against prison officers every year and there would not be more than one or two of those complaints that ever come to anything because, in our view, the overwhelming majority of those complaints have no basis. They are malicious complaints, in the main, from prisoners about prison officers, and the Department of Correctional Services and the visiting justices deal with prisoners who make malicious complaints against prison officers. Indeed, it is up to the visiting justice to award the penalty against such prisoners.

During the five years that I have been Minister of Correctional Services I cannot remember even one complaint by a prisoner that has been substantiated—not one. I may be wrong: there may be one, but I cannot remember one out of the hundreds of complaints that are made every year. The prison officers have a great deal of security in this area and it has annoyed me intensely that the prison officers, for their own purposes, have said that they have no protection against prisoners. I should have thought that a record like 500 to nil would indicate that all the protections are there.

Let me refer to some of the protections that prison officers have. They can call an independent witness into the prison before dealing with a violent situation. They do not have to deal with it immediately: they can call people in—a visiting justice or a representative of the Ombudsman. We do this constantly. We ring them up and say, 'There is potential for violence here. We want an independent person here for the protection of the prison officer as well as the prisoner.'

Any prisoner who makes an allegation can be photographed and medically examined immediately, and that is done constantly. We videotape—and members are very welcome to see some of these videotapes—any situation that has been handled by a prison officer where there is potential for an allegation against a prison officer. I insist on the incident being videotaped. We can sound record incidents, also. The prison officer can make notes immediately the incident is over. They are provided with notebooks and departmental instructions on how to handle these situations. If prison officers do not take those precautions, they are negligent. However, they do take them.

The proof of the effectiveness of the protection available to prison officers is that I cannot remember one allegation—out of hundreds—of a prisoner against a prison officer ever amounting to anything. It seems to me that if the prison officers' claims were correct, there would be something of a history, some evidence to back up those claims, but there is not.

Regarding the question of being stood down under the GME Act without pay, the Commissioner for Public Employment offered on 31 October to negotiate with the unions around this provision in the Act. No formal response has been received. The offer is there, and it was repeated today but, again, no formal response was received. It appears to me that if the unions were serious about their objections to the provision, they would have done something about it when the Bill was before the House. If the member for Hanson was serious about an objection to the provision, the opportunity was available to him to do something when the Bill was before the House. There was not one word from the unions and not one word from any member opposite when the GME Act passed this House. There were very good reasons for that, and I commend all members for the way they approached the Bill. I am quite happy to explain those reasons at length, but I know, Sir, that you would not want me to do that now.

The safeguards for the prison officers are there, and the record over the past five years demonstrates it. If they believe that there is some problem with the GME Act, they should respond formally to the request from the Commissioner for Public Employment to negotiate with respect to those provisions. The essence of the dispute is this: the police, the Ombudsman and the Department of Correctional Services have an obligation and duty to investigate thoroughly any accusations of criminal behaviour in our gaols. They will do that and they will have my support. No amount of industrial action or marches will in any way affect me or this Government in our determination. The police, the Ombudsman and the Department of Correctional Services will have a free hand in our gaols to investigate allegations of criminal behaviour, regardless of who makes the allegations.

HOUSING FOR THE DISABLED

Mr PETERSON (Semaphore): Will the Minister of Health inform the House of the progress of legislation to safeguard the rights of physically and intellectually disabled persons living in boarding houses? In April this year the South Australian Health Commission prepared a report on disabled persons living in boarding houses. The report found that minimal standards exist for the physical conditions of those houses and none at all for the personal care of the residents. It also found at that time that the need for support services was critical. I have received information that a wide range of drugs are administered by untrained persons in these houses. I have also received a continuous flow of complaints from residents who allege mistreatment and fear that speaking out publicly will result in their eviction. Currently no help is available to these people from any person or Government department and, from complaints made to me, protective legislation is sorely needed.

The Hon. F.T. BLEVINS: This is an extremely difficult and sensitive area and I do not pretend to have the whole answer. I do not know that anyone does. As the honourable member would be aware, a review of this group of people was completed earlier this year for the Human Services Committee of Cabinet. The results of the study were of significant concern to the Health Commission and, as a result, new initiative funding of $239 000 was allocated in this year's budget as part of the social justice strategy. That will enable an immediate safety net to be put underneath these people. I do not suggest that that is the total answer.

As the member for Semaphore said, many of the people living in these boarding houses are young. Not only do they have psychiatric illness but frequently they have very severe behavioural problems and many of them abuse alcohol and drugs. Because of the combination of psychiatric disorder and drug and alcohol abuse, sometimes they are rejected by people providing more orthodox accommodation. That is a very tragic situation. As that review has shown, some unscrupulous people take advantage of them. I do not propose to name such people in the House but I do not think that any member of this place would not know that they take advantage of these people who are desperately in need of accommodation.

The review also pointed out the need for legislation and it was recognised in a meeting with local government, the Commissioner for the Ageing and the Commonwealth Department of Community Services and Health that it is a

real problem. They are working on a solution—not a total solution—that will almost certainly involve licensing arrangements for a range of supported accommodation for these people. That licensing will include boarding houses. The mental health accommodation program has started to extend services to the residents of boarding houses in the District of Semaphore, and I am pleased that Semaphore was right on top of the list because, for historical reasons, Semaphore has more than its fair share of people with this problem and people who attempt to provide that level of accommodation. This evening, the Semaphore Residents Association will discuss its problems with the Acting Director of the Mental Health Unit. If the member for Semaphore is able to get along to that meeting, he will be warmly welcomed.

MINISTERIAL ENTERTAINMENT EXPENSES

The Hon. B.C. EASTICK (Light): I ask the Premier: Does the Government have a set of written guidelines which Ministers and their staff are required to follow when they incur entertainment expenses? If so, will the Premier table those guidelines? If not, will he explain what departmental procedures are in place to ensure that there is no misuse of taxpayers' funds for this purpose? Will he also say how much has been budgeted for Government spending on entertainment this financial year? Last year—

Members interjecting:

The SPEAKER: Order!

The Hon. B.C. EASTICK: Members might like to listen.

Mr Hamilton interjecting:

The SPEAKER: Order! The honourable member for Albert Park is out of order.

Members interjecting:

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

The Hon. B.C. EASTICK: Last year, in reply to a question on notice to each Minister about entertainment expenses, the Opposition received the following response:

> An allocation is made for entertainment expenses as part of each departmental budget and expenses incurred by a Minister's staff are kept within that budget.

That question sought significant answers on how much had been spent on entertainment for the previous two years, but that information was not provided. The Opposition understands that budget allocations for spending on entertainment are provided to each department under the line 'intra-agency support service items not allocated to programs' and that in the Premier's Department the allocation for this financial year is $22 700.

The Hon. J.C. BANNON: No general guidelines are promulgated in this area. As has always been the practice—and as the honourable member quoted—each department has an allocation and the rules under which payments are made from that allocation cover normal and legitimate entertainment expenses. *Per diems* and things of that nature when someone is travelling interstate are as laid down, and no system of cash and general cash advances has been adopted here as I understand has been alleged in Queensland. A Minister may get cash in advance to cover specific expenses on a specific trip in accordance with the *per diem* allocation. I do not know how common that practice is, but it is probably the normal and sensible way to do it.

All these things must be accounted for and are subject to audit in the normal way. They are also subject to questioning under Estimates Committees procedures. I have no reason to believe that proper controls are not being exercised in this area. Nothing has been brought to my attention nor, I understand, to the attention of the Commissioner of Public Employment about any problems in account keeping or within departments, and I hope that is the case.

SALISBURY EAST RECREATION PARK

Mr RANN (Briggs): Can the Minister for Environment and Planning say what progress has been made towards establishing a major recreation park in the Salisbury East area? There has been considerable debate in the Salisbury area for some years about the future of 300 hectares of hills face land known locally as the Salisbury East open space. The 1981 concept plan proposed that the lower reaches of the land be opened up for recreational use whilst the environmentally sensitive hill top land be preserved.

Several months ago the Minister vetoed a proposal by the Salisbury council that would have involved the sale of some of that hill top land for housing in order to fund recreational development. The council's proposal was bitterly opposed by local people and by me. The Minister then proposed a change in status for the reserve, which is currently fenced off from public use.

The Hon. D.J. HOPGOOD: I guess the short answer is 'considerable'. Perhaps I should take the opportunity to spell out what some of that considerable progress is. I have a report before me which is a little out of date, but any progress since the writing of this report would only be in a direction which would be wholly approved by the honourable member and, I imagine, by all members.

The plan, which has been put to the council and, I understand, accepted, is as follows. The whole reserve except that area required for the construction by the Highways Department of the Grove Way and associated works will be retained by the Government and managed by the National Parks and Wildlife Services. No land is to be sold for housing. Salisbury and Tea Tree Gully councils will be involved in the planning process as will other local interest groups. I understand that a meeting was held with the Salisbury council on 19 October to discuss the planning process. By now it is possible that there has also been a meeting with the Tea Tree Gully council with the same aim in view. The concepts embodied in the 1981 concept report (of which the honourable member would be aware) will be incorporated into the management plan as appropriate. Judgments on appropriateness will be discussed with councils and local groups. The management plan will provide for the calling of offers of interest to develop suitable recreational facilities or establish acceptable recreational activities within the park. Provision will be made to establish an 18 hole golf course within the western section of the park.

Funds provided by the Highways Department as compensation for the land acquired on which to construct the Grove Way will be set aside for management of the park in accordance with the management plan. Although it would be premature to specify precisely those items on which these funds are to be spent, it is expected that the costs of fencing, revegetation and walking track construction would be met from this source.

The reserve is to be dedicated as a recreational park under the National Parks and Wildlife Act and that process will commence once the Highways Department has supplied a survey plan delineating the precise area required for the Grove Way.

Finally, a revegetation committee has been established which includes representation from both councils, the National Parks and Wildlife Service, the Planning Division (Greening of Adelaide) and the local community. Areas for

planting are being prospectively selected for planting in the autumn 1989 season. These plantings will be the first under the Greening of Adelaide Program for this park. I would like to congratulate the local member for his strenuous advocacy of a satisfactory solution to this matter. As members can see, we are moving well towards implementing that satisfactory solution.

GRAND PRIX

Mr INGERSON (Bragg): Will the Premier ask the Grand Prix Board to review the ticket sale arrangements so that tickets for next year's event are sold on a daily basis rather than for the four days? The Opposition has been contacted by a number of Grand Prix patrons who booked well in advance and paid up to $300 for gold passes even though they were able to go to the track only for the Sunday of the race. These people were dismayed to hear radio advertisements last Friday and Saturday offering gold pass seats, for the Sunday only, at less than half price. They believe they were seriously disadvantaged financially by this decision and have asked, in the interests of ensuring fair treatment, that tickets for future events be sold on a daily basis only.

The Hon. J.C. BANNON: I will refer the matter to the Grand Prix Board. There are good commercial and marketing reasons why ticket sales are made in the way they are. Obviously, we are trying to get as much return from the event as possible in order to ensure that there is not any particular impost, if you like, on taxpayers generally.

STORM DRAIN REFUSE

Mr ROBERTSON (Bright): Can the Minister of Transport, representing the Minister of Local Government in another place, say what steps are being taken by seaside councils to ensure that Adelaide beaches are not fouled by the refuse washed on to the beaches from storm drains? In November 1985, prior to my election to this place, I raised the matter with the Minister for Environment and Planning who referred the matter to the Minister of Local Government. In my correspondence to the Minister I outlined the proposal put to me by a constituent who had designed a basket filter suitable for installation at the outlet of metropolitan storm drains. I understand the suggestion was referred to at least one metropolitan council but to date I am unaware of any action taken to contain the flow of litter on to metropolitan beaches.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. If my recollection is right, I was probably the Minister of Local Government at that time when the matter was first canvassed, but I am depending on some recollection and on this occasion it is not as good as it might be. The whole question of our beaches being fouled by refuse coming down through stormwater drains is of considerable concern not only for a number of local members who have raised this matter in the House on occasions but certainly for the local government authorities in the communities along our foreshore. I am certain that my colleague the Minister of Local Government, who has an extremely high parliamentary workload at the moment, will be only too pleased to have this matter investigated so that a report can be prepared and brought back for the information of the honourable member.

FIREARMS ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council with the following amendments:

No. 1. Page 2 (clause 4)—After line 15 insert the following definition:

'pistol' means a firearm that is designed to be used with one hand:

No. 2. Page 11, lines 15 to 16 (clause 9)—Leave out 'the Minister may, by notice in the *Gazette*, declare the club to be a recognised firearms club' and insert 'the Minister must, if the club applies for recognition, declare the club to be a recognised firearms club by notice published in the *Gazette*'.

Consideration in Committee.

Amendment No. 1:

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

That the Legislative Council's amendment No. 1 be disagreed to.

I believe that there is a more satisfactory amendment contained in the draft regulations which were made available to both Houses along with the amending Bill as prepared by the select committee. Although there is not a great issue of principle here, it is better that the definition as contained in the regulations be the one to which we adhere. I urge the Committee to reject the amendment.

The Hon. B.C. EASTICK: I do not oppose the course of action that the Minister outlines. We have been presented with something of a motherhood clause in the legislation, because there were two approaches in the series of amendments moved in another place. I am not quite certain of the intention of the Democrats who moved this amendment, which was identical to one considered in this Chamber, when the Bill was before us, as the first amendment in a series of amendments to remove the provision involving long arms registration. The battle was lost in this Chamber and subsequently in another place, denying that requirement of the Opposition, and the Opposition's support for this definition in another place does not alter the fact that it is a nonsense in legislative terms and that there is no purpose for it being there. Therefore, I support the action that the Minister is taking. At the same time, however, I express concern that we are unable to look at the measure together with the batch of amendments which embodied the original intention of members of the Liberal Party and the National Party.

Motion carried.

Amendment No. 2:

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

That the Legislative Council's amendment No. 2 be agreed to.

It is important that this amendment be read in the context of the legislation that was before both Houses because, as it stands, it reads as if, should the club insist, then it must get its way. In fact, in context, it is more over a disagreement as to the effect of the words 'may' and 'must'. Having looked at that carefully, I am satisfied that both the interests of the clubs, on the one hand, and the right of the Minister to be able to exercise some degree of review, on the other hand, are preserved by the amendment, which I urge on the Committee.

The Hon. B.C. EASTICK: Again, I support the attitude expressed by the Minister. The amendment seemed to make no sense on its own but, taken with the four preceding words, it gives significant strength to the position. It gives a greater degree of certainty to recognised clubs in the future and, on that basis alone, it ought to be supported. It does not alter the thrust of this legislation but it does overcome one small element of concern expressed by some clubs. This amendment will placate the people concerned without in any way altering the general intention of members of the select committee responsible for the Bill.

The Hon. D.J. HOPGOOD: I place on record my appreciation that the member for Light has agreed to deal with these amendments immediately. I would have been happy to put them on notice so that further consideration could have been given to them, but by doing it straight away it expedites the business of this place. I am grateful that that has occurred.

Motion carried.

The following reason for disagreement was adopted:

Because the amendment is superfluous.

STATUTES AMENDMENT (COMPANIES, SECURITIES INDUSTRY AND FUTURES INDUSTRY—PENALTY NOTICES) BILL

The Hon. F.T. BLEVINS (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Companies (Application of Laws) Act 1982, the Companies (Acquisition of Shares) (Application of Laws) Act 1981, the Securities Industry (Application of Laws) Act 1981, and the Futures Industry (Application of Laws) Act 1986. Read a first time.

The Hon. F.T. BLEVINS: 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 make amendments to the Companies (Application of Laws) Act 1982; the Companies (Acquisition of Shares) (Application of Laws) Act 1981; the Futures Industry (Application of Laws) Act 1986 and the Securities Industry (Application of Laws) Act 1981, all of which deal with the regulation of companies and securities and capital markets.

Members are no doubt aware that the responsibility for enacting laws regulating these matters and the administration of those laws is shared between the States, the Northern Territory and the Commonwealth. Under the terms of the formal agreement entered into by the States and the Commonwealth in 1978, the cooperative scheme was established. The purpose of the cooperative scheme is to implement and oversee the making and administration of uniform laws regulating companies and securities, thereby resulting in greater commercial certainty, a reduction of business costs, and greater efficiency and integrity in the capital markets. To date, the cooperative scheme has been extraordinarily successful in achieving this object and has the respect and support of the business community, particularly in South Australia.

The need for shared responsibility between the States and the Commonwealth arose due to doubts concerning the extent of the Commonwealth's constitutional power to legislate in respect of companies and securities. Consequently, under the formal agreement, provision was made for the establishment of the Ministerial Council for Companies and Securities comprised of the Attorneys-General of each State, the Northern Territory and the Commonwealth. The functions of the council are to consider and review legislation, the manner in which the legislation operates and to provide a general oversight of the scheme.

The formal agreement also provides the procedure to be adopted in making legislation concerning companies and securities. In accordance with this procedure, legislation approved of by the ministerial council is submitted to and passed by the Commonwealth Parliament. The Companies Act 1981, the Companies (Acquisition of Shares) Act 1981, the Futures Industry Act 1986 and the Securities Industry Act 1980 have all been enacted by the Commonwealth in this manner.

These Acts are applied in each State and the Northern Territory by virtue of the various application of laws Acts, which were enacted by the States and the Northern Territory in accordance with the terms of the formal agreement. The Commonwealth's Companies Act 1982 therefore applies in South Australia because of the provisions of the South Australian Companies (Application of Laws) Act 1982. The effect of the application of laws Acts is to ensure that the laws relating to companies and securities throughout Australia are predominantly uniform throughout Australia.

There are minor differences in the application of the Commonwealth Acts in each of the States and the Northern Territory. These differences occur due to textual anomalies that would otherwise apply in the State or Territory if the Commonwealth Act were to directly apply in the State or Territory, or because different State Acts are applicable to certain provisions of the Commonwealth Acts or because certain areas were regarded by the participants of the cooperative scheme as being matters within the purview of the State or Territory.

In the event that any State or Territory should wish to alter the application of the Commonwealth Acts in its jurisdiction, it may do so either by amendment to the relevant application of laws Act or by way of regulation under the relevant application of laws Act. However, the formal agreement requires that the State or Territory first receive the consent of the ministerial council to the proposed amendment.

In July 1986 by unanimous agreement the ministerial council decided that the administration of the enforcement of companies and securities legislation in each State or Territory was a matter for each State and Territory to determine. As a result, Victoria enacted amendments to its various application of laws Acts to extend the penalty notice system already present in the Commonwealth legislation. The amendments before the House in respect of the various South Australian application of laws Acts are in substantially identical terms to the Victorian amendments.

The purpose of these amendments is to extend the present penalty notice system under the Commonwealth Acts to include more summary infringements of the various South Australian codes. The offences presently prescribed by the Commonwealth regulations are restrictive in that the penalties payable in respect of the prescribed offences are limited to one-quarter of the amount provided for those penalties in the companies and securities legislation. As there is no provision in the Commonwealth Companies (Acquisition of Shares) Act 1981 for the issuing of penalty notices, the amendments will insert the necessary provision for the purposes of the Companies (Acquisition of Shares) (South Australia) Code.

An extension of the offences for which penalty notices may be issued would make it possible to further ensure that the Commissioner for Corporate Affairs has the maximum number of options available to him in dealing with summary infringements of the companies and securities legislation. To date, very little use has been made of the penalty notice system as the offences presently prescribed are of a relatively minor character. The extended penalty notice system would enable the Corporate Affairs Commission to deal with these offences in a quick and efficient way and would also enable some investigating and legal resources to be directed towards more serious offences. As the use of a

more extensive penalty notice system would no longer involve the present amounts of court time and costs of dealing with such offences, it is expected that the adoption of the extended penalty notice system will alleviate certain pressures on the magistrate court system.

It is anticipated that the use of the extended penalty notice system will generate $250 000 in revenue in the first full year of operation. The additional costs to the Corporate Affairs Commission are estimated to be $50 000 for salaries and goods and services being mainly postage.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Part II (comprising clauses 3 to 5) contains amendments to the Companies (Application of Laws) Act 1982. Clause 3 is formal.

Clause 4 inserts in the Companies (Application of Laws) Act a new section 16a empowering the Governor to make regulations relating to penalty notices for the expiation of offences against the Companies (South Australia) Code and the Companies (South Australia) regulations. The new section provides that the offences in respect of which penalty notices may be issued are to be prescribed by regulation but may not be offences punishable by a term of imprisonment exceeding six months or a pecuniary penalty exceeding $2 500. The amount of the penalty payable to expiate any such offence is under the new section to be prescribed by regulation but may not exceed half of the amount of the penalty fixed in respect of the offence under the provisions of the code.

The new section provides that regulations made under it override any prior inconsistent regulations and are to be read as one with the Companies (South Australia) regulations. That is, without the need for amendments, new regulations made under the section will replace all earlier regulations relating to penalty notices. This new section should be read in conjunction with section 570A of the Companies (South Australia) Code which provides the power to issue penalty notices and contains the detailed provisions relating to payment of the expiation amounts and the consequences of such payment.

Clause 5 amends schedule 1 of the Companies (Application of Laws) Act which contains the amendments to the text of the Companies Act 1981 of the Commonwealth necessary to apply it in South Australia as the Companies (South Australia) Code pursuant to the Companies (Application of Laws) Act. The clause inserts a new provision substituting for subsection (8) of section 570A of the Commonwealth Act (and hence section 570A of the South Australian Code) a new subsection containing an additional definition required for the purposes of the penalty notice scheme.

Part III (comprising clauses 6 to 8) contains amendments to the Companies (Acquisition of Shares) (Application of Laws) Act 1981. With one exception, the clause makes amendments to that Act which correspond to those explained above relating to the Companies (Application of Laws) Act. The exception referred to is that the Commonwealth Companies (Acquisition of Shares) Act has as yet not included any provision for penalty notices. Hence, clause 8, provides for a new section 53A of the Companies (Acquisition of Shares) (South Australia) Code that corresponds to section 570A of the Companies (South Australia) Code and the respective versions of that section contained in the Securities Industry (South Australia) Code and the Futures Industry (South Australia) Code.

Parts IV and V make amendments to the Securities Industries (Application of Laws) Act 1981, and the Futures Industry (Application of Laws) Act 1986, that correspond exactly to the amendments explained above relating to the Companies (Application of Laws) Act.

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

HIDE, SKIN AND WOOL DEALERS ACT REPEAL BILL

The Hon. M.K. MAYES (Minister of Agriculture) obtained leave and introduced a Bill for an Act to repeal the Hide, Skin and Wool Dealers Act 1915. 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

This legislation was introduced in 1915 with the aim of reducing the illegal disposal of hides, skins and wool, by increasing the detection of stock theft. The Act has provided for the licensing of all persons operating as dealers under the Act and the necessity of those persons to maintain accurate records of all purchases and sales.

The Chief Inspector of Stock under the Stock Diseases Act 1934 has been responsible only for registrations and renewals. The department has had no further active involvement under the legislation in the investigation of suspected thefts, apart from providing registrant information. Monitoring of compliance and investigations into possible thefts under the Act has mainly been carried out by the police Stock Squad, which has now been disbanded.

Thefts of stock and their by-products can be investigated through powers under other legislation. The commercial organisations concerned with sales of hides, skins and wool have been consulted and have raised no objections to the repeal of the Act. The police and the United Farmers and Stockowners Association of South Australia Inc., when consulted showed no or minimal interest. The Government adviser on deregulation supports the repeal of the Act.

Clause 1 is formal. Clause 2 repeals the Hide, Skin and Wool Dealers Act 1915.

Mr GUNN secured the adjournment of the debate.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 1 November. Page 1092.)

Mr D.S. BAKER (Victoria): The existing legislation provides for the Training Centre Review Board to issue warrants for the apprehension and detention of a child where an application has been made for the cancellation of a child's release on licence. Process will be issued by a functionary recognised under the Service and Execution of Process Act 1901 (Commonwealth). This Bill makes the necessary changes to comply with interstate apprehension and extra-

dition requirements. This is a necessary amendment and the Opposition supports the Bill.

The Hon. G.J. CRAFTER (Minister of Children's Services): I thank the honourable member for his indication of support on behalf of the Opposition. As he explained to the House, this is a minor measure which allows for the provision of extradition arrangements for young people in certain circumstances as described in the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Release an licence of children convicted of murder.'

Mr D.S. BAKER: I draw the attention of the Committee to a mistake in the Bill. In fact, I took this up with Parliamentary Counsel who said that it would be rectified. This clause provides that section 58a of the principal Act is to be amended by striking out paragraph *(b)* in subsection (1), but I point out that there is no paragraph *(b)* in that subsection. In fact, it is a mistake and should read subsection (7).

The ACTING CHAIRPERSON (Ms Gayler): I thank the honourable member for Victoria for raising that point. The Chair has authority to amend clerical errors. That error has already been pointed out and the correction has been made.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 1092.)

Mr OSWALD (Morphett): The Opposition supports this Bill which, I understand, tidies up an anomaly. It allows any member of the Parole Board to apply to a JP for a warrant to arrest a person who has been found not guilty of an offence on the grounds of insanity but who absconds interstate while at liberty on a Governor's licence. I understand that at present a warrant applies only while such a person is within the boundaries of the State and, as soon as that person absconds interstate, Commonwealth law comes into play and the warrant loses its legality.

The Bill makes amendments that are necessary to enable a warrant to be executed in another State. At present, two members of the Parole Board are required to sign the warrant, whereas the Bill provides that any one member of the Parole Board can apply to a court, a judge, the police, a magistrate, a coroner, a justice of the peace, or an officer of the court so that the warrant can be enforced across the borders. This is a small matter and, as the Bill tidies up an anomaly and a defect in the principal Act, the Opposition supports it.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its support for the Bill, which does precisely what the honourable member has explained to the House: it overcomes an anomaly which unfortunately exists at present with respect to this application of the law.

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

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 1 November. Page 1091.)

Mr D.S. BAKER (Victoria): The Bill allows an appeal to the Full Court against a decision of the Supreme Court on an application by a child to be released on licence or against a decision of the Supreme Court on an application by a child already released on licence to be discharged from a sentence of life imprisonment. The Full Court may confirm, release or annul the decision subject to appeal or may make an order that the court thinks should have been made or make any consequential orders which in the court's opinion should have been made. There appears to be no reason for delaying the Bill. Its direction is clear and I am surprised that this provision was not included in the original legislation. In Committee, I shall ask the Minister a question concerning clause 2. The Opposition supports the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its support of this measure.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Release on licence of children convicted of murder.'

Mr D.S. BAKER: New subsection (16) appears to be deficient in some way. Can a child be released on licence from a sentence less than life imprisonment under this provision?

The Hon. G.J. CRAFTER: Yes.

Mr D.S. BAKER: Then, can the child who is released on licence be discharged from a lesser penalty than life imprisonment? If the child can be so discharged, can an appeal lie to the Full Court from that decision under this provision?

The Hon. G.J. CRAFTER: The answer to both questions is 'Yes'.

Mr D.S. BAKER: Would not this provision be clearer if, after new subsection (16) *(a)*, the word 'or' was inserted so as to remove the anomaly that seems to be there and so that the new subsection is clear in its intent?

The Hon. G.J. CRAFTER: It is a matter of the use of language in drafting this amendment. The form of words used here, I understand, is the form of words normally used and understood by practitioners of the law, courts and the like. The provision is clear to those persons required to interpret the law. It is always tempting, I guess, to write law in a way that lay persons can understand, but that may cause hardship and costs to those very people, so what is a good intention may not have the desired results.

Clause passed.

Title passed.

Bill read a third time and passed.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 November. Page 1092.)

Mr OSWALD (Morphett): The Opposition supports the Bill, which relates specifically to the powers of the Supreme Court to make an order for the indeterminate imprisonment of those whom it declares to be habitual criminals and those offenders whom it declares to be incapable of controlling

their sexual instincts. Last time the principal Act was before the House the Government proposed to remove the power of the Supreme Court to make declarations that certain criminals were habitual criminals and to make orders that certain offenders were incapable of controlling their sexual urges. This was reinstated in this legislation and power was given to the Supreme Court not only to make the orders indeterminate but also to review them on the application of the criminal from time to time.

In the other place, the Attorney-General advised that there was a technical problem, which the Opposition accepted, that a right of appeal against a decision of the Supreme Court to authorise the release on licence of a person detained in custody pursuant to a sentence of indeterminate duration is not included in the Criminal Law (Sentencing) Act. As Opposition members believe that it should be, we support the Bill.

The Bill also gives other rights of appeal both to the Crown and to the offender under the circumstances set out in the Bill. I see no difficulty (and the Opposition is of that view) with these sorts of right being granted, because it not only keeps the judges accountable to the public at large but more particularly makes their decisions subject to review by a panel of three or more judges.

That is in the interests of the administration of justice and is the reason why we support the Bill. The right of appeal is always something that is very important in our process of law but, in these cases, it is a very difficult area with indeterminate sentences being handed out to offenders and offenders having the right of appeal. To have superimposed, as will be the case under this legislation, the right of the Crown to appeal to this panel of three judges is a safeguard which I think is very admirable. The Government has done the right thing in introducing this measure and we are happy to support it.

The Hon. G.J. CRAFTER (Minister of Education): As the member for Morphett has said, it is desirable that the law be clarified in this area. It is important that both the applicant for release on licence and the Crown have a right of appeal in these circumstances. This Bill puts beyond doubt by an express provision the conferring of rights of appeal in these circumstances. I commend the Bill to all members.

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

SUMMARY OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 November. Page 1168.)

Mr INGERSON (Bragg): I support the Bill. Much of our opposition to the Bill was addressed in the other place, and we thank the Attorney-General and the Government for accepting some of those changes. It is important that I make a few points. First, we believe that only the police should have the ultimate responsibility in regard to these expiation notices, although we recognise that in certain circumstances inspectors or licensed people be included. But we do believe it would be better if the police only had the responsibility.

Secondly, most cases of overloading involve weights of less than 2 tonnes and arise because of error, not deliberate action. Because of volumetric loading, livestock are loaded onto trucks to about the correct weight but, due to circumstances beyond people's control, principally rain, there can be a significant increase in weight. Unfortunately the truck is then overloaded. The Government should have recognised that aspect. It has not recognised it in this Bill, but we believe it is very important and it is something we will be considering seriously. There is no doubt that, in Queensland, where volumetric loading applies, recognition of the problem has had a very significant advantage for the industry, and the support of the Government and the industry has been forthcoming.

We are also concerned about the way in which overweight is calculated. Permits allow weights in excess of the limits but, once a vehicle is found to be overweight, all measurements go back to the statutory requirement. We believe that, if a Government department issues a permit for a specific weight, overweight penalties should apply only to weight over that permit. However, that is not the case at the moment.

Finally, a considerable amount of commonsense must be used by the inspectors and the police when issuing expiation notices. There is no doubt that we, as members of this House, have received many complaints about the over zealous attitude of inspectors. Some of the complaints are justified; some are not. But there is sufficient evidence to suggest that we should ensure that, when this expiation notice system is introduced, inspectors and the police take particular care to adopt a reasonable attitude. The Opposition supports the Bill and notes clearly the changes that have occurred in the other place.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this measure. I point out to the House that, once the Bill is passed, regulations under the Summary Offences Act will have to be amended to pick up the offences under the relevant sections of the Road Traffic Act. Also, the expiation notice will have to be amended to reflect the new arrangements.

Various cost saving measures will arise under this proposal. For example, in the 1986-87 financial year, 2 622 vehicle overload cases were prosecuted before the courts. The average fine levied on successful prosecutions was about $320. It is proposed that only overloads up to 2 tonnes will be expiable. In 1986-87, the number of prosecutions for this category of offence was 1 200, or nearly 50 per cent of all overload prosecutions. For overloads in excess of 2 tonnes, prosecution will continue to be the proper course of action, as is the present situation.

Cost savings will be seen in the following areas: costs associated with the issue and service of summons; costs of court procedures (court fees and costs); and the cost of the time involved by departmental officers investigating offences in travelling and preparing matters for court hearings. There will be resultant savings in this area for the taxpayers of this State as well as a more simplified system of administration of the law and, obviously, less cost for those who offend against the law in terms of their obtaining time off from their employment and the legal costs and so on when these matters come before the courts. A good deal is to be gained from the passage of this measure.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Expiation of prescribed traffic offences.'

Mr INGERSON: One of the matters of concern with respect to the introduction of expiation notices is the handling of those notices. Whilst we recognise that there is a significant saving for Government, it is important to note that, as well as those savings, we must make sure that the people who will be affected by these new expiation notices

get reasonable treatment. As I said in my second reading speech, a considerable number of complaints have already been made. I bring it again to the attention of the Committee and ask the Minister to give us some assurances as to how these expiation notices will be handled by inspectors and the police. There is a lot of aggro in the community, some of which is unwarranted. With any change of system, particularly a system that involves the writing out of a piece of paper stating that a person has to pay $300 or $400, there will be some inherent aggro and I would like some assurances from the Minister.

The Hon. G.J. CRAFTER: The first thing to point out is that no person is obliged to accept an infringement notice of this type. That notice and that procedure in terms of the administration of the law is a matter of choice for each person. That course of action can be rejected and a person can choose to go off to court to have the matter heard, as happens now. That is a fundamental right of each citizen in these circumstances and they are at liberty to effect that option in circumstances they deem fit.

Secondly, the Commissioner of Police and the Commissioner of Highways are aware of the concerns that have been expressed by the honourable member and other members. The member for Eyre is a watchdog in terms of the excessive use of powers by officials in these circumstances. Guidelines will be prepared for officers administering this legislation, training programs will be established and the system will be monitored by senior officers of the authorities. In that way it is to be hoped that the fears expressed by the honourable member will not be realised.

Mr INGERSON: One of the concerns that I have expressed previously in this place relates to the publication of these changes. Whilst I recognise that notification is made in the *Gazette*, I must point out that, like *Hansard*, very few people in the industry or the community read it. Is it possible for the Minister, through the Highways Department, to notify the major supporting bodies involved in this industry, such as the Road Transport Association, the country carriers association and a few others? If they were adequately notified, the problems that I have envisaged may not occur. Such an explanation should be part of the system and I ask the Minister to consider what can be done.

The Hon. G.J. CRAFTER: I presume that that is done as a matter of course but I will take steps to ensure that the Commissioner of Highways makes contact with peak organisations and that the matter is subject to press releases and the like so, to the extent possible, the community is informed of the effects of this new legislation.

Clause passed.

Title passed.

Bill read a third time and passed.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 1249.)

Mr MEIER (Goyder): The Opposition agrees with part of this Bill, but it has some concerns with the second measure. In essence, the Bill makes four major changes to the Births, Deaths and Marriages Registration Act. In the first place, it gives the Principal Registrar authority to delegate any of his powers, functions or duties to any officer of the registry. That extends the present power of the Principal Registrar to delegate to the Deputy Registrar. I will seek from the Minister clarification of exactly what such delegation will entail.

The second measure in the Bill seeks to amend the specific provision dealing with parents who do not nominate a surname for their child. Considerably more will be said on that issue. Thirdly, the Bill repeals a provision which requires a master of the Supreme Court to inform the Principal Registrar of orders made by the Supreme Court dissolving or nullifying marriages. Finally, the Bill increases penalties which have not been amended since 1966.

It is part and parcel of modern days that a Registrar's authority is delegated to other persons; therefore it is of little surprise that the Registrar of Births, Deaths and Marriages shall have power to delegate his duties to an officer of the registry. However, the details of such delegation should be specified so that the Registrar maintains full authority over his duties and so that the situation does not develop in which it is unclear who is responsible for what. I will seek further information from the Minister on that in Committee.

With respect to the second measure dealing with the situation in which parents do not nominate a surname for their child, I note that, in his second reading explanation, the Minister stated:

> The Commissioner for Equal Opportunity has pressed the opinion that the latter provision is discriminatory, and the Bill proposes to meet the Commissioner's objection by empowering a local court of limited jurisdiction to direct which surname shall be entered on the register of births, in default of a nomination by the parents.

This section was amended in 1980 to provide:

> The name to be entered in the register of births as the surname of a child shall be—
>
> *(a)* the surname of the father, the surname of the mother or a combined form of the surnames of both parents, whichever is nominated by the parents; or
>
> *(b)* in default of any such nomination by the parents—
>
> (i) in the case of a child born within lawful marriage—the surname of the father; and
>
> (ii) in the case of a child born out of lawful marriage—the surname of the mother.

That section clearly specifies the situation. At present there is no need to take the matter to court. I recognise that *de facto* relationships have come into vogue, more over the past few years than was the situation prior to 1980, but it is questionable for the Commissioner for Equal Opportunity to give an opinion that these provisions are discriminatory, because it would appear that there should be discrimination only if it is against the male or female child. I think this takes it out of that realm as to whether it is discriminatory against the mother or the father. Why should that interfere with the naming of the child?

Certainly, the situation is unfortunate where parents cannot agree on a surname for the child, but to take the matter to court is simply handing over responsibility to a third party and it is questionable to what extent this procedure will satisfactorily resolve the situation. I do not doubt that it will resolve the situation, but in all cases that may not be the most appropriate course of action. In fact, the new provision introduces a level of uncertainty which seems to be unreasonable with respect to the child. Undoubtedly, it will add cost to the procedure for the parent and the Registrar; it will add work to the courts and will result in no certainty as to how children will be treated. Surely our first concern is for the children.

It is surprising that the Government proposes such a measure at a time when we have before us another Bill which seeks to appoint additional people to handle court cases because the courts are so far behind. If we allow this

measure to go through, it will simply add more pressure to the court system. I will seek information from the Minister as to how many people he expects to be involved in this area in any one year. It is undoubtedly a concern for me. The proposed regulation provides:

The name to be entered in the register of births as the surname of a child shall be—

(a) the same as before; and

(b) in default of any such nomination by the parents—such surname as a local court of limited jurisdiction may, upon application by a parent of the child or by the principal registrar, direct;

and

(c) by inserting after the present contents, as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) In making a direction under subsection (1), the welfare and interests of the child must be the paramount consideration of the court.

It is acknowledged that the welfare and interests of the child must be the paramount consideration, but how is that determined by the court? Are there any other criteria upon which the court can act and is it advisable for the Government to give such a broad power when, in most cases, there will be two parents disagreeing, the court being the arbiter? A decision must be made in the best interests of the child.

I think we have seen enough problems in the Family Court over the years to realise that, where legal provisions are not adequately prescriptive, the Family Court cannot deal appropriately with situations. I think all members of this House in previous years would have been approached by constituents who have expressed almost disgust with the way in which the Family Court has operated, and even today people express great dissatisfaction with certain rulings. This is the type of thing that we as legislators need to avoid in regard to this Act, which apparently has operated reasonably well over past years. I will take up that matter further with the Minister unless he provides an adequate reply in Committee.

We then come to the clause that repeals the provision requiring a master of the Supreme Court to inform the Principal Registrar of orders made by the Supreme Court dissolving or nullifying marriages. This is long overdue. This provision has not applied for some years as the Family Court has been involved and the information which should be made available has apparently not been provided. So, I do not see any objection to that section being repealed.

The Opposition will not oppose the proposed increase in penalties, which have not been amended since 1966. From time to time in this place we have heard the Government object to increases in fees in certain areas. I refer particularly to fees of general practitioners and specialists. Certainly, everyone is concerned about any proposed increase in fees. As a member of the Joint Committee on Subordinate Legislation I could mention a multitude of fees that have been increased, yet, the Opposition has allowed most, if not all, of those increases to go through because they have been in line with CPI increases.

I believe that general practitioners have sought increases in line with CPI increases, yet the Government feels that that is unfair. The Government is quite happy to discriminate against people who, it believes, are not helping its total system, even though it might affect their livelihood, but it is prepared to increase other fees. We have seen increases in many fees under different headings: the duty of medical practitioner; the duty of undertaker after burial; penalty for failure to register; penalty for burying body contrary to Act; penalty for giving false information; offences of Registrar; and destruction, alteration or forgery of register.

All these areas need to be considered in relation to an increase in fees, but I hope that the Government will take a similar attitude to fees in areas outside this Act and not show the discriminatory attitude that it has shown from time to time. As I indicated earlier, the Opposition gives qualified support to parts of this Bill, but it is concerned about the proposed changes to section 21 and that matter will be considered further in Committee.

Mr S.G. EVANS (Davenport): I have concerns similar to those expressed by the member for Goyder about the amendment to section 21. First, we are talking about a department that has been the poor sister in our Public Service. This department has been neglected. Under this legislation we seek to make the situation a little easier: first, by delegating power; and, secondly, annulled or dissolved marriages will again be recorded by the department after a break of 12 years since the Family Court legislation impacted upon recording in this area.

I spent time inspecting the Public Records Office in the United Kingdom. True, I was looking at a facility that provides for a country with a population of over 50 million people, while South Australia has a population of about 1.5 million people. However, I refer to the difference in service in order to draw a comparison. Certainly, I make no reflection on staff in Adelaide, because they have been poorly treated. Their building is not suited to the operations they are expected to carry out in an expanding population (although South Australia's population is not expanding rapidly). Besides the records kept by Adelaide staff, they process many applications made by people trying to trace family history. Certainly, with the change in adoption laws more people will be seeking records and a comparison needs to be drawn.

Turning to my experience with the Public Records Office in the United Kingdom, I received a registration valid for, I think, five years (I did not concern myself with the time because I may never return there). I was given a pager after showing my registration. I am not a United Kingdom citizen—I could have come from anywhere in the world—yet I walked in, registered at no charge and received a pager. I was allocated a seat number, and in the room I entered about 400 people were seated, tracking down their own records, having examined the index for their purpose, whether it involves births, deaths, marriages, lists of passengers, names of ships, registrations of ships, seamen, and so on.

Once people find in the index what they are looking for, they fill in a form at the counter on the first day. The next day I was there the computers were back on line and I merely put my request on computer. About 20 minutes later one is called on the pager to collect the material at another counter, and after the particular records have been perused they are returned. Proper security was in place before people entered the investigating room. They could not take in bags or any other objects. People were not allowed to use pens—they were allowed to use pencils only for making notes. After finding what they were looking for, a fee was paid for a photocopy, but that was the only time a fee was charged. An application was filled out and the photocopy would be returned within an hour, and in that way the cost was not high.

I compare the situation in the United Kingdom with that in Adelaide: our department is not properly equipped, and I believe the charge made is too high for people wanting to obtain information. At one stage I obtained information about 11 births in the family, and the certificates cost over $100. That is ridiculously high. In the United Kingdom I

would have paid only about $44 for the photocopies of those 11 records.

I am speaking to the Bill on how we register children's names at birth and the registration of annulments and dissolutions of marriages, and I hope that members when they go overseas will take the opportunity to compare the service offered elsewhere with that offered in South Australia. Certainly, I do not expect that we will have a facility anything like the size of the United Kingdom operation, but members should be aware of what the staff have to work with. I have sought records five times in four years in South Australia, and on three occasions I encountered customers abusing counter staff because of the practices involved. That comment is not a reflection on the counter staff, who just sit and take it.

One member of the counter staff, who was probably born in another land, judging from his appearance, took real abuse from a client who was hung up about the system and the high cost of trying to get a couple of documents. He wanted them quickly but had to wait until the next Monday because two working days were required. That is an unsatisfactory situation for the staff and customers. Further, the Equal Opportunity Commissioner seems to have expressed some concern about discriminatory practices. I cannot see why this matter had to be fiddled with. It will not be long before we are changing the name of the cyclamen flower and calling it the cyclaperson. What about the member for Alexandra, Mr Chapman? Will we end up calling him Mr Chaperson!

Members interjecting:

Mr S.G. EVANS: Those are the sorts of idiotic thing for which changes to the law are being made, but they do not matter at all. What about marriage annulment? I will be pleased when the day comes when all our State registers are hooked up by computer so that we have a central list of all births, deaths and marriages that can be obtained in any city. That could still be done under the control of the States on a shared cost basis. These days we could have an on-line computer, involving a simple process; I hope we move in that direction.

The courts could send in the details of any action to annul or dissolve a marriage, and a computerised system could operate successfully. On the odd times I went into the office I used to abuse the system, and my ignorance was highlighted by a visit to the UK office. I was told that that was nothing compared with what occurred in other parts of the world, which were even better. I believe that our system is unsatisfactory and that it can be improved. If it costs $10 000 to send a Minister or an officer overseas to look at other facilities and come back with some ideas to improve the system, we would save money in the long term. I would not object to that.

If members have not been into the Adelaide office, I suggest they visit it. Although it is a magnificent building they should consider the conditions under which those people work. I believe it is the one department that has not been treated as well as others in relation to the provision of facilities. If an adequate system were installed we might be able to let the public do the searching and cut down on some of the cost.

The Hon. G.J. CRAFTER (Minister of Education): I thank members who have participated in this debate. This is not a complex measure: it contains a minor amendment to clarify certain sections of the Births, Deaths and Marriages Registration Act. I guess that whenever one touches legislation of this type it raises wide and varied interest in the community with respect to the matters it involves. The provisions in the Bill clarify the law and overcome some of the objections that were raised in the community and by the Commissioner for Equal Opportunity (as was explained during the debate in this place and in another place).

The issues have been canvassed quite thoroughly by members. The lead speaker for the Opposition raised the question of the incidence of applications of the type covered by section 21 of the Act. It is my advice that only two or three applications per year are anticipated under this provision; that it is rarely used. That situation is not likely to change given the experience of the Registrar of Births, Deaths and Marriages. I commend the Bill to members.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Delegation.'

Mr MEIER: New section 11 (1) provides:

The principal registrar may delegate to the holder of the office of deputy registrar or the holder of any other office or position a power, function or duty conferred or imposed on the principal registrar by or under this or any other Act.

What are the changes and what effect will they have? What functions will be delegated by the principal registrar to the deputy registrar or the holder of any other office or position?

The Hon. G.J. CRAFTER: The delegation will be by instrument in writing, so it will be a precise delegation. The powers to be delegated will be those which allow for the recording of births, deaths and marriages. It is not proposed to delegate those powers which provide for the registration of persons dying at sea or dying outside the State on war service. Fortunately, they are extremely rare situations these days.

Mr MEIER: What is the principal reason for bringing in this delegation of authority? Why has the Government seen a need for that to occur?

The Hon. G.J. CRAFTER: Times have changed, and it is now seen that such an instrument of delegation, as is provided in many other arms of the bureaucracy, should be applicable in this area and will allow for a more efficient operation of that office.

Clause passed.

Clause 5 passed.

Clause 6—'Entry of child's surname in register.'

Mr PETERSON: I move:

Page 2, lines 15 to 24—Leave out this clause and insert:

Substitution of s. 21

6. Section 21 of the principal Act is repealed and the following section is substituted:

Entry of child's surname in register

21. (1) Subject to this section, the name to be entered in the register of births as the surname of a child is the surname of either of the parents, or a combined form of the surnames of both parents, of the child as nominated by the parents when furnishing the particulars required for registration of the birth.

(2) In default of nomination by the parents as referred to in subsection (1), the name to be entered in the register as the surname of the child is—

(a) the surname of the father of the child in the case of a child born in lawful marriage, or the surname of the mother in the case of a child born out of lawful marriage; or

(b) such name as a local court of limited jurisdiction may, on application by a parent of the child, direct.

(3) An application for a direction of a court under subsection (2) must be made within 28 days after receipt by the principal registrar of the particulars required for registration of the birth.

(4) In determining an application for a direction under subsection (2), the welfare and interests of the child must be the paramount consideration of the court.

The Act automatically provides for naming to be done by the court if there is a dispute or some reason why the

parents cannot provide a name for the child. For the child to be named automatically by the court seems to me to be harsh. I suggest that there is no point in going to the court if there is no dispute or need to do so. The amendment extends the current law in relation to naming a child in and out of wedlock, and this is well known and accepted by the community. I am not aware of any dispute about that basic principle.

The amendment provides for certainty where there is a dispute or where the parents are not able or available to nominate: for instance, where a hospital advises the Registrar that a parent is ill or not locatable. The present law is not discriminatory, in that it does not discriminate against either parent; it is definite in that regard. The amendment will allow the normal procedure to occur and will give either parent the right to appeal to the court if there is a dispute. The amendment would facilitate the procedure and initially keep the matter out of the court. It gives the Registrar the right, under normal procedure, to name the child. If there is a further dispute it then allows for the matter to be referred to a court. To me that seems to be a better way of doing it.

Mr MEIER: The Opposition agrees in principle with the wording of the amendment. I believe it goes a long way towards achieving what the Opposition believes should be the case. However, we have some questions about its precise wording. Possibly, it would have been better to include a further paragraph, but after discussing the matter I can see the point that the honourable member is making.

Certainly, it at least gives every opportunity for the parents to name their child, whereas the provision in the Bill as drafted cut it short compared to the provision in the original Act. I referred to that matter during the second reading debate. If members agree to this amendment, it will go to another place for ratification and it may be necessary to amend the wording there in order to remove any ambiguity that may be present. The Opposition supports the amendment.

The Hon. G.J. CRAFTER: I am a little concerned about the lack of time the Government has had to consider the amendment. I expect that that concern was being expressed by the member for Goyder on behalf of the Opposition. The amendment provides an improved administrative arrangement, particularly when a dispute arises between parents about the naming of their child, and that improved arrangement is approved by the Government. Perhaps the amendment provides for certainty, although it may be argued that the Bill, as drafted, provides for that, and precedent will provide for that in due course as well. It protects the appeal rights vested in the present legislation and in particular the provision that the welfare and interests of the child must be the paramount consideration of the court. With the reservations expressed by the member for Goyder, the Government accepts the amendment, but I should like the amendment to be further reviewed by my officers so that, if refinements are necessary, they can be incorporated in another place.

Amendment carried; clause as amended passed.

Remaining clauses (7 to 14) and title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. G.J. CRAFTER (Minister of Education): I move:

That the House do now adjourn.

The Hon. R.G. PAYNE (Mitchell): You, Mr Acting Speaker, were present in the House with other members on an earlier occasion when I asked the Minister of Health a question on a matter that has reached a high level of interest in the South Australian community. The matter to which I refer is being viewed by many ex-service persons, together with their organisations, as one that concerns them because of what they understood to be in effect the imminent transfer of the responsibilities and functions in the hospitals area of the Veteran Affairs Department, such as the Daws Road Repatriation General Hospital. They feared that this area of operation, which had been for a long time the responsibility of the Commonwealth Government, was to be suddenly and quickly transferred to the State Government as regards its administration and responsibility.

Many ex-service persons believed that, if that transfer were to be made, it should not be made at present and they were concerned that there appeared to be no consultation on the matter. The matter emerged 12 or 18 months ago and, at that time, they argued they had received assurances from the then State Minister of Health (Dr Cornwall) that there was no haste in the matter, that a proposition was being examined, and that there would be consultation. Then, as they saw that this did not appear to be the case, many people wrote to me and I am sure to other members seeking our personal support. One such letter states:

> I refer specifically to the Government proposal to transfer Repatriation General Hospitals to the State Governments.

Then the writer refers to the point that I made earlier, that the matter came up originally in March 1987. The letter continues:

> On 30 November 1987 the State President, Vice President and State Secretary of the RSL South Australian Branch met with Dr Cornwall to discuss this very problem. The RSL was promised by Dr Cornwall that there would be no steps undertaken by the State Government to facilitate handover of the Repatriation Hospital without the consent of the RSL.

Then comes the point that clearly upset the organisations and many ex-service persons, as follows:

> We have been given to understand that the Federal Government has been assured—

I ask members to note the word 'assured'—

> that the South Australian Government is prepared to take over Daws Road hospital in 1990. The RSL is violently opposed to any such move.

The many people who sent letters to members indicated that they were in accord with that statement of opposition. As the Minister of Health pointed out in this House when I asked my question, that was not the situation at all: what was being considered would certainly not happen in 1990; it was a matter for ongoing consultation and would not proceed without a large measure of support from the organisations and the veterans themselves. Clearly, that was reassuring and I know that the question which I asked and the letters outlining that were sent to various interested persons throughout the State. I commend the Federal Minister for Veteran Affairs (Hon. Ben Humphreys) for taking this matter to heart. Indeed, he sees it as an area of concern that the Federal Government should examine to a degree, I also commend the initiative displayed by you, Mr Acting Speaker for writing to Mr Humphreys in your capacity as the member for Adelaide.

The Federal Minister came to Adelaide only last Monday and entered into a very busy and vigorous program of fact-finding and meeting with ex-service personnel in South Australia and also their organisations. He also met with certain members of the House who have an interest in this matter, including the State Health Minister. So it was a very comprehensive visit by the Federal Minister and one

which will be of great benefit to all ex-service persons in South Australia. He certainly had a pretty busy itinerary on that day. He met first with the State Health Minister (Mr Blevins) at about 9 a.m. He then arrived at the Daws Road Repatriation General Hospital at shortly after 10 a.m. where I was present, together with the local Federal member for Hawker (Liz Harvey). In conjunction with Ben Humphreys, we toured a number of the wards and looked at some of the updated facilities which are in existence in the hospital. More importantly, the Federal Minister took the time to talk with senior and other representatives of staff as well as quite a number of patients in various wards—the very people about whom the concerns had arisen originally in this matter.

I was present and I can say that Mr Humphreys is clearly alive to the situation. He is concerned about the worries that the ex-service people have had in this matter, as well as their organisations, and he made sure that every opportunity was given in the limited time that he had for patients in the hospital to outline to him their viewpoints and worries. He assured them that the matter would not be rushed, that their views would be taken into account; that it was not a *fait accompli* and a solution was still to be worked out. It was put to Mr Humphreys that the atmosphere of Daws Road Repatriation General Hospital is unique and is especially suited to the care of the veterans (to use the short term) of our forces, both male and female. The atmosphere has to be experienced to be understood.

I have been the member for that area since 1970 and I have been in that hospital many times to visit diggers, ex-service men mainly, and in some cases former comrades and friends of mine, while in other cases on a constituent/member basis. In all the years I have been there, I have heard only one complaint about treatment in that hospital or the way in which ex-service persons have been received. That in itself indicates that the atmosphere is one of care, concern and sympathy for those who, when it was popular or in some cases not so popular to do the right thing, came forward when the call was made and served their country.

I managed to mention to the Federal Minister that that is how many of the ex-service persons with whom I have spoken see this matter. They have said to me, 'We didn't join up to fight for South Australia or to do our bit for Victoria or Queensland; we joined up to fight for Australia, to defend our own country. Therefore, we look to Australia to honour its promise to us to take care of us at a time when we have need.' The same people said to me that they are not so concerned if there is this partnership with the State, but they feel that it ought not happen too soon, and certainly not without their views being taken into account.

The Federal Minister assured me that that is what will happen, and I know that there have been press releases on that matter, also. I commend him for taking the trouble to come to South Australia and I am sure he will do the same with the other States and view matters first hand so that he is fully informed to ensure that the correct decision is made.

Mr S.G. EVANS (Davenport): At the outset, I congratulate the member for Mitchell for what he just said on the subject of those who have served and the repatriation, service and help that they should receive from our country—we should all take note of it. Recently the Derryn Hinch show sought to highlight the effect of a new Bill presently before Federal Parliament, and mention was made of people who may have taken some action during wartime under instructions from their superiors. I do not care what country people fought for or whether they fought for or against us—if those people were under instructions from their superiors and they did not carry out those instructions, in most countries, including Australia, most probably they would have been shot. They certainly would have been court-martialled and considered as traitors. So, if anybody is to be judged, it is those at the top. We should think of it in that light, regardless of whether they were German, Japanese or Australian. In fact, recently, comments were made about the actions of some Australians off the New Guinea coast. I point out that they did what they were told—they had no alternative. That is where the matter should lie.

I want to talk briefly about the problems of being a member of Parliament and the stress it brings; and I will discuss, as level-headedly as I can, whether or not we should expect it. If somebody attacks us and we are identified directly or indirectly, we have an opportunity to respond within Parliament. We also have the opportunity to go to the press. We can get a headline more quickly than anybody else. There is no doubt that over the years members and their families have been affected and hurt. However, I do not suppose that many have been affected, over several issues, more than I and my family, but I believe that my children have ended up being better for it. Unfortunately, nobody is more cruel than one's schoolmates. It would be fair to say that the Hon. Don Dunstan's children suffered a fair bit of that sort of muck, if you like, in the schoolyard. We would all recognise that.

When I first came into this place, somebody accused me of being the garbage, not the collector. Everybody thought that that was a joke, but it was passed around the schools and my children had to suffer it. At the time my youngest was five and my eldest 15. More latterly in the 1970s was the problem with the family company to which I once belonged but in which I had no further interest. My wife had a small shareholding for which she never received any money, but a member of Parliament (who now happens to be in Federal Parliament) decided to use this information. I was attacked and, even though what was said was untrue, I had to carry it. Then somebody tried the telephone account idea. I had a telephone account that was paid in full and a small business was operated with some calls taken on that telephone. It was quite conspicuously advertised within the telephone directory. That was only a small dig, but it was there.

More recently, with regard to certain bushfires, there was a court case which we could not mention. A family company with which I had some connection up until 1971 or 1972 was involved. That did not stop people saying, even in this place, by innuendo or directly that I was responsible, which is a gross untruth. I was in Parliament at the time, although I may have been one of the first to leave the place because I left before it adjourned. Everybody thought that was a joke and I was fair game. In the past couple of days, the media have changed their tack and have had no hesitation in saying that F.S. Evans was the person who was challenged. They did not mention the company.

On several occasions, television, radio and the print media referred to F.S. Evans, as did the Secretary of the Stirling Ratepayers Association the other night. He was killed in a paddock by a bull 17 years ago when I was in Parliament. I arrived home too late to see him before he died. That story was used, and it has affected the family, including his widow, who is young at heart but very elderly. Although some of them have been told about it, they persist with the story, yet it is the same media that can produce sensitive editorials and statements like those in the *News* and the *Advertiser* recently.

In one case an MP was held to be in contempt of court for attempting to identify a person, contrary to a suppression order on Channel 10. That person held a key position in legal affairs in this State. The individual concerned did not run off to the media or issue writs or ask someone else to issue writs. That person may have gone to the Premier and said, 'Do you know this happened? Just tell the person they are off key.' As a result of that incident and a number of others at the same time, the family carried a hell of a lot, and no-one in the press gave a damn about them. It may have occurred at a time when some of them were doing key exams for their career. It is fair to say that, if that particular individual did not rub shoulders with certain people, a lot of those stresses would not have been suffered, regardless of whether the activity was immoral or a case of bad judgment but not unlawful.

A minister of religion went to the elders of his church and to at least one other person and said that a person had approached him and confessed to lighting fires on the dump property on the occasion of the first Ash Wednesday bushfire. When that minister of religion was asked whether he would go to court and identify the person if that person would not give himself or herself up, he said, 'No. I would deny it was ever said.' I hope that the person who made the confession, if he or she is a Christian person and is still alive, will come forward one day and say that he or she lit fires at that time. When they get on to issues, the media encourages the Government and the Opposition to seek information to make a better story. When they set out to make judgments about people and suppression orders, they should stop and think how far they should go in seeking a good story, which they so often do today.

Mr TYLER (Fisher): In giving his statement yesterday, the Premier called for a breathing space to be given to the Hon. Chris Sumner to allow him time to recover from the trauma of the past 18 months. However, as a person who regards the Attorney-General as a friend and as one who has spent time with him socially when at the football and has come to know him extremely well, I place on record my disgust at what has occurred in this State over the past 18 months. I highlight particularly my disgust at the role that members opposite have played with their rumours and allegations. It is no good for the member for Davenport, in a self-righteous manner, to stand up here and claim that it is the media's fault when every journalist in this State knows that members opposite have been putting fuel on the fire of those rumours for the past 18 months.

The Hon. H. Allison: I hope you can prove that.

Mr TYLER: Journalists in this State will vouch for that.

The ACTING SPEAKER (Mr Duigan): Order! The member for Fisher will resume his seat. The member for Davenport has a point of order.

Mr S.G. EVANS: I object to the honourable member's statement that every member of the Opposition was involved. I am a member of the Opposition and I see it as a personal reflection. I defy anyone to find a person to whom I have spoken, whether in the media or elsewhere, about the matter raised by the honourable member.

The ACTING SPEAKER: My recollection is that the ruling that has been given on previous occasions by the Speaker is that there is no point of order when a general statement is made about members as a group. There is only a point of order—and the statement must be withdrawn—when there is a personal reflection against a member. However, I ask the member for Fisher to be cautious in the remarks that he makes in the time remaining to him.

Mr TYLER: Thank you, Mr Acting Speaker. I will certainly be cautious and abide by your ruling. However, I know that some members opposite have been pretty pleased with themselves of late because they deliberately set out to wear down by innuendo and rumour one of the Bannon Government's most effective and brilliant Ministers. I sincerely hope that they have failed, and I wish Chris Sumner a speedy recovery. It is fair to say that the level of politics in this State has reached a new low and the tragedy is that public confidence in us as politicians has been further eroded. There needs to be a truce—

The Hon. B.C. Eastick: Come on!

Mr TYLER: Members opposite say, 'Come on!'

Members interjecting:

The ACTING SPEAKER: Order!

Mr TYLER: There really needs to be a truce, and the member for Davenport hinted at that in his contribution. If there is no truce, decent citizens in our community will not bother to offer themselves for service. I entered Parliament knowing that the game was tough and I treat it in the same way as I have treated my sport: hard but fair and within the rules. However, as we know from sport, when you are consistently being thrashed and your skill level does not come up to par—like the Opposition in this State—you start playing the man, you start playing the body.

That is exactly what members opposite have done in this case. They have tried to cover up for their lack of vision and their lack of ability in throwing away the rule book and the conventions of the past. I hold the traditions and conventions of parliamentary democracy very high. I urge members opposite—I know there are some decent members opposite—to return to those conventions. It is ironic that, if the sort of tragedy that has occurred to Chris Sumner had happened to the Police Commissioner, the Chief Justice or one of the other very high profile State identities, there would have been outrage of the like that we have not seen before in Adelaide.

I am sure that there would have been a rally of 10 000 or more people in Victoria Square demanding that their accusers be accountable. However, because in this case a politician is concerned, this has not occurred. People seem to forget that Ministers and members of Parliament have sensitivities and have families and friends who suffer as a consequence of action taken.

I would like to comment on a significant event that took place in my electorate this morning: the opening of the Bicentenary road funded project, namely, Happy Valley Drive. Unfortunately, the opening was tarnished by an accident between three vehicles adjacent to the site of the ceremony just before it started. This is a sobering reminder that, no matter how well designed our roads are, accidents can and do happen.

Happy Valley Drive is a beautiful road just over 4 km in length, which cost about $8 million to build. Despite what local Liberals say, the road was not funded by a Liberal Government but by State and Federal Labor Governments. This road opens up the fast developing areas of Aberfoyle Park and Happy Valley and enables easier access to the Hub shopping centre. It will alleviate pressure from Chandlers Hill Road and South Road but, as I have pointed out in this House previously, in doing that it will add pressure (and has already done so) to Flagstaff Road. This is why the reverse flow lane option operating on this road is significant to the traffic flow of the area.

I would like to pay tribute to a few people for their foresight in listing Happy Valley Drive on the ABRD program. My first tribute is to my colleague the member for Hayward, who was formerly the member for this area. I am

aware that she lobbied and harassed the former Minister of Transport and the Premier. It should be noted that the member for Spence—the former Minister, who is present in the Chamber—not only listed this road on the program but personally saw to it that it was extended from Manning Road to Chandlers Hill Road.

I would also like to acknowledge the enthusiastic support received from the Happy Valley council. Indeed, a lot of the design and preconstruction work was carried out by council officers. Finally, but by no means least, I would like to place on record my appreciation of the workers, those trade unionists who carried out the construction of the road. At this morning's ceremony I was delighted to see that the Highways Department had invited children from the Happy Valley Primary School to plant trees along the western side of the road adjacent to Windebanks Road. I thank the school, particularly the principal, Graham Wasley, for its participation. I am sure that as these children grow up and drive along this road in years to come they will see with great delight the trees that they planted in celebration of the opening of this road mature and grow. I might add that about 30 children from the Happy Valley Primary School had to stand during three speeches in weather that was less than kind. However, they were extremely well behaved and that is a great credit to them, their parents and the school.

Happy Valley Drive is a significant road in the road network of the southern area. It is one of many programs that the State Government has commenced. In the next few years we will see rapid developments around the Morphett Vale East area, but of course with that will come more pressure on our road system. I am aware of the support of the Minister of Transport for obtaining from the Commonwealth funds so that the third arterial road can be constructed. I am also aware that Panalatinga Road, another major road that will serve the Woodcroft area, will need substantial upgrading. A lot of the predesign and engineering work is well and truly under way. Preconstruction and design work is also being carried out by the Highways Department on Flagstaff Road. Like most of my constitutents, I look forward to the development and completion of these important road projects. Of course, substantial amounts of money have been allocated from this year's budget for the upgrading of South Road.

The ACTING SPEAKER (Mr Duigan): Order! The honourable member's time has expired.

Motion carried.

At 4.55 p.m the House adjourned until Thursday 17 November at 11 a.m.