HOUSE OF ASSEMBLY

Wednesday 30 November 1988

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

QUESTIONS

The SPEAKER: I direct that the written answer to question No. 108 on the Notice Paper be distributed and printed in *Hansard*; and I direct that the following answer to a question without notice and questions asked during the Estimates Committees be distributed and printed in *Hansard*.

ASER CONTRACTS

In reply to **Mr S.J. BAKER (Mitcham)** 2 November.

The Hon. J.C. BANNON: I am advised that some subcontractors to SABEMO have made claims against SABEMO in respect of work on the Hyatt Hotel that are disputed by SABEMO. Such disputes are not uncommon in the building industry. The subcontractors have various contractual and legal mechanisms by which to press their claims, and will doubtless do so. These are normal commercial transactions not involving the Government. Indeed I understand that some of the matters in dispute are currently before the courts.

TRADE MISSION
(Estimates Committee A)

In reply to **Mr OLSEN (Leader of the Opposition)** 13 September.

The Hon. J.C. BANNON: In reply to the questions raised by the Leader of the Opposition regarding my South Australian Trade and Investment Mission to Sweden, FR Germany and the United Kingdom, I outline my itinerary and a list of those people who comprised the mission.

SOUTH AUSTRALIAN TRADE AND INVESTMENT MISSION TO SWEDEN

Participants	Products/Services
Dr B. Hickman, Managing Director, AMDEL	Mining and analytical services
Mr D. Redfern, Managing Director, Austek Microsystems	Computer chips
Mr H. Trewartha, General Manager, BHP Long Products Division	Head hardening technology
Mr N. Martin, Senior Partner, Baker O'Loughlin	Legal services
Mr T. Anderson, Managing Director, British Aerospace Australia	Electronics, defence
Mr S. Lundgren, Managing Director, Celtainer Pty Ltd	Transport equipment
Mr Neville Wills, Partner, Deloitte Haskins & Sells	Foreign trade services
Rod and Sandra Martin, Managing Directors, Era Publications	Children's books
Mr W.F. Scammell, Chairman, F.H. Faulding & Co. Ltd	Pharmaceuticals
Mr M. Astley, Senior Partner, Finlaysons	Legal services
Mr Malcolm Harvey, Executive Director, G. & J. Hines Pty Ltd	Agricultural commodity traders
Mr Bernard von Schenck, Managing Director, Kockums Pacific Pty Ltd	Joint venture opportunities
Dr D. Parbery, General Manager, Luminis Pty Ltd	Technology transfers
Mr G. Watson, Managing Director, Micro Byte Systems and Mr Paul Bayliss, Export Manager	Computer hardware
Mr K. Gilbert, General Manager, Onkaparinga Woollen Company Ltd	Textiles
Mr D. Seaton, Hon. Swedish Consul, c/o Peat Marwick Hungerfords	Accounting, management, consultancy services
Mr R. Hosking, Mayor, Mr C.K. Beamish, Town Clerk/Chief Executive Officer, The Corporation of the City of Port Adelaide	Sister city arrangement
Mr C. Jones, Manager European Office, Raptis Pacific Seafoods	Seafoods
Mr S. Mercorella, Managing Director, Sam Mercorella Pty Ltd	Fresh vegetables and fruit
Mr Roger White, Assistant Director, Commercial Division, Woods and Forests Department	Forestry technology

OFFICIALS ACCOMPANYING THE PREMIER AND MISSION MEMBERS TO SWEDEN

Mr Rod Hartley
Director for State Development and Technology
Department of State Development and Technology
Mr Bert Prowse
Under Treasurer
Treasury Department
Ms Sandra Eccles
Deputy Director
Department of State Development and Technology
Mr Hugh McClelland
Director, Trade Development
Department of State Development and Technology
Mr Paul Woodland
Economic Adviser to the Premier
Mr Chris Willis
Press Secretary to the Premier

PREMIER'S OVERSEAS VISIT
ITINERY AND PROGRAM

Saturday, 15 October
Depart Adelaide for Frankfurt
Monday, 17 October
Meetings with:
Commerzbank AG
Dresdner Bank AG
Deutsche Bank
Courtesy calls—
Dr Walter Wallman, Premier of the State of Hesse
Dr Wolfgang Gerhardt, Deputy Premier

Address dinner hosted by Deutsche Australische Gesellschaft (DAG)
Tuesday, 18 October
Frankfurt to Munich
Factory tour of BMW Regensburg
Discussion with BMW managers
Return to Munich
Lunch—Hosted by Acting Minister President and Finance Minister, Dr Max Streib, Bavarian Government
Briefing of German businessmen, followed by dinner at Bayerischer Hof Hotel
Wednesday, 19 October
Munich to London
Meeting with STC
Host and address Business Leaders Lunch—Claridges Hotel
Meeting with Dalgety PLC
Meeting—Bernie Ecclestone, President, Formula One Constructors Association
Courtesy Call—The Rt Hon. Lord Young of Graffham, Secretary of State for Trade and Industry
Dinner—High Commissioner's Residence
Hosted by HE Mr Doug McClelland AC
Australian High Commissioner, London
Thursday, 20 October
Business meeting—State Bank of South Australia
Press interviews—South Australia House
Courtesy Call—The Rt Hon. Neil Kinnock, Leader of the Opposition
Address Lunch—Baring Bros PLC. Hosted by Andrew Tuckey, Managing Director
Courtesy Call—Rt Hon. Margaret Thatcher, Prime Minister
Host and address wine promotion
Address Dinner—Hosted by Mr J. C. Keswick, Chairman, Hambros Bank Ltd
Friday, 21 October
Business meetings
Standard Wool
British Aerospace PLC
The Plessey Company PLC
Dowty Group PLC
Ferranti Computer Systems PLC
Address Lunch—Hosted by Michael Johnson, President, Australian Business in Europe
Launch—Warwick Lumbers, Gliderol Pty Ltd
Briefing: '1992—Europe A Single Market'
Sunday, 23 October
London-Stockholm
Monday, 24 October
Business meeting—Mr Roine Carlsson, Swedish Minister of Defence
Business meeting—Federation of Swedish Industries
Briefing of Mission members—
Mr Harald Scholz, Austrade
Mr Tell Hermanson, Stockholm Chamber of Commerce
Mr Borje Risinggard, Federation of Swedish Wholesalers and Importers
Lunch with Directors, Central and South-East Routes, Scandinavian Airline Systems
Business meetings:
SAIT Communications AB
Philips Elekronikindustrier AB
Tuesday, 25 October
Business meetings:
Kooperativa Forbundet (KF)
PK Banken
Swedish Wine and Spirits Corporation
Lunch—Hosted by HE Mr Ian Nicholson, Australian Ambassador, Sweden
Courtesy Call—Ivar Norbert, Swedish Minister for Industry
Seminar and Dinner—Skandinaviska Enskilda Banken
Wednesday, 26 October
Stockholm to Gothenberg
Inspection/briefing—AB Volvo Penta
Inspection/business meeting—SAAB/SCANIA
Business meeting—Ericsson Radar Electronics AB, Surface Sensors Division
Gothenburg to Stockholm
Dinner—Hosted by Peter Wallenberg, First Deputy Chairman of Stockholm Board, SE Banken
Thursday, 27 October
Stockholm to Malmo
Inspection/briefing—Ideon Technology Park, Lund
Signing ceremony, Malmo-Port Adelaide Sister City Agreement
Kockums inspection and meeting
Seminar and Dinner—Chamber of Commerce of Southern Sweden, Malmo
Friday, 28 October
Malmo to Stockholm
Award Ceremony and Dinner—Stockholm Concert Hall—Royal Swedish Academy of Engineering Science in presence of H.M. The King
Saturday, 29 October
Return to Adelaide

SICK LEAVE

(Estimates Committee A)

In reply to **Mr OLSEN (Leader of the Opposition)** 13 September.

The Hon. J.C. BANNON: The following information is provided in response to the Leader's question concerning sick leave taken by employees in departments and agencies within my area of responsibility (for the last financial year):

Department of the Premier and Cabinet
Total sick leave taken during 1987-88—522 days
Days not covered by medical certificate—242 days
Mondays, Fridays or either side of public holidays not covered by a medical certificate—110 days
Treasury Department
Total sick leave taken during 1987-88—2 322 days
Days not covered by medical certificate—1 220 days
Mondays, Fridays or either side of public holidays not covered by a medical certificate—507 days
Department for the Arts
Total sick leave taken during 1987-88—1 023 days
Days not covered by medical certificate—628 days
Mondays, Fridays or either side of public holidays not covered by a medical certificate—266 days
Australian Formula One Grand Prix Office
Total sick leave taken during 1987-88—52 days
Days not covered by medical certificate—16 days
Mondays, Fridays or either side of public holidays not covered by a medical certificate—6 days
Office of the Government Management Board
Total sick leave taken during 1987-88—191.5 days
Days not covered by medical certificate—129 days
Mondays, Fridays or either side of public holidays not covered by a medical certificate—65 days.

REGISTRATION PLATES

(Estimates Committee A)

In reply to **Mr OLSEN (Leader of the Opposition)** 13 September.

The Hon. J.C. BANNON: The following information is provided in reply to the Leader's question concerning the number of cars fitted with private registration plates in departments and agencies within my area of responsibility:

Department of the Premier and Cabinet
One.
Treasury Department
One.
Department for the Arts
Nil.
Australian Formula One Grand Prix Board
The Australian Formula One Grand Prix Board has three vehicles available to employees for travel between work and home, which are fitted with special series grand prix number plates.
Office of the Govenment Management Board
Nil.

GOVERNMENT RESEARCH PROGRAMS

(Estimates Committee A)

In reply to **Hon. B.C EASTICK (Light)** and **Mr OLSEN (Leader of the Opposition)** 13 September.

The Hon J.C. BANNON:

Under program 8 various committees of inquiry expenses, the following major items were incurred in 1987-88:

	$
• Superannuation task force	23 103
• Japanese investment proposals	23 287
• Aboriginal affairs projects	21 843
• Government research program	195 250
• Miscellaneous	4 431

A major aim of the Government research program is to consolidate the research activities of various agencies. It is hoped that by doing so more effective research will result at a lower overall cost. In 1987-88 survey research was carried out in conjunction with the Department of Environment and Planning, the Police Department and the Department of Education. All costs were as per the original tender proposal.

In 1988-89 a study based on a number of issues identified by the Department of State Development and Technology will be undertaken, however, at this stage a full program of research has not been decided on.

In addition, all agencies have been requested to identify areas in which they believe survey research would be appropriate and useful. These proposals are currently being reviewed. The proposals put forward to the Australian Bureau of Statistics for consideration for the 1989 State Supplementary Survey are also being assessed to ascertain whether they might be more appropriately dealt with under this program.

MOUNT REMARKABLE BUSHFIRES

(Estimates Committee A)

In reply to **Mr GUNN (Eyre)** 23 September.

The Hon. J.H.C. KLUNDER: The following fire prevention activities have been completed in the Mount Remarkable area:

All tracks cleared and negotiable.

Where appropriate, tracks sprayed with herbicide or slashed to reduce fuels.

Improvement of fire appliances by conversion to diesel engines.

New fire pump on one major fire appliance.

Upgrading of fuel systems to pumps on major fire appliances to ensure vapourisation does not occur.

The commencement of a fire prevention plan for the district with meetings being held between representatives of the District Council of Mount Remarkable, the Woods and Forests Department, the National Parks and Wildlife Service and the Country Fire Services.

The attendance at a fire management team course by the District Forester; this course was also attended by personnel from the Country Fire Services and the National Parks and Wildlife Service.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Emergency Services (Hon. D.J. Hopgood)—

Commissioner of Police—Report, 1987-88.

MINISTERIAL STATEMENT: HON. C.J. SUMNER

The Hon. J.C. BANNON (Premier): I seek leave to make a statement.

Leave granted.

The Hon. J.C. BANNON: I refer members to my statement of 15 November in the House concerning the absence from official duties of the Attorney-General. I am pleased to inform the House that the Attorney-General intends to resume official duties next Monday 5 December. In preparation, the Attorney-General tomorrow will attend the meeting of the Standing Committee of Attorneys-General and the Council of Ministers of Corporate Affairs in Canberra.

MINISTERIAL STATEMENT: WEST TERRACE CEMETERY

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): I seek leave to make a statement.

Leave granted.

The Hon. T.H. HEMMINGS: Yesterday in the House I was asked a question by the member for Victoria regarding an alleged lack of protection for workers at the West Terrace Cemetery, and an alleged breach of burial regulations. These were serious allegations, both from a work safety point of view and because of the disturbing effect such allegations could have on members of the community who have relatives or friends buried at the cemetery.

I wish to assure the House that workers at the West Terrace Cemetery are working under normal cemetery practices. They are issued with comprehensive safety clothing, and have access to shower facilities. The Department of Housing and Construction is currently introducing grave trench shoring methods.

It is important that the House understands that the Opposition claims of risk of exposure to disease of cemetery workers relates to the allegation that bodies with flesh still attached are being dug up at the West Terrace Cemetery. This allegation was made in both Houses yesterday. However, there is not one instance that my officers can find where bodies with flesh still attached have been exposed at the West Terrace Cemetery. This was a false allegation, and the more serious for its unnecessary and potentially cruel impact on those in the community with loved ones buried at West Terrace.

I should point out that Health Commission advice to my office has reaffirmed that bodies with flesh still attached are most unlikely to present a risk to humans with respect to infection from diseases such as AIDS or hepatitis, but I restate—no bodies with flesh have been exposed at West Terrace Cemetery. Of course, exhumations are a different matter, and are handled differently. Bodies exhumed at the request of families or for official reasons often involve exposing full bodily remains. Exhumations are attended by health and law officials.

The different practice of lifting the remains of a body and deepening the grave to allowed the interment of another relative is provided for by regulations, and is carried out only at the request of the buried person's family. The regulations allow reopenings of graves only after a certain period of time which is determined by the age of the person at burial. Since January 1987, 26 'lifts and deepens' have taken place at West Terrace. One of the most recent of these involves a grave that was 16 years old.

I believe that it is this case that the Opposition is referring to when it alleges that a body was exposed with flesh still attached to it. There is no truth whatsoever in that allegation. The allegations raised in both Houses of Parliament yesterday relating to burial practices at the West Terrace Cemetery have unnecessarily disturbed the minds of those in the community with relatives or friends buried at that cemetery. West Terrace Cemetery is operating under supervision from the Department of Housing and Construction

and proper burial practices ensue. Supervision at the cemetery has actually increased over recent months with the commencement of a conservation study to determine the future of the cemetery.

QUESTION TIME

CORRUPTION ALLEGATIONS

Mr OLSEN (Leader of the Opposition): Will the Minister of Emergency Services now admit that suspected corruption and other criminal activities in South Australia to be investigated by the National Crime Authority are now much more serious than the Government previously has admitted? On 17 August the Minister was asked how many people were to be further investigated following the NCA's report to the Government. He replied, 'Not many.' On 12 October the Premier told the House that the *Page One* television program had not published 'very much new material.' On 1 November the Deputy Premier told the House:

> That substantially what is in the allegations made by Mr X has been known to the South Australian Police for some considerable time.

However, the facts disclosed yesterday or late last night that 56 people are to be investigated by the NCA, and that those investigations will cover allegations made by *Page One* and Mr X, despite previous attempts by the Government to downplay them, suggest a network of corruption in South Australia and criminal activities wider than the Government has previously been prepared to admit.

The Hon. D.J. HOPGOOD: I thank the honourable member for his dorothy dixer. If he had not asked it I would have asked someone from my side to ask almost precisely the same question. I do not retract from any of the statements that I have made.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Will the Deputy Premier resume his seat for a moment. The question was heard in courtesy, and the Chair is of the view that the reply should be heard with the same courtesy.

The Hon. D.J. HOPGOOD: There is no need for me to retract any statement that I have made in this House about this matter, nor would the Premier want to retract any statement that he made about this matter. It seems that the person who was once Minister responsible for the Police in this State does not understand or cannot come to grips with a very simple document indeed. What the Opposition is doing here is playing 'tails you lose, heads we win', or again the Opposition cannot get its act together, just as it cannot get its act together on the Wilpena matter.

The plain fact of the matter is this: if we had omitted from the reference any of those matters to which the honourable member refers, he would now be in his place asking us why we are nobbling the NCA, why we are preventing it from investigating—

Mr Olsen interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: —matters that might possibly come within its purview. To make it worse, not only does the honourable member not understand this, but clearly his legal affairs spokesman in another place does not understand it, in view of the way that he contradicted himself this morning.

Members interjecting:

The Hon. D.J. HOPGOOD: Perhaps he understands too well and wants to misrepresent it, yes, that is right. The fact of the matter is this: we have agreed with the NCA that the terms of reference should be as broad as possible so as to ensure that there are no impediments to the investigation taking place, and that is perfectly proper. In order to avoid the accusation that in doing so the thing has no depth—it has breadth, but no depth—we have also agreed to a list of names of people who have been referred to in various documents, and we believe that it is responsible that those people should be investigated.

I cannot know whether all or any of the 56 people have had behaviour that suggests that they should eventually be placed before the courts but, given that they have been mentioned in some context or other in relation to the various documents that have come before us, especially the early NCA report which we requested and which was made available to members of this House, it seems that that is clearly the way to go. I am blowed if I know how one can talk about lack of resolve in the light of all that we have now done and all the work of the Attorney-General to ensure that there would be unanimous support from all the jurisdictions in this country for the NCA reference. At every stage this Parliament has been kept fully informed of what has been going on.

Members interjecting:

The Hon. D.J. HOPGOOD: The honourable member need only refer to *Hansard* to see the number of statements that I have made in this House about this matter. Indeed, my statement of 16 August this year openly canvassed those issues. During the course of that statement I tabled extracts from the NCA report for the information of members. If the Leader thinks that the rest of that report should have been tabled, let him stand up and say so, but I do not think that he really believes that or that, had he been in my position, he would have tabled the rest of that report. So, how can he say that in any way I have misled the Parliament or that we have sought in any way to bury any of the contents?

The Hon. J.C. Bannon: On the contrary—he was totally satisfied with the report that he received.

The Hon. D.J. HOPGOOD: Of course he was totally satisfied with the report that he received. The terms of reference for the NCA, which I tabled yesterday, have been deliberately drafted to provide sufficient scope for the NCA to investigate a broad range of matters and allegations that remain unresolved. I think that Mr Griffin and the Leader of the Opposition should recognise that. They have occupied so many positions on this matter that I should not be surprised if tomorrow there is another position occupied by the Opposition.

AFTER-SCHOOL CHILD-CARE

Ms GAYLER (Newland): My question is directed to the Minister of Children's Services.

Members interjecting:

The SPEAKER: Order! The honourable member for Newland will resume her seat. It is highly disorderly for the honourable Premier and the honourable the Leader of the Opposition to conduct a dialogue across the Chamber while most of us are trying to hear the question from the honourable member for Newland, and for the honourable Leader of the Opposition then to chortle loudly and thereby disrupt the question is even more disorderly. The honourable member for Newland.

Ms GAYLER: Can the Minister of Children's Services say whether he would support, in principle, a new approach to after-school child-care being considered by the Tea Tree

Gully council and whether he would negotiate with the Commonwealth Government to change its guidelines for out of school hours care to allow such a cooperative scheme amongst various schools? Tea Tree Gully council has recognised the big demand from local families for out of school hours care at local schools. In the Tea Tree Gully area, four such schemes are under way and three more are scheduled to start in 1989.

At other schools, parent meetings have expressed the need to reduce problems of 'latch key' children, particularly in outer suburbs where parents may not be home from work until 6 p.m. Because limited money is available, some schemes are totally parent funded while others are part parent funded. The council suggests that a cooperative involving each school-based scheme be set up to spread the available funding and greatly expand the number of places for young children.

The SPEAKER: Order! We presume that there is enough left for the Minister to answer, the explanation being somewhat excessive. The honourable Minister of Children's Services.

The Hon. G.J. CRAFTER: I thank the honourable member for her question and her interest in the area of children's services. I congratulate the Tea Tree Gully council and indeed the Tea Tree Family Support Services Group for their creative approach to the provision of children's services in this way. As I understand it, the out of school hours care cooperative to which the honourable member referred proposes to distribute some 60 funded out of school hours care places that are currently sponsored in two locations in a number of after school hours care programs in the Tea Tree Gully area. This is a creative and new approach. I welcome it and give it my support.

This State hopes to receive a substantial number of new places at the end of the current Commonwealth-State agreement with respect to the provision of a variety of children's services programs. That new Commonwealth initiated program will commence at the end of the current financial year. Hopefully, with those new places, services such as that to which the honourable member referred will be further enhanced. However, we need to recognise that even with that fillip from the Commonwealth Government and that which we have received in the past we will still not meet the very substantial unmet need that there is in our community for children's services programs, particularly after school hours care programs.

I can advise the honourable member, and indeed all members, that the Children's Services Office is the responsible administrative body in this State for children's services. It supports the proposal on the condition that the current sponsors are willing to participate in this cooperative venture. The Children's Services Office will make representations to the Commonwealth Department of Community Services and Health regarding the proposal with a view to overcoming the restraints to which the honourable member referred in her question. Once again I reiterate my support for this very creative initiative at the local level to provide very important services to our community.

NATIONAL CRIME AUTHORITY INVESTIGATIONS

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): My question is addressed to the Minister of Emergency Services. Who compiled and agreed to the list of 56 people that the NCA are to investigate? Without identifying any particular person, will the Minister say whether any current or past member of the South Australian Parliament, any member of the Federal Parliament, or any member of any other Parliament of Australia is included on that list?

Members interjecting:

The SPEAKER: Order! I ask the House to come to order. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: The list was agreed between the Commonwealth Attorney-General, the NCA Chairman and me as Minister of Emergency Services. The honourable member should know that about a week ago, because of Mr Sumner's illness, arrangements were made for me to take over his role as the South Australian member on the intergovernmental committee. I have to say again that I will not play this silly game of 20 questions. However, I think it is important that I nail this one right at the very beginning. So, if anybody else gets up and asks me how many land agents, bankers, trade unionists, police officers, or whatever are on the list, I will simply say that I am not prepared to play that game. But, I am prepared to say that there are no present or past parliamentarians on the list.

Members interjecting:

The SPEAKER: Order! We do not want to get into the area of any type of naming. The honourable member for Hartley.

EDUCATION SERVICES

Mr GROOM (Hartley): Will the Minister of State Development and Technology report on the progress that South Australian educational institutions are making in selling their education services in South-East and eastern Asia?

The Hon. L.M.F. ARNOLD: I thank the honourable member for his question. Significant achievements are being made in the education services arena. Having just visited a number of institutions in Hong Kong and Malaysia I can attest to the significant regard that is held in both those places for South Australia's educational institutions. In fact, in Hong Kong we have taken part in what is a first for any country, State or province in the world. At the Adelaide College of TAFE last week I formally launched a twinning agreement with the Caritas Centre for Continuing Education for the offering of an associate diploma in accounting that will be accredited as a professional qualification entitling membership of the relevant professional association in Australia. It will also provide for credit transfer arrangements into the South Australian College of Advanced Education for a degree level award in business studies.

That is not only the first such twinning with a TAFE-type course in the Caritas Centre for Continuing Education but the first such twinning of a TAFE-type course with any Hong Kong institution. It is a credit to those involved in Hong Kong and South Australia that we have been able to achieve what is a first for that very competitive educational market. Particularly we acknowledge the work of Mr Dominic Lo, Educational Adviser in Hong Kong, and the former Director-General of TAFE, Lyall Fricker, who both played pioneering roles in this regard.

Presently, 70 students are involved in that, and we expect that that number will grow to 150 in the next year or so. They have been having correspondence tutorials, but a television lecture will be given in Adelaide on 16 December, and that will be transmitted by satellite to the students gathered in Hong Kong who will be in telephone communication with the lecturer here in Adelaide so that they can ask questions during the lecture. Again, that will be a first for the Hong Kong educational market and it is a South

Australian educational institution—namely, the Adelaide College of TAFE—that has done it. The staff of that college are to be fully commended for the enthusiasm and dedication with which they have gone about this.

Similarly, the Hong Kong Baptist College, which is a public sector higher education institution, announced while I was there that it was offering short-term post-certificate courses for nurses to be held in January and to be run by the South Australian College of Advanced Education. That also indicates the growing opportunities in a number of areas, including nursing, in years to come.

In Penang, Malaysia, the DISTED College has an agreement with the Adelaide College of TAFE regarding the provision of matriculation-level studies for 54 students. They look to triple that number in the next two years. That program is a twinned arrangement with the Adelaide College of TAFE and is said to be one of the most successful of its kind in Malaysia. Likewise, the University Sains Malaysia has entered into a twinning arrangement with Flinders University and Adelaide University for medicine and dentistry places. These initiatives indicate the significant progress that South Australian educational institutions are making in what are very competitive markets indeed.

There are some areas of concern in the export of educational services and they, too, were addressed during meetings I held in both Hong Kong and Malaysia. I indicate that some serious concern is felt in Malaysia with respect to the ITM program, the Institute of Technology Mara program. My presence there was very worthwhile to help clear the air concerning significant misconceptions about what this State's education system offers. I was able to give a guarantee that students from Malaysia are treated fairly, along with students of this country, in applications to higher education institutions.

NATIONAL CRIME AUTHORITY INVESTIGATIONS

The Hon. J.L. CASHMORE (Coles): My question is directed to the Minister of Emergency Services. Following his revelation yesterday that a highly qualified and experienced barrister has been approached to become an additional member of the NCA who will conduct investigations and hold hearings in South Australia, will the Minister say who initially recommended this person, was it the South Australian Government, the NCA or the Inter-governmental Committee, and can the Minister give an assurance that this person will not be a South Australian?

The Hon. D.J. HOPGOOD: I wonder where the honourable member has been. I have already stated publicly that the person nominated is not a South Australian. That has all been said—

Members interjecting:

The Hon. D. J. HOPGOOD: That was not a revelation—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: It was a piece of information, not a revelation. Here is another piece of information: the nomination of the individual concerned was from Mr Justice Stewart. If the honourable member wants me to describe exactly where I was at the time, what time it was and the date, I can give all that information. I think it is irrelevant to the question, but I can give all that information to a high degree of accuracy. So, let us just go over it again so that we have it absolutely right. There is a barrister who has been nominated for the position. It has been agreed—

Members interjecting:

The Hon. D.J. HOPGOOD: I have said it once and I will say it again. A barrister has been nominated for the position. I think it is inappropriate at this stage that I say who it is, because the Commonwealth Parliament has yet to pass the legislation, and therefore if for some reason that should not be passed and that person had been named it would be embarrassing for that person's employer if the name had been given. That is the first point. The second point is 'No, it is not a person from South Australia.' The third point is that the suggestion was made to me by Mr Justice Stewart at a time and place that I can very vividly recall. If the honourable member or the next questioner from the other side wants to ask a question in that regard, perhaps I can give that information.

RESEARCH FUNDING

Mr TYLER (Fisher): Will the Minister of Employment and Further Education say how South Australia has fared in the latest distribution of research funding of higher education by the Australian Research Council?

The Hon. L.M.F. ARNOLD: I am pleased to announce that comparatively South Australia has done very well from the Australian Research Council's funding of higher education. The council approved funding for 1 785 projects nationally, and of those 232 are in this State—representing 13 per cent of the total. That is in terms of the number of projects. In terms of the actual funding involved in those 1 785 projects, it is $52.1 million, and of that South Australian institutions will receive $6.6 million, or 12.7 per cent of the total. Of course, both that figure and that relating to the number of projects funded are ahead in relation to our share of the national population. Of the funds to South Australia, 62 per cent will go to the Adelaide University and just under 32 per cent to Flinders University, with the balance of some 6 per cent going to other higher education institutions in this State. In addition, a further $7 million has been made available for the funding of special research centres and key centres of teaching and research.

In South Australia we have two special research centres—the Centre for Gene Technology at Adelaide University and the Electronic Structure of Materials Centre at Flinders University. In addition, there are three key centres for teaching and research, including the dryland farming and land use systems at Roseworthy College, the Centre for Advanced Study in Petroleum Geology at Adelaide University, and the Centre for Aboriginal Studies and Education at the South Australian College of Advanced Education.

That indicates the strong work of higher education institutions in this State and the success that they have had to date in gaining research funding. Of course, it makes even more imperative that the question of tertiary education restructuring be addressed correctly so that we maintain that momentum and so that we will see South Australian institutions getting more than our population share of the research funds available in the years ahead.

Mr ROCCO SERGI

The Hon. B.C. EASTICK (Light): I direct my question to the Acting Attorney-General. Is the Crown instituting an appeal against the sentence imposed on Rocco Sergi for his involvement in the Penfield marijuana crop, and is the Acting Attorney-General giving instructions to Crown counsel on the length of sentences which should be sought for the other three men who have pleaded guilty to charges relating to this matter? Sergi's sentence of six years, with a four-year non-parole period, means that he could be out in two years and eight months. On 29 September the Opposition called on the Attorney-General to review the sentence

on the grounds of its apparent leniency. The Attorney-General told another place on 12 October that he would seek the Acting Crown Prosecutor's views on the matter and advise Parliament when a decision had been made. However, no subsequent advice has been given to Parliament on this matter. In relation to the three men still awaiting sentence, the Crown Prosecutor, Mr M. David, QC, has told the Supreme Court that the crop has been an 'enormous enterprise', suggesting that the Crown will be seeking severe sentences.

The Hon. G.J. CRAFTER: Obviously the Crown is advancing to the court appropriate sentences for the offences now proved by the court to have been committed. A report will be made to the Parliament at the appropriate time, as was promised in another place. The matter of sentencing is currently before the Supreme Court, and I think that it is inappropriate to canvass these matters in this way at this time. The appropriate steps are being taken.

RADAR DETECTION DEVICES

Mr RANN (Briggs): Is the Minister of Transport concerned about the impact on road safety in South Australia of a ruling in a Victorian County Court which has overturned the outlawing of radar detectors under the Victorian Road Safety Act, which the judge concerned described as 'unconstitutional'? It has been reported that the decision last week of Judge Keon Cohen has cleared the way for speeding motorists and truck drivers to legally use radar detectors as an early warning device against police radar traps. It has been claimed that the judge's decision has also opened the door for possibly thousands of drivers convicted of using radar detection devices to claim compensation and the return of their confiscated devices. The acting head of Victoria's Police Traffic Department was reported as saying at the weekend that there was no doubt that this decision would have a significant impact on traffic policing in that State.

The Hon. G.F. KENEALLY: I am aware of the decision brought down in the Melbourne County Court by Judge Keon Cohen. I have not yet had the opportunity to read the judgment, but I am most anxious to do so, because I am very concerned about the implications of such a judgment. I understand that the judgment will be appealed, and I hope that the appeal will be upheld. The comments by the senior police officer in Victoria—that such a judgment would open the gate for speeding and, through speeding, dangerous behaviour on our roads, putting road users at risk—is quite correct. The only reason why people would have a radar detector, in my view, is that they wished to break the law, to exceed the speed limit. There would be no other reason why a law abiding motorist would want a radar detector.

I have heard a number of reasons advanced for wanting to have a radar detector, but the underlying reason quite clearly, as all members would understand, is to avoid radar and thus to break the speed limit without fear of detection. That puts all road users at risk. Speed—with drinking—is the major cause of road trauma. Speed alone is a significant cause of road trauma. So, I will be talking to my colleague the Attorney-General, who would advise me on matters dealing with penalties, but suffice to say that, as Minister responsible for road safety in South Australia, I am most concerned about the judgment. I hope that it is appealed and that the appeal is successful. In South Australia we are looking very closely at introducing legislation that will prohibit the use of radar detectors. However, of course, we must await the decision of any appeal action that is taken in Victoria.

WEST TERRACE CEMETERY

Mr D.S. BAKER (Victoria): Will the Minister of Housing and Construction confirm that he has received written representations within the past five weeks from the private funeral industry expressing serious concern about certain practices at the West Terrace Cemetery, and will he say whether he gave permission for the opening of a vault at the cemetery, contrary to all regulations governing the cemetery? Despite the Minister's statement this afternoon, the Opposition has evidence that there is serious concern about certain practices at the cemetery. The Minister has received written representations within the past five weeks, and I refer to a letter dated 25 October he received from a company of funeral directors, calling for an urgent investigation of one particular burial.

On a recent visit to the cemetery, a member of another place, Mr Stefani, was informed that, within the past 12 months, the superintendent had been charged with certain offences in relation to malpractice in his employment and had been replaced. Through inspecting the register of burials at the cemetery, Mr Stefani also confirmed that a vault at one grave site recently had been opened, contrary to all regulations. The fact that this had occurred is shown through the entry of a lift and deepen charge on the register to allow a second body to be buried on this site. This was achieved through removing the first body from the vault and breaking up the concrete floor. Mr Stefani asked cemetery staff why this unlawful act had taken place and was referred to the Minister.

The Hon. T.H. HEMMINGS: The member for Victoria has been remarkably coy, inasmuch as he started off his question by asking whether I had received representations from the private funeral directors, and then led into a series of other matters in his explanation. With due respect (in case any member of this place stands up and defends the honour and integrity of the member for the other place if I start to be mildly critical of him), Mr Stefani raised a series of allegations yesterday which were repeated in this Chamber by the member for Victoria and which talked about coffins being lifted from West Terrace Cemetery with flesh still adhering to the bone. I will later give the reason why they came to that conclusion, but the basis of that type of questioning was that, to use their term, it would be in the public interest, as everyone likes a ghoulish story.

Members interjecting:

The Hon. T.H. HEMMINGS: You will get the truth: the member for Light will get the truth. I can assure the member for Light, who is very good at going down the sewers himself, that he will get the truth. The point is that Mr Stefani went down to West Terrace Cemetery in relation to the letter to which the member for Victoria has just referred. Unfortunately, Mr Stefani, being a new member of Parliament and not really experienced, fell for the all time card trick, in that some workers there from my department who, unfortunately for him, are employed at the cemetery had a lend of him, and he fell for it hook, line and sinker. It was a typical story—the grave diggers' story, and they can tell everything. The Hon. Mr Stefani, they tell me, left the cemetery looking rather green, and came in and prepared the question. What surprised me is that the member for Victoria fell for it. I would have thought that the honourable member would pass all his questions over to Ren DeGaris to have a look at before he puts up anything in this House.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

Mr D.S. Baker: Get up! Come on, get up!

The SPEAKER: Order! The Minister will resume his seat.

Members interjecting:

The SPEAKER: Order! I make clear to the member for Victoria that any instructions given in here to the honourable Minister will come from the Chair and not from the member for Victoria. The honourable Minister.

The Hon. T.H. HEMMINGS: May I remind the member for Victoria that he will never make the leadership if he acts like that. We have now established why Mr Stefani went down to West Terrace Cemetery. Unfortunately, he was conned by a couple of my workers, who I assure the House have been reprimanded, because they must treat members of Parliament with respect (and I have told them that quite seriously). I hope Mr DeGaris tells the member for Victoria that as well. The member for Victoria's story about flesh hanging on the bones has all the media very excited, and I understand that the media want to hear more about it. We then go into the case of the superintendent who has been charged, but there is no secret about that: it was reported in the paper. In fact, I pay a tribute to the shadow spokesman on housing and construction, the member for Hanson, who has been well aware of this problem. He is well aware of the way that the Government is pursuing problems at West Terrace concerning fraud. This Government will not be party to any misuse—

Members interjecting:

The Hon. T.H. HEMMINGS: Quite rightly, the case has been before the courts; it is now on appeal and, as I understand from my colleague that the matter is *sub judice*, I will mention no more about it. However, the police are conducting further investigations in connection with West Terrace Cemetery and when they are finished I shall be only too pleased to refer the House to the relevant court case. As to the letter I received from one funeral director, if the House wishes I will relay to it details of the name of the deceased, the name of the person who was related—

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: —to the deceased, the terms of the lease and the mistakes made by West Terrace Cemetery. However, I do not believe that members with any sense of decency and integrity would wish me to do so.

Members interjecting:

The SPEAKER: Order! I call the House to order. The Minister will resume his seat. The Minister has been asked a question which covers a wide range of matters.

The Hon. H. Allison: This is a very serious undertaking!

The SPEAKER: Order! In view of the fact that the Chair has resisted the temptation to make remarks of that nature, I ask the member for Mount Gambier also to resist the temptation. The honourable Minister.

The Hon. T.H. HEMMINGS: I remind members opposite that I did not raise this matter—the member for Victoria did. The fact is that only a few members—the usual ones who wish to go down the sewer track—have said that I should reveal names. I shall give the details to the House. The correspondence is rather lengthy, and I hope that members will appreciate that. A letter, dated 25 October 1988, which I received from Blackwell Funerals states:

Dear Sir,

I write on behalf of our company to express serious concern over an incident last week at the West Terrace Cemetery. If we interpret the existing regulations correctly, no-one may be buried in West Terrace unless certain circumstances apply or otherwise at your discretion.

On Wednesday of last week (19 October 1988) the family of the late Mr ... who died that day, commissioned our company to carry out the funeral. At the family's request we went to their home to find that a burial in a certain grave at the West Terrace Cemetery was intended and after searching our records we determined that the previous burial (carried out by our company in 1972) was to ordinary depth and also in a bricked vault, prepared for one burial only. In view of the fact that the person in the existing grave was the father of the deceased and as he was buried in a single vault the family were advised that they should consider another cemetery. The family requested that we leave their home and to return later after they had time to think these matters over. A short time later—

another funeral director—

phoned our office and advised that in fact he would be looking after the funeral and not our firm. I then telephoned the family and they indicated that someone else could help them where we could not.

First, I thought that it was a matter of fees, etc., and thought nothing further about it until—

the other funeral director—

made a request to our company for the burial licence for this particular grave, the grave that we believed could not be used again. When time permitted I spoke to the Supervisor at West Terrace to question the use of this grave, only to be told by the Supervisor that she had made a mistake, but had already given permission for interment to take place.

We believe an urgent investigation needs to be undertaken into the burial of the late Mr ... at the West Terrace Cemetery, to ascertain:

1. If current regulations regarding who can be interred in an existing grave, viz., spouse or child under the age of 18 years, was strictly adhered to.
2. If the remains of the person previously interred were moved.
3. If there was a 'lift and deepen' or if the coffined remains were placed in some other location other than within the surveyed perimeter of the grave.
4. If the removal of those remains constituted an exhumation and, if so,
5. Was lawful permission granted for such exhumation.
6. Who suggested, requested or demanded that the West Terrace Cemetery authorities undertake such action.
7. If any person, or persons, brought any kind of undue pressure on the staff at West Terrace to permit this burial to take place.
8. Will this type of breach of regulations be permitted in the future.

Like any other Minister, I immediately referred that to my Chief Executive Officer for a report which, in effect, said that in relation to this death a request for burial was made to our people at the cemetery and, on checking the leases, they found that the person who had died owned a lease and could be buried provided there was sufficient space in the grave; and that there had been only one previous burial in the grave—the deceased's father in July 1972. That was the case to which I referred in my ministerial statement when the member for Victoria claimed that there was flesh hanging on the bones (and I assure members that that was not the case).

The entry in the burial book was as follows: CR. GR., which meant that the grave had a concrete slab on top, which is a common occurrence (the CR meaning concrete and the GR meaning grave). The person who requested the burial was told that the grave could be deepened and her father buried there. At this stage there had been no contact between the funeral director who had written to me earlier and the cemetery. In fact, that particular funeral director had no contact with the cemetery until some time after the funeral. We now come to the crux of Mr Stefani's—

The SPEAKER: Order! Will the honourable Minister resume his seat. The honourable member for Eyre.

Mr GUNN: Mr Speaker, I draw your attention to the Standing Order concerning a Minister giving only sufficient information as required to adequately answer a question. The Minister is now rambling on at some length.

The SPEAKER: Order! There is no such Standing Order. The honourable Minister has gone into a great deal of detail but I suspect that an examination of the *Hansard* tomorrow by members will reveal that all of that information was

relevant to the question. However, the Minister has consumed a great deal of time with his answer so I ask him to very quickly round it off.

The Hon. T.H. HEMMINGS: I am well aware of the time that I have taken up. It is a very serious matter. What I will now outline to the House is the real crux of the problem.

An honourable member interjecting:

The Hon. T.H. HEMMINGS: You're all right; you're safe. He won't dare take you over now after—

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: When the grave was opened, that is, the vault, it was discovered that the 'CR. GR.' meant a concrete grave. That is a concrete vault at the bottom bricked up each side with a concrete slab on the top.

Members interjecting:

The Hon. T.H. HEMMINGS: You have not heard this bit. This is virgin stuff. When this was discovered, the family was advised that the grave could not be deepened to accommodate Mr . . . The daughter then requested that the remains of Mr . . . (father) be lifted and placed within the confines of the lease below the vault. It should be noted that the remains consisted of several bones, and the practice of placing bones from previous burials at a greater depth than the grave to allow subsequent burials is catered for in the regulations under the West Terrace Cemetery Act 1976. Under normal conditions, when a grave is bricked and cemented to become in effect a vault, the original depth of the grave dictates the number of burials allowed—for example, it could be dug an extra 300 metres, 600 metres, 900 metres to accommodate—

An honourable member: How far?

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: —an additional one, two or three coffins.

Members interjecting:

The SPEAKER: Order! We are rapidly approaching 1 December, not 1 April. In rounding off his remarks, could the Minister perhaps clarify the situation with respect to metres, centimetres or millimetres.

The Hon. T.H. HEMMINGS: This is the most serious question I have had in my life. I am sorry; I got carried away. It was millimetres, not metres. In this instance, since the family had already been advised that the funeral could take place, it appeared that the compassionate way to handle the situation had been put into effect. There was no pressure brought to bear to enable this funeral to take place. My department complied with the request of the family and the deceased who had a lawful right to be buried there and that action did not breach any regulation under the West Terrace Cemetery Act 1976. In summing up, I would say that the Opposition—

The SPEAKER: Order! The Chair hopes that this summing up will not take more than a couple of sentences.

The Hon. T.H. HEMMINGS: It will not, Sir. The Opposition has made grave allegations of impropriety as far as flesh hanging on bones is concerned and they have been proved to be totally false. In making these allegations, in effect, members opposite have touched upon a subject which was handled by my department in a compassionate way, having made a simple mistake. I wholeheartedly support the action of my department. As to Mr Stefani and the member for Victoria, I suggest that they stay inside on April Fools' Day or else they will get caught.

MATERNITY LEAVE

Mr HAMILTON (Albert Park): Will the Minister of Labour investigate claims that half the women eligible for maternity leave in the private sector do not take up that option as they had no information about maternity leave provisions? If that is found to be the case, what action will he initiate to advise women in the private sector of their entitlements? A recent report entitled 'Maternity Leave in Australia: Employee and Employer Experiences' found that 46 per cent of women are in the work force during pregnancy. A survey revealed:

> However, looking only at women in employment before the first birth, three-quarters of them are in the work force.

The *Family Matters: AIFS Newsletter*, No. 21, August 1988 states:

> Regarding the take up and non-take up of maternity leave, 44 per cent of women took maternity leave, 33 per cent were eligible but did not take leave, and the remaining 24 per cent were ineligible for maternity leave either because they were casual workers or because they had not been in continuous employment with their employer for the required minimum period of 12 months.

Mr Lewis interjecting:

Mr HAMILTON: Despite the inane interjection, I ask whether the Minister will investigate these claims?

The Hon. R.J. GREGORY: I thank the member for Albert Park for his question. It is a very important question, because many women are now in the work force. Many of those women are married and are of child bearing age and, indeed, many are pregnant whilst they are working. The department has recently reappointed a women's adviser and one of the matters at which she is looking is the effect that working conditions have on female workers. Maternity leave will be one matter that she will examine. When those examinations have been concluded, strategies will be developed to ensure that females are advised of their proper entitlements while they are at work.

ABORIGINAL CONSULTANCY

The Hon. H. ALLISON (Mount Gambier): My question is directed to the Minister of Aboriginal Affairs. Was former Premier, Mr Dunstan, acting in his capacity as a consultant to the South Australian Government when he was banned last week from Arnhem Land? If so, why did the Minister give his approval for Mr Dunstan's visit to the Northern Territory in this capacity and, in view of difficulties which have developed with this consultancy, will the Minister now review it?

Last Saturday's *Northern Territory News* carried a front page report of a decision by the Northern Land Council to revoke Mr Dunstan's permit to visit Arnhem Land. The report stated that Mr Dunstan had been on a fact finding mission as an adviser to the South Australian Government on Aboriginal community government and quoted a representative of the Northern Land Council, Mr Eric Roberts, as saying that Mr Dunstan was trying to push community government at a time when there were local difficulties over this sensitive issue.

The Opposition also has been made aware that some of Mr Dunstan's activities in the north of South Australia have not been welcomed by members of Aboriginal communities. His consultancy fee is $757 a day, but some of these activities suggest that Mr Dunstan is ranging well beyond the original brief given to him by the South Australian Government and that as a result his work could be even more costly to South Australian taxpayers.

The Hon. G.J. CRAFTER: First of all, I do not regularly read *Northern Territory News*, and I am not aware of the degree of opposition by Aboriginal communities in the Northern Territory to the Liberal-National Government's proposals in the Territory for local government structures within Aboriginal communities. If the report is as has been read to the House, I can understand that there would want to be a barrier to an investigation of those matters from another jurisdiction of those matters, if that is the view of those local Aboriginal communities. I can say that it is important that, in considering the proper administrative structures that should apply in Aboriginal communities in this State, we look at the two other areas of this country that have enacted legislation and provided structures that are akin to local government administration of Aboriginal communities. They are in the Northern Territory and in Queensland.

There are vastly differing views about the effectiveness of those structures, especially from those whom they are designed to benefit, namely, the Aborigines themselves, as evidenced by the article in the *Northern Territory News* that the honourable member has read to the House. The extent of that opposition is obviously to bar people such as Mr Dunstan and those with him from visiting those communities to look at this very matter. That is a disappointing attitude. I do not know all the circumstances involved and I will no doubt receive information about that in due course. However, I can say that, before we go into a system in South Australia that provides for local government of those communities, we need to gain from the experience in other places in Australia. I personally believe that much is to be learnt from the mistakes made in the Northern Territory and indeed from some of the advantages that have been gained from that system. Similarly, much can be learnt from Queensland, whose Government, I believe, has over many years tried to grapple with this difficult situation.

Regarding the Opposition's snide and carping remarks, I point out that, whatever Mr Dunstan does for this community and for whomsoever he does it, he has put in hundreds and hundreds of hours of work on this project for which he has not been paid and for which he does not seek payment. The cost to the South Australian Government and the people of this State is minimal indeed for the enormous amount of effort that he is putting into this project and for his expertise. We have been very fortunate to obtain the services of a Queen's Counsel to advise us on this matter with the record of commitment that Mr Dunstan has in this State, in this Parliament, in this nation, and in this area of Aboriginal affairs.

USED CARS

Mr De LAINE (Price): Will the Acting Minister of Consumer Affairs investigate the possible tightening of regulations under the Second-hand Motor Vehicles Act to enforce compliance with paperwork requirements concerning the sale of used cars by dealers? It has been reported by the Motor Trade Association that some car dealers are not complying with the correct paper-work requirements when selling used cars. Some people named as previous owners have never even owned a car, and other names were given only as a Christian name, and their address only as the suburb. The primary concerns are with warranty requirements and buyer protection.

The Hon. G.J. CRAFTER: I thank the honourable member for his question, although I believe that there may already be sufficient sanctions within the Second-hand Motor Vehicles Act to provide the remedy that the honourable member seeks. As I understand it, there are already penalties for the instances raised by the honourable member. Dealers are required to provide the name and address of the last private owner of the vehicle that they are selling, and I can only suggest to the honourable member that he provide for me or for the Department of Public and Consumer Affairs any relevant information, so that any breach of the legislation can be fully investigated and appropriate action taken.

ADELAIDE PISTOL CLUB

Mr INGERSON (Bragg): Will the Minister of Recreation and Sport recognise the ownership rights of the Adelaide Pistol Club to target systems at the International Sports Shooting Park at Virginia and will he also review the management of the park so that a prolonged dispute between the Government and the club over use of the park can be resolved? The South Australian Government purchased the park from the Adelaide Pistol Club in 1985. However, a number of outstanding matters remain to be resolved. In particular, there is a question of ownership of target systems at the park, valued at $80 000. The Pistol Club claims that it owns these systems and has produced evidence that the Government representative on the management committee conceded this point in 1985 shortly after the Government's purchase of the park. However, the Department of Recreation and Sport has continued to dispute ownership.

Further tension between the department and the club has been generated by the style of management of the park. Club members have complained that the present Manager, appointed by the department, has unnecessarily interfered in club affairs and adopted an approach of constant confrontation. The facilities at Virginia were established by the Pistol Club and it is considered to be in the interests of all parties with an interest in the furthur development of this popular sport that the matters in dispute be resolved amicably and as soon as possible.

The Hon. M.K. MAYES: The International Sports Shooting Park at Virginia is probably the pre-eminent park of its kind in the Southern Hemisphere and substantial resources have been put into it by the State Government. Of course, the South Australian Department of Recreation and Sport has a keen interest in ensuring that people have appropriate access and that this facility is managed and used properly. We have had some concerns until recently about the management of some aspects of the park, and we will ensure that those problems are sorted out. As I understand the situation of the Pistol Club, there is internal dissension about the direction that the club should take. The Director of the department is at present negotiating with the club and I hope that we can resolve the situation so that an arrangement satisfactory both to the club and to the Government can be made and so that the Government can ensure that appropriate access is provided for other users of the park. At present I cannot give a final answer concerning the solution that will be proposed, but the matter is currently under negotiation. Any statement that I might make now could jeopardise the final solution.

PUBLIC ACCOUNTS COMMITTEE

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That pursuant to section 15 of the Public Accounts Committee Act 1927 the members of this House appointed to that committee

have leave to sit on the committee during the sitting of the House today.

Motion carried.

NORTH HAVEN TRUST ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the North Haven Trust Act 1979. Read a first time.

The Hon. D.J. HOPGOOD: 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

Its aim is to amend the North Haven Trust Act 1979 so that the North Haven Trust is constituted of the Minister for Environment and Planning. The Bill also provides for the trust to hold its property for and on behalf of the Crown.

The North Haven Trust was established pursuant to the North Haven Trust Act 1979 to undertake and promote development of the North Haven Harbor Project. Since the sale of this project in 1983, it has been the aim of the trust to finalise its major activities and facilitate the eventual repeal of the North Haven Trust Act.

The Crown Solicitor has advised, however, that there are certain risks associated with the repeal and effective winding up of the North Haven Trust, particularly due to the complexity of the arrangements entered into by the trust and concern as to whether such repeal may effect enforceability of the deed of sale or other agreements existing between the developers and the trust. It is therefore the recommendation of the Crown Solicitor that the North Haven Trust should be retained as a statutory corporation at least until the development obligations of the respective parties have been complied with, but that the North Haven Trust Act 1979 could be amended so as the North Haven Trust is constituted of the Minister for Environment and Planning.

The North Haven Trust considers that its major work has been satisfactorily completed and that the North Haven Trust Act should now be amended in accordance with the Crown Solicitor's advice. Such amendment would enable disbandment of the existing board of members, on the basis that the Manager, Mr Terry Stewart, reporting to the Minister for Environment and Planning, continues to be responsible for finalisation of all major activities as well as the residual and ongoing affairs of North Haven Trust. I commend the Bill to the House.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends the definition section by removing the definition relating to members of the trust. This amendment is consequential to the amendment proposed by clause 4. Clause 4 amends section 6 which provides for the establishment of the North Haven Trust as a body corporate consisting of five members. The clause amends the section so that the trust is instead constituted of the Minister. The clause also adds a new provision declaring that the trust's property is to be held on behalf of the Crown. The remaining clauses (clauses 5 to 8) are all consequential to the amendment providing that the trust is constituted of the Minister.

The Hon. J.L. CASHMORE secured the adjournment of the debate.

TERTIARY EDUCATION ACT AMENDMENT BILL

The Hon. L.M.F. ARNOLD (Minister of Employment and Further Education) obtained leave and introduced a Bill for an Act to amend the Tertiary Education Act 1986. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It seeks to amend the Tertiary Education Act 1986 to incorporate provisions dealing with the membership, terms of reference and operations of the South Australian Institute of Languages. The Tertiary Education Act Amendment Act 1987 provided within the Tertiary Education Act 1986 for the establishment of the Institute of Languages with the membership, powers and functions and other operational matters to be prescribed by regulation. Such regulations were promulgated on 9 June 1988.

In debate on the Tertiary Education Act Amendment Bill 1987 concerns were expressed about dealing with such significant matters through regulations. It was agreed that, within 12 months, legislation would be introduced to set those matters out fully in the Act. That is the purpose of this legislation. With one exception the Bill in effect reflects the regulations although with some drafting improvements. The exception is the proposed introduction of clause 9e (1) *(d)* which will empower the institute to provide courses other than courses leading to academic awards. This will permit the institute to be involved in the kind of inservice or professional development work such as is provided by many other professional bodies (for example, in engineering, accountancy, etc.). At the same time the institute will not be able to involve itself in formal coursework such as is presently provided by the tertiary institutions except, of course, in assisting those institutions in appropriate ways. The clause will, incidentally, provide a possible and potentially lucrative source of income for the institute.

Clauses 1 and 2 are formal. Clause 3 inserts a heading into the principal Act. It is necessary to divide the Act into Parts because the provisions relating to the South Australian Institute of Languages need to be set out separately from the other provisions of the principal Act for the sake of clarity. Clause 4 inserts a definition of 'language studies' into the principal Act. Clauses 5 and 6 insert headings into the principal Act. Clause 7 inserts the new Part relating to the South Australian Institute of Languages. Clause 8 inserts a heading. Clause 9 makes a consequential change.

The Hon. J.L. CASHMORE secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

The Hon. G.F. KENEALLY (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959. Read a first time.

The Hon. G.F. KENEALLY: 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

Its purpose is threefold, namely, to require a person who has been continually in South Australia for a period of three months to obtain a South Australian driver's licence, to allow an interstate visitor to drive in South Australia on a learner's permit issued in another State and to provide for a person to hold a driver's licence in only one jurisdiction.

Existing provisions of the Motor Vehicles Act recognise interstate licences held by visiting motorists but require a person who becomes a permanent resident of South Australia to apply for a South Australian licence as soon as reasonably practicable. A satisfactory and enforceable definition which determines when a person is regarded as being a permanent resident has been the major difficulty. What happens in practice is that most people moving from interstate wait until their interstate driver's licence expires before applying for a South Australian driver's licence.

Licensing authorities throughout Australia have agreed on a policy of three months residence as being *prima facie* evidence of permanent residence. Other States have introduced or are proposing to introduce similar legislation which requires a person who remains in a State for a continuous period of three months or more to obtain a licence in that State. The requirement to change over to a South Australian driver's licence within a three month maximum period following interstate relocation will not apply to Defence personnel, spouses and dependants.

All other States allow a visiting motorist who holds a learner's permit issued in their home State to drive in that State. Existing South Australian legislation does not recognize interstate learner's permits and occasionally inconvenience is experienced by interstate visitors where the holder of a learner's permit is prevented from driving, and is therefore unable to share the driving with other occupants of the vehicle. South Australia has been requested by other States to adopt a uniform approach and provide for the recognition of interstate learner's permits.

Visiting interstate learner's permit holders will be required to drive subject to the same conditions as the holder of a learner's permit in this State. At present it is possible for a person to obtain a driver's licence in more than one State. The most common reason a person will obtain more than one driver's licence is that if one licence is suspended or disqualified, the suspension or disqualification can be concealed if, upon being requested to produce a licence by a police officer, the person produces a licence issued by another licensing authority. All States have agreed to introduce legislation which will allow for a licence in one jurisdiction only. It is proposed that a prerequisite to the issue of a licence or learner's permit be that any licence or permit issued to an applicant in another jurisdiction be surrendered and a request for cancellation of that licence or permit be made. Further it is proposed each State will enact legislation which automatically cancels a licence or learner's permit should the holder be issued with a licence or permit in another jurisdiction.

Clause 1 is formal. Clause 2 amends section 5 of the principal Act which is an interpretation provision. The amendment inserts a definition of 'interstate licence' for the purposes of the new provisions inserted by this Bill. Clause 3 inserts a new section 75aa after section 75 of the principal Act. This provision is designed to ensure that only one licence is held by a person at any given time.

Subsection (1) requires a person who is applying for a driver's licence or learner's permit under this Act to surrender to the Registrar any interstate licence or permit held by them and provide the Registrar with a letter requesting the authority that issued the interstate licence or permit to cancel it. Subsection (2) provides that where a licence or permit is issued to a person who holds an interstate licence or permit, the interstate licence or permit will, for the purposes of this Act, be taken to have been cancelled on the date of issue of the licence or permit under this Act. Subsection (3) provides that where a person who holds a licence or learner's permit under this Act is issued with an interstate licence or learner's permit, the licence or permit issued under this Act will be taken to have been cancelled on the date of issue of the interstate licence or permit.

Clause 4 repeals section 97a of the principal Act and substitutes a new provision. Subsection (1) authorises visitors to the State who do not hold an appropriate licence issued under this Act to drive in this State pursuant to a current interstate licence or learner's permit or foreign licence for up to three months. A member of the armed forces or the spouse or a dependant of the member who is living with the member may drive in this State pursuant to an interstate licence indefinitely.

Subsection (2) provides that a person who is disqualified from holding or obtaining a licence or learner's permit in any State or Territory cannot drive in this State pursuant to a licence or permit issued in another State or Territory. Subsection (3) requires a person driving in South Australia on an interstate licence or learner's permit or foreign licence to carry and produce the licence or permit if requested to do so by a member of the police force, an inspector appointed under this Act or an inspector under the Road Traffic Act 1961. The maximum penalty for a breach of this provision is a $200 fine.

Subsection (4) provides that where a person drives a vehicle in South Australia pursuant to subsection (1) the interstate licence or learner's permit or foreign licence will, for the purposes of the law of the State, be taken to be a licence issued under this Act. Subsection (5) is an interpretation provision. The schedule provides for divisional penalty references in preparation for reprint of the principal Act. Since the maximum fine and term of imprisonment for an offence must be of the same division it is necessary to increase the maximum fines for offences against sections 124 (2) and (6), 135 (1) and 135a to match the maximum term of imprisonment that may be imposed for those offences.

Mr INGERSON secured the adjournment of the debate.

MARKET ACTS REPEAL BILL

The Hon. M.K. MAYES (Minister of Agriculture) obtained leave and introduced a Bill for an Act to repeal the Market Clauses Act 1870, the East End Market Act 1872 and the Adelaide Fruit and Produce Exchange Act 1903. 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

The purpose of this Bill is to repeal the Market Clauses Act 1870, the East End Market Act 1872, and the Adelaide Fruit and Producers Exchange Act 1903. The establishment of the East End Market involved these three Acts of Parliament. The 1872 and 1903 Acts were Private Acts (known as Special Acts) for the purpose of giving private citizens

the powers and privileges to establish markets which were used for the public benefit. These Special Acts incorporate the provisions of a public Act dealing with the establishment of statutory markets generally, the Market Clauses Act 1870. Provisions of this Act only relate to the 1872 and 1903 Acts.

With the closure of the East End Market at the end of September 1988, these three market Acts have become obsolete. They have no relevance to the establishment and operation of Adelaide's new wholesale produce market at Pooraka developed by Adelaide Produce Markets Ltd. The site of the East End Market is being developed for commercial, retail and residential uses in a major project being undertaken by the East End Market Company. Advice to the Government indicates that the East End Market Act and the Adelaide Fruit and Vegetable Produce Exchange Act may limit the use to which the land at the East End Market site can be put in the future and inhibit the proposed redevelopment by retaining an obligation to conduct markets. In order to remove these impediments and because these Acts serve no further useful purpose, these three Acts should be repealed.

Clause 1 is formal.

Clause 2 repeals the Market Clauses Act 1870, the East End Market Act 1872, and the Adelaide Fruit and Produce Exchange Act 1903.

Mr GUNN secured the adjournment of the debate.

DANGEROUS SUBSTANCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 1708.)

The Hon. R.J. GREGORY (Minister of Labour): I wish to conclude what I was saying last night about improvement notices issued under the legislation. The Bill will enable inspectors to issue improvement notices when they find situations that do not comply with the regulations. At present they cannot do that and it is causing considerable inconvenience. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Offence to keep dangerous substances without a licence.'

Mr S.J. BAKER: We have canvassed the proposition that by changing this provision we may affect the existing regulations with respect to the storage of products common on rural properties, namely, diesel, petrol and kerosene. In his second reading response, the Minister supplied the interesting information that the Government was not at this stage interested in changing those regulations. Will the Minister be more specific and give a clear undertaking to the Committee that the regulations promulgated in 1979-80 will remain relatively unaltered and intact in this area? It is important that the rural community and people in the metropolitan area who use minor amounts of these fuels are not affected by any changes to the existing circumstances. I seek that assurance.

The Hon. R.J. GREGORY: Last night during the second reading debate I said that the situation with respect to fuel which is a class 3 dangerous substance and which is stored on farms would not change. Members opposite should understand that one cannot store huge amounts of class 3 fuels, and regulations are set out about what one can do. The conditions and amounts required for licensing are addressed in the Dangerous Substances Regulations. Exemptions for class 3 flammable liquids stored at rural properties will not be changed by this clause. The regulations currently specify the amount of class 2 (liquefied petroleum gas), class 3 (flammable liquids), class 6 (poisons) and class 8 (corrosives) that may be stored before a licence is required. This clause does not change those requirements. My advice is that this change is required by the parliamentary draftsman because of changes that occur later in the legislation.

Mr S.J. BAKER: I thank the Minister for the assurance that I was seeking. The Minister would appreciate, as we all do, the need to have regulations on the storage of substances that could cause deleterious harm. My observation on dangerous substances is that the information avilable to users is so complex, and indeed minimal in many cases, that people may not be aware of their responsibilities. I refer members to regulation 241 of 1986 under the Dangerous Substances Act 1979 to gain some appreciation of what it means to comply. As to the quantity that can be kept without a licence, the regulation states:

> For the purposes of section 14 of the Act, a person is permitted to keep in any premises without a licence class 6 substances and class 8 substances where, in relation to the total quantity of those substances kept, the following equation is true.

There is then a list of formulae which indicates the substances that can be kept without a licence. Certainly, any lay person reading the regulations without a list of those substances would have no proper understanding of their responsibilities in this area. Certainly, there is a responsibility on manufacturers and distributors to convey certain amounts of information, but we are getting into a very complex world and it is becoming more and more complex because of the rules that we place on people.

I appreciate that the following clause makes it a little easier in terms of some waiving of licences, or licences being able to be granted in certain circumstances, but this whole regulatory area is really a minefield. All members would appreciate the need for strong regulation where there could be harm caused because of the toxic or acidic nature of the substances to be placed under control. However, there must be a better method of conveying the information to the end users. Certainly the situation has improved and we can say that people are better placed to meet the obligations that we impose under the legislation but, because the legislation becomes more complex every year, the new information hardly keeps up with the new legislation.

To that extent we really get ourselves into a great deal of difficulty. I know that the Minister's department is sensitive to this matter provided explanations can be made, but the department takes a far different view where people deliberately disobey the law. We must give people the opportunity to really understand their obligations and provide them with sufficient information in a way that they can digest and adhere to when they are operating. I make that observation because it is very pertinent. For example, even under these regulations we do not have a list of the class 6 or class 8 substances.

Mr BLACKER: I seek further information from the Minister. I appreciate what he said about agricultural chemicals. I tried to send a copy of the Bill to some of my constituents, and I also wrote to the UF&S, which said that it is concerned because it appears that the Government intends to require all users in the industry to be licensed. While I think that the Minister has given an answer to that, I raise the concern particularly in relation to farmers who, in the short term, must store large amounts of chemical at seeding time, which may run into 1 000 litres or more on large acreages

and may include certain weedicides. Is it intended that they be covered by this legislation?

The Hon. R.J. GREGORY: I said earlier that in respect of the matters covered by this clause it is not the Government's intention to change the regulations. The regulations set out the minimum amounts that can be kept on premises without requiring a licence, and it is in stages. If people want to keep amounts greater than the minimum amounts, they must comply with the regulations (which is why we have the regulations), even if it is for only a short period. It is not our intention to change things to catch people. However, if anyone is of the view that they need assistance in the matter, I am confident that employees of the Department of Labour will be only too willing to assist people who seek this information and assist them when they are advised by the department as to what they can and cannot do.

These regulations were not made because someone thought that they were a good idea—they are the product of a considerable amount of discussion between authorities throughout Australia. In fact, we are enacting standards that are common throughout Australia. If there is a particular chemical or dangerous substance that falls within a particular class, and a farmer is storing too much because his property has grown too large, he will have to make the appropriate alterations to his method of storage. The member for Flinders knows as well as I do that it is quite safe to store petrol in four gallon drums if there is just one four gallon drum or one forty-four gallon drum but, if someone is stacking them up in a shed, one day there might be an awful explosion. We have regulations to stop people doing that, and so we ought, because sometimes unintended unfortunate circumstances result from someone not obeying the regulations. I would urge the honourable member to contact the UF&S and ask it to seek advice from our department so that it can advise it members accordingly.

Clause passed.

Clauses 7 to 9 passed.

Clause 10—'Insertion of new Part 111A.'

Mr S.J. BAKER: I move:

Page 4, lines 9 to 25—Leave out proposed section 23c and insert new section as follows:

23c. (1) A person to whom an improvement notice or prohibition notice is issued may apply to the President of the Industrial Court to have the notice reviewed by a review committee constituted under the Occupational Health Safety and Welfare Act, 1986.

(2) An application for review must be made within 14 days of the receipt of the notice.

(3) Pending the determination of an application for review under this section, the operation of the notice to which the application relates—

(a) in the case of an improvement notice—is suspended;

(b) in the case of a prohibition notice—continues.

(4) A review committee may, if it thinks fit, make an interim order suspending the operation of a prohibition notice until the matter is resolved.

(5) An order under subsection (4) must be made subject to such conditions as may be necessary to protect the health or safety of any person, or the safety of any property.

(6) Where a prohibition notice has been issued, proceedings under this section must be carried out as a matter of urgency.

(7) The provisions of the Occupational Health Safety and Welfare Act 1986, relating to the procedures and powers of a review committee under that Act extend, with necessary modifications, to proceedings on a review under this section.

The reason behind the amendment is simple. Under the proposal we have before us today, improvement and prohibition notices have a review procedure which is recommended under this Bill. It allows for someone who feels that he may have been disadvantaged or wrongly accused of not meeting the safety standards to seek a review by the Minister. We have a principle in the Parliament that, as far as possible, we should have an independent review process. We know that that is no longer the case with the workers compensation legislation as it has been altered (under protest from the Opposition). There is a difficulty with workers compensation, as we would all realise, as to who is independent enough to do the review under the circumstances outlined in the Bill.

We do not agree with that decision, but there was a difficulty that had to be addressed. In the case of the safety of person and property, there is already an existing mechanism which has been set up under the Occupational Health, Safety and Welfare Act, which review process says that, if someone is in some way opposed to the measure which has been taken, such as an improvement notice (which requires certain action to be taken within a particular period) or a prohibition notice (which requires a stoppage of that part of the work place or the machinery which is seen to be causing some risk), the aggrieved person has a right of independent review.

I remind the Minister that his second reading explanation states that this Act is designed to bring it into line with the Occupational Health, Safety and Welfare Act. In fact he said:

> This Bill proposes that inspectors appointed under the Act be provided with powers to issue improvement notices and prohibition notices similar to the powers of inspectors under section 39 of the Occupational Health, Safety and Welfare Act. Improvement notices will serve to direct industry to attend to deficiencies which do not constitute an immediate danger to health or safety, or the safety of any person's property. In the case of immediate danger situations, a prohibition notice can be issued.

It is quite clear from that reference that there is a strong emphasis on safety, It is also quite clear that the Minister wishes in some way to duplicate the procedures that have been provided under the Occupational Health, Safety and Welfare Act. We know that in the business community there is some opposition to this measure, but we believe that, if properly handled—and there is no reason to expect that they will not be—these powers will be judiciously exercised. Should the situation arise whereby they are not, then there must be an independent review. This proposition does not allow for independence at all. It says that the Minister shall be the reviewing authority, which means that the Minister would almost be duty bound in many cases to uphold the decision that has already been made. There is no independence.

Why bother having a review if we have a Minister who says, 'This is was the inspectorial decision and I am going to adhere to it'? He might say, for a whole range of reasons, that he cannot have his inspectors' authority diminished in any way simply because one of them makes a mistake. The amendment is infinitely sensible. The legislation has already been debated at considerable length and provides for an independent review of safety measures and the decisions of inspectors. It is perceived to be a constructive way of approaching what is, sometimes, a very difficult problem, as the Minister would appreciate. I commend the amendment to the House. It will not result in extra expense and it involves far more independence than the provision in the Bill.

The Hon. R.J. GREGORY: We object to the amendment for a number of reasons. I am pleased that the Opposition accepts that inspectors empowered under the Dangerous Substances Act do not have the power to issue prohibition notices but are to have that power. I am also pleased that the member for Mitcham and his colleagues see no reason why these powers will not be handled properly. However, he referred to prohibition notices being reviewed and said that the Minister would decide. I draw the honourable

member's attention to new section 23c (3) of the Bill which provides:

The Minister must, on the receipt of an application for a review, appoint a suitable person to review the notice . . .

I am of the view that, where inspectors are in a position where they have to make prohibition orders under the Dangerous Substances Act, they also ought to be in a position to act properly on those orders. If an employer was aggrieved by a prohibition notice and went through the process suggested by the member for Mitcham, long and lengthy hearings could result involving the appointment of a suitable person. A number of people in South Australia have varying skills and would be admirably suited to review the decision of the inspector and the department in the issuing of prohibition notices.

One should remember that many dangerous substances are kept in buildings. I point out to the member for Mitcham that, while people employed under the Occupational Health, Safety and Welfare Act may have broad experience, it would be very unlikely that they would have specific experience in the maintenance of vessels that hold acids or alkalines or contain explosives, or that they would know the best way of keeping fuel and other flammable products. This requires a whole body of expertise.

The other thing that the member for Mitcham does not appreciate is that, if the Minister were to appoint an inappropriate person as reviewing officer, it could be challenged in the courts. It is not this Minister's intention to appoint inappropriate people to review. It is this Minister's and the Government's intention—and I suppose the Opposition's intention—that people should be able to work and live in South Australia without being in danger where dangerous substances are stored. I welcome the honourable member's comments in respect of some aspects but reject the thrust of his amendment.

Mr S.J. BAKER: I bring two matters to the attention of the Minister. First, the 14 day limit that is allowed for the review is consistent with both the Occupational Health, Safety and Welfare Act and this proposed amendment to the Dangerous Substances Act. So, we are not talking about an inordinately long time frame. I remind the Minister that the time frame was set up in order to address the safety of those in the workplace. Is the Minister saying that situations that arise under that broad heading will need more urgent or less attention than those that arise under the Dangerous Substances Act? All of us can think of situations in each area where there is a requirement for urgent or even immediate action.

The Minister talks about the expertise that are available. He is now saying that the mechanism set up under the Occupational Health, Safety and Welfare Act is less valid because people with expertise cannot be appointed. The Minister is aware of the mechanism that was agreed by the Parliament. I remind him that we are talking about a very serious matter, that is, the issuing of improvement and prohibition notices. There is an important responsibility associated with that.

Firms that have been notified of having breached the law in some way or potentially causing great risk to life, limb or property have to suffer from that very poor reputation which may not easily be erased when the notice is found to be incorrect or when someone has taken incorrect action. We are not talking about wholesale abuse by inspectors in relation to this matter. Rarely in this House has the Opposition criticised officers of the Government in carrying out their duties in respect of the laws pertaining to dangerous substances or safety in the workplace. In fact, the Minister might remember that on a number of occasions I have said that the Department of Labour inspectors have invariably bent over backwards to assist rather than exacerbate situations.

We are positively disposed towards properly qualified people, but there are one or two exceptions, as there are in any circumstance. We have been positively disposed towards the inspectorial staff of the department, and that support has been breached only on odd occasions, as I have already explained. What we are saying is that if a mistake is made and if considerable damage or economic harm is done to somebody's reputation by an improvement notice or prohibition notice—principally a prohibition notice—surely that person has a right to an independent review.

The Minister says that he will not make the decision, that he will appoint a review officer. If he thinks he is batting on a sticky wicket he may well decide to appoint someone who may reinforce the decision of the inspector. We might only be talking about such a case once every two, three, four or five years. The whole basis of our legislation is to provide for an independent higher authority. That is what our courts system is built on. In this case we are not talking about the courts; we are talking about a regulatory process where the powers are not subject to the normal scrutinies or interpretations of the law as applies to people who have to face the courts.

I propose that the review be of an independent nature. There should be no possibility of a decision of an inspector being reinforced by a Minister because of pressure or a whole range of other reasons that may pertain at the time. In fact, that could be the case in some very serious situations where a wrong decision has been made and someone has suffered considerable economic damage. I commend my amendment to the House. If the Minister is saying that the occupational safety proposition is no good, I ask him what confidence he has in that mechanism. Perhaps he could then tell the Committee how bad it is. Alternatively, I believe he should accept what is a constructive amendment.

The Hon. T. CHAPMAN: I support the amendment put forward by our Party's industrial spokesman. I take this opportunity to raise again with the Minister of Labour the import of a couple of matters that I raised with him last evening. The Minister indicated that at a later stage it might be more appropriate to raise again the second of those two industrial compesnation points to which he was not prepared that address himself last evening.

It seems to me that it is now appropriate to draw to the Minister's attention that issue of inconsistencies in compensation payments to some seasonal workers. I ask for a response to my earlier expressed concern on behalf of the shearing industry employees in particular. I need an answer to my question of last evening before this session ends, and this seems a good enough opportunity for that to occur.

The Hon. R.J. GREGORY: For the benefit of the member for Alexandra, we are now dealing with the Dangerous Substances Act, not the Workers Rehabilitation and Compensation Act. Before the honourable member left last night, I was about to draw his attention to section 4 of that Act, and that is available in the blue books. It sets out quite clearly how people to whom he was referring are paid and how their weekly wages are calculated. All he needs to do is read that and he will get a fair idea. I have also told him that it was being reviewed.

The Hon. T. Chapman interjecting:

The Hon. R.J. GREGORY: If the honourable member would stay here instead of going home, perhaps he might learn some things from time to time.

Members interjecting:

The CHAIRMAN: Order! The Chair has been very tolerant so far as this debate is concerned. We have drifted from one Act to another. We are now dealing with the amendment to clause 10, page 4, lines 9 to 25, and I ask the Committee to come back to the debate that is now before the Chair.

The Hon. R.J. GREGORY: I intended to do that, Mr Chairman. I also thought I would enlighten the member for Alexandra. With respect to the long explanation of the position of the member for Mitcham, I can understand his position because, like his 16 colleagues on the other side, he will find conspiracies under every bed, under every pillow and under every rock. It is a perfectly normal thing for them to find a conspiracy with respect to section 23c. If they could not find one, I would be surprised. However, he did say something that really perplexed me; he said that the reputation of companies is damaged by the issuing of a prohibition notice. I do not know what damage can be done. If one looks at the process that is gone through before a prohibition notice is issued, one sees that there is a long period in which the inspector has discussions with the company, outlining to the company where it is deficient with respect to the regulations, and we are talking about a company that will suffer huge economic damages because it is not complying with the regulations.

One would think that any company that kept substances in such a way that could cause a prohibition notice to be issued would be up to date with the regulations and, quite frankly, if it was not, it would deserve what it got. If companies are in breach and a prohibition notice is issued, it is issued on the basis of the time taken to do the job. That will not damage their reputation. If, on the other hand, a prohibition notice is issued to a company which says it cannot afford it, there are two courses of action to be followed in this State. First, we can allow the company to continue its operations and hope and pray every night that nothing happens; secondly, we can insist that it improves the method of keeping those dangerous substances to the standards with which every other company has to comply. We are providing for a review authority, for the appointment of a particularly skilled person.

If we were to follow the dictates of the member for Mitcham, we would find that the occupational health, safety and welfare people would be doing everything else but the work for which they were appointed. We are dealing with particular substances kept under particular methods, and we want someone who is expert in that regard. As I said earlier, it amazes me how members opposite find so many conspiracy theories because, according to the words out of the mouth of the member for Mitcham, this will rarely happen. I am of the view that what is in the Bill is adequate and appropriate.

Mr S.J. BAKER: The Minister has again deliberately misinterpreted what I said. I put the proposition that any review process should be independent. Under this proposition, it is not. The Minister knows that. If we take the logical extension of what the Minister has just said, we will not need a review because everyone is honourable and everyone is doing the right thing. I guess he likes the totalitarian result that, if what the bureaucracy or the Commissioner decides is law, there should be no review process.

We are not about that here in South Australia: we are about providing an independent review, whether it be in the courts system or in this process. I am purely making the comment, as a positive contribution to this debate, that the process of review should and must be independent. I am not seeking communists under the bed or anything else. In principle, it should be independent. In that way, the Minister avoids the charge, and perhaps the inclination if circumstances should arise, that he has reinforced a wrong decision. I am saying that in principle the law should provide independence of review. There is already a mechanism, and that is purely my reason for moving this amendment.

Amendment negatived; clause passed.

Remaining clauses (11 and 12), schedule and title passed.

The Hon. R.J. GREGORY (Minister of Labour): I move:

That this Bill be now read a third time.

I commend the Bill to the House.

Bill read a third time and passed.

STATUTES AMENDMENT (CRIMINAL LAW CONSOLIDATION AND SUMMARY OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 3 November. Page 1249.)

Mr S.J. BAKER (Mitcham): I presume that the Minister of Labour is now to be the Acting Attorney-General. He might as well do the job as anyone else. The Opposition supports the proposition before the House. It does a number of things and perhaps is in some way a reaction to the Hoddle Street massacre and growing concern amongst the community about the use of firearms in various circumstances. This amendment creates a new crime for which the maximum period of imprisonment is 10 years. Proposed new section 32 provides:

> A person who has the custody or control of a firearm or imitation firearm for the purpose of—
>
> *(a)* using or causing or permitting another person to use the firearm in the course of committing an offence punishable by a term of imprisonment of 3 years or more;
>
> or
>
> *(b)* carrying, or causing or permitting another person to carry, the firearm when committing an offence punishable by a term of imprisonment of 3 years or more.
>
> is guilty of an indictable offence.

The proposition is fully supported. The second amendment to the Criminal Law Consolidation Act deals with a person who threatens another person with a firearm or imitation firearm without lawful excuse. Such a person, if found guilty of an indictable offence, can suffer a maximum penalty of four years imprisonment or a fine of $15 000, or both. The Opposition supports that proposition. In recent years we have seen some alarming incidents involving death and destruction and an enormous amount of stress to a wide variety of people. There is growing concern that people are using weapons to satisfy their own demands on life. They are taking out their frustrations on other people. No-one in this place would condone such incidents as the Hoddle Street massacre, nor would anyone condone the situation which occurred recently in South Australia where a farmer took a gun and killed his relatives.

As the Opposition has said previously, this Bill is to be read in conjunction with changes being made to the Firearms Act. One area of the Bill has been subject to considerable debate. It relates to the situation where a person is found carrying a weapon in a public place without lawful excuse. There are three contentious issues involved here: the first involves what is a public place, the second relates to what is a loaded firearm and the third concerns the question of what is 'lawful excuse'. Each of those matters has been subject to interpretation. There was considerable debate in the other place about whether a person who was involved in rural pursuits and in getting rid of vermin travelling on a road with a loaded firearm would be subject to the sanctions imposed under this legislation. There are

other examples where circumstances relating to 'public place', a 'loaded firearm' and 'lawful excuse' have been placed under the microscope.

The determination in relation to these matters has been made on the basis of decisions made preceding this Bill. It is that a person who in normal circumstances is carrying a loaded firearm and lawfully carrying out normal day-to-day duties will not be subject to the sanctions imposed by this legislation. The questions were asked, 'What is a loaded firearm?' and 'What constitutes the carrying of ammunition?' It was decided that the situation of a person carrying bullets in a packet in a car was quite different from a person who had a loaded magazine in the glovebox.

I found the explanations quite fascinating in terms of what we are trying to achieve with this legislation. I suppose that the people constructing this Bill took the view that a loaded magazine would constitute a far greater danger than would the situation of a person carrying an unloaded rifle with a packet of bullets in the glovebox. I might mention that some of the most high powered rifles in the world are single loaded rather than magazine loaded. However, this is probably getting a little too technical.

As to reviewing the debate, I urge members to read the debate that took place in the Upper House and the explanations that were given by the Attorney-General. I believe that the amendments made by this Bill constitute an improvement in the law. As to how the matters that we are dealing with would be handled in a real life situation, the debate centred on clause 4. Again, the answers given by the Attorney-General on each occasion satisfied my interest in this legislation, as well as that of the Opposition.

I remind members that the definition relating to a person having control of a loaded firearm in a public place without lawful excuse has been extended to include:

> . . . a firearm and a loaded magazine that can be attached and used in conjunction with the firearm.

The definition, of course, includes having control of such a weapon in a car or in the vicinity thereof. I recommend that all members read the comments that were made in relation to this Bill. They provide an interesting insight into the law and all its strange workings. For example, on the one hand a box of ammunition can be considered to be far less lethal than a loaded magazine. The Opposition supports the Bill.

The Hon. G.J. CRAFTER (Acting Attorney-General): I thank the Opposition for its indication of support for this measure. The Bill is complementary to the Firearms Act Amendment Bill (No. 2) which was passed in this House in recent days. It imposes a greater degree of care upon those people who carry firearms in the community and it limits the circumstances in which people can carry them. The nature of those circumstances, as the member for Mitcham has said, was canvassed in great detail in another place. I believe that the Attorney-General has satisfactorily responded in the other place to the concerns that were expressed, particularly by those representing farmers and other people with lawful reason to carry and to use firearms as part of the proper management of their properties.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Amendment of Summary Offences Act 1953.'

Mr BLACKER: Very briefly, am I correct in assuming that people involved in the security industry will be exempted from these provisions?

The Hon. G.J. CRAFTER: Yes, on the grounds that they have a lawful reason for carrying firearms.

Clause passed.

Title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (LOCAL GOVERNMENT) BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 1706.)

The Hon. B.C. EASTICK (Light): This Bill was introduced only last Wednesday week and with no sittings last week it was necessary, because of demands made by the Government, that the measure pass the Upper House in one day and then come here to be passed by the Assembly in one day. That is not a good way of doing business on an important Bill. However, on this occasion the Opposition has been prepared to accommodate the Government because of the importance to local government of a number of the issues, more specifically those concerning preparations for the 1989 election, to be known in future as a general election rather than a periodical election.

The matters before the House arise in the main from the reports of two committees that were commissioned by the Government, as well as from a number of other issues that have been drawn to the Government's attention by local government or from the floor of the House. Indeed, two or three amendments concern matters that were canvassed during the passage of the second major rewrite of the legislation that we considered in March-April this year.

The fact that the promises given then by the Minister who is at the table at present are now contained in the Bill is recognised and appreciated. However, one amendment does not go far enough and the Opposition will refer to that in Committee. One of the two committees to which I have referred is a special working party nominated as the Report of the Local Government 1987 Election Review Working Party, which was put into place by the Government following the 1987 periodical election.

That, in turn, followed a guarantee given to this House by the Minister at present at the table when he was Minister of Local Government and when major changes were made to the Local Government Act in 1984 that not only would there be a review of the first periodical election but that there would be the distinct advantage of there being a follow-up review of the second periodical election to determine whether there had been any so-called hiccups in the conduct of that election or whether any practices could be determined or identified that were against the best interests of local government in the true spirit of an election. The committee that met and reported extensively has identified for the benefit of the House a number of minor issues that need amendment, and those minor issues are taken up in the Bill before us. At this stage I shall read into the record an overview of the 1987 periodical election that will enhance the understanding of this debate for those who read *Hansard*. The report of the working party states (at page 7):

> At the 1987 periodical election there were 1 154 vacant offices for which 1 384 nominations were received, 37 councils elected to use the proportional representation method of counting while 75 chose to use the optional preferential method. 691 candidates were elected unopposed, with ballots being required to fill the other 463 vacancies, resulting in elections being required in respect of 40 per cent of the vacancies, a slight percentage increase over 1985 when 38 per cent of the vacancies (478 of a total of 1 270) were contested. 219 separate elections were required for the 463 vacancies which were contested by 693 candidates. In the 1985 periodical election 251 separate elections were required for 478 vacancies contested by 789 candidates. The number of nomina-

tions per vacancy dropped slightly from 1.24 per cent to 1.19 per cent.

Elections in 12 country councils were suspended, pending the outcome of various amalgamation proposals, however the number of councils where election (i.e. polls) were necessary was 90, only three fewer than in 1985. Of the 668, 438 electors were entitled to vote in council areas where elections were held, 114 725 took the opportunity to vote. In 1985, 638, 469 electors were so entitled and 199, 628 voted. Almost half of the additional 40 000 eligible voters were in the metropolitan area. Overall turnout was 17.6 per cent, slightly lower than the 19.03 per cent recorded in 1985. Statistics compiled by the Local Government Association again indicated a very broad variation in the voter turnout from area to area with the lowest turnout being 4.18 per cent and the highest 86.36 per cent. The informal vote remained very low at 1.41 per cent of the total vote, a marginal improvement on the 1985 figure of 1.61 per cent; 315 sitting members were candidates for the 463 vacancies and 257 sitting members were re-elected i.e. 81.59 per cent. In 1985, 137 sitting members were candidates for 478 contested vacancies and 66 were re-elected, i.e. 42 per cent.

I draw those figures to the attention of members because they belie the fears originally advanced when the first rewrite of the legislation was being considered, that there was likely to be a complete annihilation of an existing council. Indeed, that did not occur on either the first or second occasion. However, the Government has criticised in some part the degree of turnout at some elections, pointing to a minor decrease in 1987. On behalf of my Party, I make the point that we are not perturbed specifically at that lower turnout. Much depends on where the election is to be held and, whether there are many uncontested elections, obviously the turnout will be low and one really cannot take the percentage of turnout as a true reflection of the interest in local government. It is something of an anomalous circumstance that has been allowed to develop where that is the case.

A further factor that gives a garbled version of the turnout occurs where the figures of persons able to vote include those who are appointed as nominees of various parcels of land or properties but who are not necessarily canvassed or made aware of an election where they hold property which they may attend only two or three times a year. That duplication of individuals in those areas upsets the actual percentage of interest. No, they do not vote, therefore they show on the negative side. However, there are sometimes clear reasons for their not voting as opposed to the number of voters directly associated with the local scene.

Many of the measures before us at present take up points advanced to the working party by local government officers, by elected members of local government, and by various Government departments. It is pleasing to note that the South Australian Electoral Commissioner was involved in the preparation of the report. In other words, there was an overview of the inter-relationship that should exist in a number of circumstances as between the State electoral legislation and aspects of the Local Government Act relating to the elections. One feature which I trust will always remain—and it remains so with the passage of this Bill—is that the local government election system does not allow for compulsory voting.

That view has been expressed by the Minister at the table and by others on earlier occasions and I do not believe that compulsory voting is something that local government or the community require. Certainly, I would not be supporting compulsory voting for local government in any circumstances. We can leave it at that because that is not part of the Bill, but it is relevant to the voting system directly associated with the House. The other body that reported to the Minister, and its report is reflected in some of the amendments before us, is the Local Government Advisory Commission. Having functioned for almost four years, it was able to direct the Minister's attention to variations and difficulties of interpretation that have intruded upon its work in respect of wards and amalgamation procedures.

The Minister has taken up the representations made by the commission, and I hope that the amendments in the Bill will advance and enhance the work that it undertakes. One should not lose sight of the fact that the commission is under tremendous pressure to cope with the large number of seemingly forced or potential amalgamations thrust into its area of responsibility with claims and counterclaims. It is an impossible task to come to grips effectively with all the issues involved in a short time, and after 12 months some communities in South Australia are still, or seemingly still, under threat.

The consideration of amalgamations by the advisory commission has now moved into the metropolitan scene as well as the country scene where they were first projected, and my colleague the member for Morphett advised me only today that next week there are sessions at Glenelg relating to Henley and Grange, Glenelg, West Torrens and Marion. We have a conglomerate, with a number of councils claiming and counterclaiming one against the other, and it is not only becoming quite a task for the commission to find the time to give adequate attention to representations being made but also costly to a number of councils in seeking to represent their people directly against some of the claims that are made in respect of enforced amalgamation. There is a distinct advantage in a proposition which was advanced at the last election by the Liberal Party and which will remain for the forthcoming election providing in certain circumstances for a form of select committee consideration of local government amalgamation as an option available to the Minister and the Parliament.

I am certain, based on the representations made to me, that a number of local governing bodies would elect for that form of consideration ahead of the advisory commission method now in vogue. That is not to denigrate the work of the advisory commission—it is having regard to the problems that the advisory commission has along with the other work that it is required to do to provide solutions within what might be termed a reasonable time. A number of councils have drawn attention to the fact that the work that the commission undertook on realigning their ward boundaries to give due regard to the requirements of the Act would result in near equal numbers in each of the wards, or representation on a near equal basis. This information was presented to the advisory commission well in advance of the 1987 election, with the commission being unable to consider the information placed before it in time for the election.

A number of councils were forced to go to election on the basis that it was anti the spirit of the Act and, I suspect, anti the intention of the Government, but there was no other course. They had not been able to accommodate the necessary changes. Under this Bill, there is flexibility regarding removal of the number of persons in a ward, being no greater than four. It gives a great deal of flexibility in a number of realignments and in the ward considerations now being undertaken by local government, and the provision that there may be no wards at all in a local governing area has been extended beyond district councils and now is available to municipal and city councils, at their request.

The Government has responded favourably to that measure and we will see a spate of councils moving away from individual wards to direct councillor representation across the whole area. It may be that when that is effected the likelihood of the number of aldermen will diminish and we will see not a mayor plus aldermen plus councillors, but a

mayor plus councillors only: that is for the individual councils to determine.

There are variations to the most recent 1988 amendment Act, an Act which has not even been proclaimed. The alterations are to extend to persons who do not want their name or address to appear on an assessment roll or a voter roll, for fear of being identified or located by someone who may be a former spouse. That is completely consistent with the action taken by Parliament in respect of the South Australian and Federal Electoral Acts, and it is good that that additional safeguard is now available.

The Bill also removes a technical difficulty which has been identified by members of local government that, when the new Act comes into operation on 1 January, more specifically following the declaration of a rate, a principal ratepayer may enter into an agreement with the council that it will send individual rate accounts to the tenants of the property to which the principal assessment applies. Previously it has been a matter of seeking to divide the one account among the number of people concerned. It did not allow for a more professional approach and a system of direct billing to individual members of a group, but that technical difficulty has been eliminated.

It will now be possible for those agreements to be reached with councils and for individual accounts to go out on dates different from the original date. In other words, a short-term deferment of accounts to individual tenants will be possible. We also find the most important of the amendments in this area, that which immediately addresses the concerns of the Mitcham, Stirling and Burnside councils but which relates to all councils in the longer term.

Where a controlling authority comprising several councils is to be created for the purpose of some major works, the existing provisions of the Bill allow those councils which are not necessarily the initiators of the scheme to be drawn in to become part of the total controlling authority, without the individuals having any chance of questioning or in any way resisting their inclusion in the controlling authority. This is a matter which we canvassed at some length in this place in March and April of this year. The Minister gave an indication that he could see a virtue in providing an appeal mechanism and a change of the Act as presented. There was a request that the matter be deferred for further consideration within the department and at the earliest possible moment and that it would be attended to in what might be termed a rats and mice Local Government Bill.

In some measure, the provision which is before this House now is different from that which was before another place as recently as yesterday. The Hon. Diana Laidlaw, speaking on behalf of the Liberal Party, gained some concession from the Minister but was unable to gain the full accord of both the Labor Government and the Democrats to take it as far as the alteration suggested by legal advice received by the Burnside, Mitcham and Stirling councils. However, it is better than it was. There will be no attempt to amend it in this place—purely and simply because we do not have the numbers—but in due course I will draw attention to the difficulties which may still exist for a number of councils in the future if they are drawn into controlling authorities where they feel they have no particular control of their own destiny, and there may be very good reason why they should get special consideration. If the Minister fails to recognise the weight of their case, they will be prevented from negotiating an end result which is in the best interest of all parties—not just that of the Minister and the initiating council.

Having talked of the very large number of clauses which deal directly with matters immediately relating to the electoral processes, it is noted, for example, that clauses 4, 15, 16, 17, 18, 24, 25, 35, 37, 51 and 52 give effect to the changing of the definition of 'periodical election' to a general election. Likewise, we then find that there are other clauses, particularly clauses 20 to 49 inclusive, which deal with voting and election procedures. Some of them provide minor drafting changes, and others provide new initiatives or take new initiatives in relation to the voting process. One clause, for example, extends the facilities for advanced voting or, more particularly, for giving notice in the public press relative to the existence of advanced voting.

Another clause will allow some polling places to close earlier than 6 p.m., while making certain that not all polling places within the one election area will close before the normal time of 6 p.m. No provision is made to extend the latest closing time, which is 6 p.m. There is provision for a greater use of mobile polling places, as referred to in clause 31 of the Bill. That extends a practice which the Liberal Party has a little difficulty in accepting and will be watching very closely to see the manner in which it is conducted.

I am not suggesting for one moment that we will oppose the proposal. It is very clear from the Minister's statement to the House and the discussion which took place in the working party that there are and have been fears relative to the security of voting and the necessity of making quite sure that there is no fraudulence or untoward behaviour with respect to the manner of the voting procedures. This is one area where the possibility arises that, because of the movement of that mobile voting place, there will be public questioning as to just how regular the whole process is.

Most certainly, having referred to fraudulence in the voting process, we are in full accord with the other clauses which provide for heavier penalties for anyone caught falsifying the vote or in any way creating a problem in respect of the vote. We are also of the opinion that the extension which provides that material circulated in respect of an election should be subject to scrutiny, and that anyone who transgresses by sending out a letter on the last day, which falsely identifies the activities of one or other of the candidates, is completely wrong.

If this Bill had been in the possession of the two Houses for a longer period (and it had not come at such a vital time relative to the 1989 elections and the parliamentary sitting dates), it may well have had other clauses attached to it or considered in the process of parliamentary scrutiny. For example, there is a growing view that, in respect of the Local Government Act, chief executive officers and all officers of all councils should have an annual statement of their salary and of all their emoluments, whether they be a work practice package or the use of a car or whatever other assistance is made available to them.

Likewise, there is a growing belief that there should be an annual statement of the benefits derived by any elected member of council, to make it perfectly clear to the electorate and, indeed, to the ratepayers, in respect of staff, that there is nothing hidden in the whole process of local government representation. I do not refer to any particular issue, and I fully appreciate the fact that in respect of the chief executive officers specifically, as well as other officers, there is a very clear indication of what their salary shall be, and that that salary shall be determined in part by matters associated with the total income of the council.

I suggest that, under the system which is contained in that industrial agreement, once they get into the vicinity of $33 500, the chief executive officer invariably becomes part of an employment package about which the ratepayers cannot always obtain clear information. It might be housing,

vehicle, other equipment, or a series of payments other than a straight salary. I believe that those matters are being questioned by a greater number of people in the community, and we would have canvassed them at some length but for the circumstances that I have previously outlined.

I make it clear that it is not a witch-hunt after any individual; it is purely and simply that the people are providing the income for local government staff and elected members and, therefore, that information ought to be in their possession by way of annual declaration. Members of Parliament, be they State or Federal, have their total package or emoluments made available to the public, so this would not create any circumstance which does not presently occur in other spheres. I find it a matter of much less concern than that which is the declaration by members of Parliament of their personal interests. Whilst I have never reneged from placing my own information on the record, a large number of people in the community still question how fair or reasonable is the necessity to declare one's income and, more particularly, that of one's family.

The member for Victoria (*Hansard* page 2484 of 3 December 1987) presented to this House a system of preferential voting to provide a better counting system. That system was thrown out by vote of this House without a great deal of consideration and without the Minister representing the Minister in another place even having a part in the debate. Most certainly, the matter would have been aired in another place.

We believe it is important that the voting procedures are seen to be fair, and the matter that was first projected on 3 December 1987 and was taken up by the member for Price on behalf of the Government (*Hansard* page 3287) on 3 March did require additional consideration. It has been represented to me by members of the local government fraternity, more particularly some clerks, that they see a danger in the system which requires chief executive officers to become involved in the conduct of the polls. There are people other than chief executive officers who are appointed by councils to conduct the polls, but some chief executive officers are finding it more difficult to accept that they are necessarily the right person to be the returning officer.

They suggest that the appointment should be of another competent person away from the immediate activity of the council and therefore the internal politics of the council and the likely difficulties that can arise, and that the chief executiver officer, or indeed perhaps an officer of the council, should only be appointed to that position when it can be shown, as may well apply in a number of smaller country councils, that no other suitable person is available. We appreciate that from a State and Federal point of view the returning officer in many of the electorates that we represent is either a public servant or a schoolteacher. Sometimes it happens to be a local government chief executive officer, but there they are acting beyond the area of government in which they are directly involved.

I can see some virtue in that, but I am not putting it forward necessarily as a particular proposition at this stage. I think it needs more attention. It was drawn particularly to the attention of those who have read reports from Victoria and elsewhere, more specifically in respect of an election in the Richmond council district, that there was a need for some guard or protection within the system so as to not put undue pressures on senior officers of the council.

I believe that that is sufficient consideration of the generality of the Bill that is presently before the House. With one minor exception I believe that it will have the general approval of local government. Indeed, the Local Government Association, speaking on behalf of local government, has approved of the content of the Bill with the exception of the variation to section 200. I look forward to the measures that are the result of the activities of the working parties. The consideration given by the Government will be effective and will promote, to the benefit of local government, the content of local government legislation.

Mr M.J. EVANS (Elizabeth): I believe that the Bill, on the whole, is quite unobjectionable and makes a number of useful amendments and improvements to the legislation as it now exists. However, I believe that the Opposition is far too generous to the Government with respect to the matter of timing. By agreeing relatively quietly in this matter as it has, I think it does the House and local government as a whole a great disservice.

I find it completely intolerable to be presented with a 25 page Bill at 10 p.m. last night in only the second reading explanation stage and then to receive copies of it this morning and be expected to give it final approval a few hours later. I am sure that the Minister would not do this to the House were it solely in his discretion. Obviously, the system has overtaken the circumstance and we are to be given only a few hours consideration of what is not a particularly complex measure or one which contains enormous matters of great policy weight but which, throughout its 25 pages and some 50 clauses, makes an enormous number of small technical changes which in fact are more deserving of closer scrutiny and analysis than one is able to give them in such a brief period. Be that as it may, it is quite clear that that is the process the House will follow so I will certainly do my best to participate in that process to the maximum extent that I can in the time scale available.

The Bill raises a number of issues, and some which it does not but which it should. I will not deal with them in any particular order of importance, but simply as they arise. First, I believe that many of the provisions which deal with the proclamations and the alterations to council titles, names, district versus municipal ward boundaries and the like are in fact increasingly irrelevant to the main statute. I believe that if we are to give local government a reasonable degree of autonomy we should remove the bureaucratic hurdles that it faces when it wishes to make even minor amendments to names or the like and allow those issues to be handled by council by-law. That would remove the backlog of consideration by the Local Government Advisory Commission of these relatively trivial matters for the State as a whole but which are important at the local level. Any council which did not comply with the reasonable standards set down in the Local Government Act would then, of course, have the by-law set aside.

Quite clearly a number of issues—the name of the council, the name of the area, whether or not the council should have a mayor, whether a council is divided into wards and, if so, how, and so on—could well be resolved by by-laws in accordance with fixed standards in the Act with which councils would be required to comply. That would then obviate the need for reference of these matters to the commission but would reserve to the Parliament, if necessary, the right to disallow any inappropriate by-law.

These days the question whether a council is a district council or a municipal council is becoming increasingly irrelevant. I believe that a council should have powers granted to it, if it is necessary to differentiate, in accordance with its relative size and financial capacity, rather than in accordance with some historic differentiation between district and municipal councils. I am sure with the ever diminishing differentiation, the Government will eventually

address that issue and perhaps abolish the distinction altogether.

I also wonder at the relevance these days of the specific qualifications for Town Clerks and senior executive officers which are the subject of ministerial allowance. Councils should be free to choose qualified chief executive officers from among the whole range of applicants without reference to these somewhat obscure qualifications when people are able to run other businesses without reference to them. I also question the failure of the Government to raise the prescribed limits for allowances for counsellors. Those limits have been the same for four or more years, in fact since they were introduced and, as I understand the position, the regulations which fix the maximum amounts have not been revised in that period. It is time for that matter to be reconsidered.

I also believe that eventually we will have to define more clearly the rights of access of members of councils to financial information and to copies of documents. The Opposition spokesman on this matter, the member for Light, has canvassed the remuneration of CEOs and other documents being made public but, apart from that, we need to define the rights of access of counsellors to financial information and to copies of the relevant documentation. It is not enough to say that council as a whole can resolve these issues. Individual counsellors must have the right, as participants in the executive decision making processes of the city, to access that information, and that will have to be more closely defined in the future, because arguments over this question may arise daily. I already know of any number of situations throughout the State where individuals have sought access to information and been denied it. That is an intolerable situation for elected members of councils, and the legislature will clearly have to lay down guidelines for that kind of problem.

We will also have to look at the question, on a broader level, of freedom of information provisions for councils. I believe that the public has a right to information, be it at the Commonwealth, State or local level and, while the State Government is reluctant to move in this area, it might find it possible to do so in respect of councils. I believe that that issue also deserves attention. We see a number of amendments in this Bill concerning voting systems and, on the whole, I believe they are working quite well. The legislation addresses that question quite adequately. I believe that insufficient attention has been given to voter education and one of the critical problems in this area is uniformity of voting methods or at least the education of voters about voting methods. It would be quite feasible if some attention was given to the uniformity of House of Assembly and council voting education material. We do not need uniform voting procedures: we could still have preferential voting systems for some councils, proportional representation systems in others and the preferential system in the House of Assembly.

However, if there was a broad requirement in all three provisions for voters to fill in all of the squares, uniform material could be issued and that would be far more effective because of the uniformity. Given the different methods of counting votes in each of those areas, we could allow different criteria as to what is a formal vote, depending upon the technical requirements of each voting system. We could then at least have uniform voter education systems, which I believe would contribute towards the Government's desirable goal of lifting voter turnout.

I certainly agree with the member for Light that select committees are an overlooked resource in the area of boundary change. A most important potential area of conflict could be resolved by setting up select committees of the Parliament rather than approaching the advisory commission on every occasion. I believe that that certainly should be revived, especially given the failure of the commission, for various reasons, I admit, to make substantial progress in this area. I am very pleased to see that the commission is to be required to provide an annual report. This is a provision which I sought some time ago and which the Government has now adopted. It is a very useful one. However, I believe that councils also should be required to produce annual reports along corporate lines, with obvious modifications, and this proposition could well incorporate the suggestion of the member for Light about executive remuneration.

Councils should be accountable to their ratepayers and electors. One way of achieving that would be the statutory disclosure of certain information in the form of regular annual reports to their constituents. All of these matters are or should be canvassed in the Bill. They are touched upon in most respects and I am very pleased to see a number of amendments which I, among others, have advocated over a long period of time servicing this document. Again, I stress I would like to have introduced other matters into this debate, and possibly by way of amendment, but that is prohibited by the tight time scale that the Government has imposed on this debate. I hope it has not been done with a view to preventing members from contributing in this way, and I will not impute such motives to the Government at this stage. There is an increasing tendency for important, technical and lengthy local government legislation to be introduced at the eleventh hour, and we are told that it must be passed or local government will not be able to take advantage of these provisions at the next periodic or general election. This kind of legislative blackmail is not appropriate and I hope that the Government will ensure that in future adequate time is available for the discussion of these important matters.

Mr OSWALD (Morphett): In addressing this Bill, I commend to the House the comments made earlier by the member for Light; I totally support what he said. In the interests of time, I will not go through his comments in detail. I want to highlight a matter that was raised with me by the President of the Patawolonga Boat Owners Association, Mr Jack Doyle. He asked me to put this proposition to the Government when the Bill came up for debate this afternoon, and I am sure that this principle would flow on to other moorings in council properties. He put to me that owners of boats who are paying a fee of between, say $250 and $800, according to the size of the boat, should have some say in the election of the council. That opens up an interesting question, because it would flow on to people who lease kiosks on council property and people who rent space in a car park, paying an annual fee.

The members of the Patawolonga Boat Owners Association believe that in many instances, they as individuals contribute far more revenue to the local council than a lot of residents in the council area.

Mr S.G. Evans: That would also affect Popeye.

Mr OSWALD: On this basis, they believe that that should be acknowledged by their having a vote in local council elections. The member for Davenport made the comment that that would also affect Popeye on the Torrens. If that meant giving Keith Altmann a vote in the Adelaide City Council area then the same principle would apply. On behalf of Jack Doyle and his association, I therefore ask that the Minister give serious consideration to this request. It may be that the subject has to be researched a little further, but

I think it is fairly clear to everyone what the association is aiming to achieve in this request. I ask that the Government amend the legislation at the appropriate time to incorporate what the association is aiming to achieve.

If the Government and the Minister want more time to consider the proposition I think that the Boat Owners Association would probably be quite happy for that to be done the next time a Local Government Act Amendment Bill comes before the House. Bills amending the Local Government Act come before the House many times a year. If the Government will not make the amendment today, because it wants to further discuss the matter in Cabinet, perhaps the Government could have another look at the matter when a further Bill comes before the House.

In summary, this relates to a direct request from the Boat Owners Association to take up a new principle, and that is that, if a person is leasing space on a marina and paying many hundreds of dollars a year into council revenue, that be considered as grounds for their being included on the roll for local government elections. I would ask the Minister to accede to this request this afternoon and bring in an amendment accordingly.

Mr S.G. EVANS (Davenport): I share the concerns raised by the member for Elizabeth, I have made the point for many years that it is unfair to race Bills through the Parliament. All Governments have done it to a degree, but it has become a more regular practice in recent years. One wonders why we cannot get these Bills up earlier. Is it the Minister's fault? Is it the fault of those who are preparing them, or the fault of those who are preparing the material to supply those who are preparing the Bills. In the absence of a solution we are being unfair to those people who elect us and who expect things from us.

In this day and age, when we have shadow ministries, some people might think that the view of one person, a subcommittee or a group of people does not mean so much as that which is put forward on behalf of a Party as a whole. We must realise that it is more difficult in relation to Independent members or small groups of people. These people do not have the backup in staff or equipment that the recognised stronger groups in Parliament have. I belonged to one of those. However, if we believe that Parliament is a place where all people are represented adequately, we should not be going through the sort of exercise that we are at present going through so rapidly.

I support the point made by the member for Light in relation to the declaration of what people within local government receive in the way of remuneration, whether elected members of council or senior staff. There are many ways that this could be done. I noticed a paper drifting around at the time of the last referendum on matters relating to the Australian Constitution, one of which related to local government. I was dumbfounded to find how much some mayors are paid and how little some other people get. On checking this matter I found that payments are picked up through special arrangements, whether it be through entertainment or motor car allowances, or whatever. Surely, the ratepayers, the voters, should be provided with all that information in the annual report. I know that the member for Light has made this point already—I just want to support it in the strongest terms. If we have to write this into the Act, so be it, but surely local government can see that that is an obligation.

We have now moved down the track of allowing for expenses for elected members of council, just ordinary elected members, whether they be aldermen or councillors. This is limited, but we all know that the situation will change over the years. We all know that we have set off down the path towards having these positions fully paid—as some people would like them to be. People might laugh at that today, but we must realise that this will probably eventuate in the long term. Present day councillors and aldermen would say that that is not on and that they do not believe in it. In the vast majority of cases that would be their point of view, but as the practice becomes acceptable in a small way so too will bigger and bigger payments become acceptable, as will the concept of having fully paid people in these positions.

I think it is important that we now start publishing the details of the allowances that are made, and so on. For example, if the Lord Mayor is entitled to an allowance of $77 000 a year and his wife approximately $11 000 plus a motor car, that should be stated on the annual report of the council to its ratepayers. It could even be done with an attachment to the rate notice. Such details, as well as any other payments made, should be given. This Bill does not cover that area in particular. As I have said, I support the concept mentioned by the member for Light. I hope that people in Government and in the department will start looking at the matter and saying to the Local Government Association that, if we are to have openness, we must start in this area.

The Hon. G.F. KENEALLY (Minister of Transport): I thank members who have contributed to the debate. We had the normal very thoughtful contribution by the shadow Minister, as we expect from one who has such a wide experience of local government. We also had a rather interesting contribution from the member for Elizabeth. Sensibly, I would say, the member for Elizabeth takes advantage of local government legislation to canvass a number of issues that are outside the matters covered in the Bill before us. He has done this in the past, and with some effect, because the Minister of Local Government does look very closely at the contributions that are made in this House. Although some suggestions made by members might not directly relate to the Bill that is before the House, nevertheless, matters that are worthy of consideration are looked at by the Minister. I am sure that the Minister and her department will look at and consider the suggestions that have been made by the members for Elizabeth, Davenport, Morphett and Light today and when other local government legislation comes before the House.

A number of issues were canvassed. Can I say at this point that I appreciate the readiness of members to deal with this legislation in the manner that they did. I acknowledge that there has not been a lot of time for the detailed consideration that is normally given to legislation. However, an important factor which applies here, and to which members have responded, concerns a benefit for local government—not necessarily relating to a benefit for the Government or the procedures of the House—in that this is important legislation for local government elections next year and it is important that it proceed through the House. I acknowledge the awareness of members of that.

However, I believe that the matters contained in the Bill have been canvassed widely either here or in the local government electorate and they they are well known to local government. So, I do not believe that it can be fairly said that we are doing a disservice to local government. Indeed, that is not the case because local government has had ample time to consider these matters and consultation on them has been extensive. I acknowledge, however, that members of Parliament, when confronted with a large Bill such as this, sometimes are a little dismayed at its complexity. Let

me assure members, as I am sure that the shadow Minister would, that these measures are clearly understood by local government and, in the main, clearly desired by local government. They will result in a better local government performance which, after all, is what we are all trying to achieve. For those reasons, I look for the support of the House on the second reading of the Bill.

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purpose mentioned in the Bill.

STATUTES AMENDMENT (LOCAL GOVERNMENT) BILL

Upon resuming:

Bill read a second time.

In Committee.

Clauses 1 to 32 passed.

Clause 33—'Repeal of Division VIII of Part VII and substitution of new sections.'

The Hon. B.C. EASTICK: This clause relates to voting at polling places and creates the mobile booth and the procedures that follow. Proposed new section 111 *(i)* provides:

> Subject to this Part, when a person who is present at a polling booth open for voting claims that he or she is entitled to vote at the election or poll, an electoral officer will ask the person—
>
> *(a)* to state—
>
> (i) his or her full name;
>
> (ii) unless the person's address is suppressed from the roll—the address of his or her place of residence;
>
> and
>
> (iii) where applicable—the address of the rateable property within the area by virtue of which the person is entitled to be enrolled on the voters roll;
>
> and
>
> *(b)* whether he or she has already voted at the election or poll,
>
> and may then ask the person such further questions as the electoral officer considers necessary to establish whether the person is entitled to vote.

Can the Minister say whether electoral officers will, as a matter of course, be instructed as to the nature of the questions that they may ask? From time to time a member obtains an expression of concern from a voter who believes that the nature of a question asked at the poll was anything but relevant to the purpose for which the voter was there. Although some questions asked could have been somewhat facetious or associated with the polling officer's knowledge of the voter or the area in which the voter lived, the question could have been misunderstood in the electoral circumstances where a voter may attend the poll with some fear.

After all, that is a natural feeling whether the election be held at Federal, State or local government level. Although the fear may be greater in respect of Federal and State elections because in such case the voter is forced to attend whereas the voter attends a local government poll at his or her own volition, some people have such a regard for the voting process that they will attend whether or not they are forced to do so. Has the Minister or the department considered the way in which electoral officers are instructed as to the conduct expected of them and has the department received such expressions of concern following an election?

The Hon. G.F. KENEALLY: I understand the import of the honourable member's question. The purpose of this provision, which is similar to a provision in the State Electoral Act, is to help the voter so that he or she is better able to exercise appropriately a vote in the way desired. On entering the polling booth, some people are apprehensive about voting. Certainly, those voting for the first time are often uncertain about the procedure and there may well be questions that should be asked if in fact the prospective voter seeks information that will enable him or her to better exercise the vote.

The whole purpose of the provision is to help the voter. It is in no way intended to be intrusive or cause a voter to wish not to exercise a vote. Indeed, that would be contrary to the intent of the provision. However, I take the honourable member's point and it will be referred to the Minister. The local electoral officer, who is the returning officer for each local council area, will be expected to act similarly to the electoral officer at a State election.

The Hon. B.C. EASTICK: I give notice that I will ask the Minister to have clause 31 recommitted. I refer to new section 116 and draw the Committee's attention to the manner of presentation which is different in this Chamber from that originally presented in another place. In new section 116 on page 16 of the Bill subsection (3) has been deleted. I acknowledge the acceptance by the Minister in another place of the recommendations put forward by my colleague the Hon. Diana Laidlaw. It seems to me that, as we are drawing the slate clean for election purposes, in the event that the election was adjourned, votes which had been cast up to 21 days before might have been votes of persons who in the meantime had died and were not going to be included.

I suppose that it can be said that in relation to any advance vote there is always the chance that the person may die in the meantime, but the situation becomes more difficult if there has been an adjournment, together with all the other difficulties associated with recalling an election. The Minister acceded to our request and I think that it is in the best interests of the voting procedure. I merely place my appreciation on the record.

Clause passed.

Clauses 34 to 50 passed.

Clause 51—'Repeal of Parts X to XV and substitution of new Parts.'

The Hon. B.C. EASTICK: Paragraph *(e)* is the provision which the Opposition sought to amend, and this was partly accepted, although other aspects were rejected by the Minister of Local Government. The Minister will recall the discussions we had on the occasion of the major rewrite, involving the creation of a controlling authority which could influence councils even though they did not feel they ought to be involved.

We acknowledged then that the provision was clearly prepared to facilitate the necessary drainage in Burnside, Stirling, Mitcham and Unley councils—those four in particular—and that there had been a failure over a long period to assist Unley council, whose area was greatly affected by water coming from the other three areas and which could not afford all the infrastructure when nothing was being done to prevent the arrival of the floodwaters from those higher areas. The Minister undertook to take the matter back to his colleague.

The Minister of Local Government, in the course of discussions in the conference of managers on the Bill, acknowledged that she would consider this matter and that it would not proceed at that time. I accepted that situation,

but the matter is now again before us. As to the form in which it was presented in another place, the Bill provided:

by inserting after paragraph *(b)* of subsection (5) of new section 200 to be inserted in the Local Government Act, 1934, the following word and paragraph:

and

(c) that, after giving proper considertion to any representations made under subsection (4), it is reasonable in all the circumstances of the case that the council be included as a constituent council.

That still caused problems for Burnside council. The other councils took advice and indicated that that form of words did not give them the element of protection that they believed they should have and, on legal advice presented to the City of Burnside and shared with other councils, both from Johnsons, Barristers and Solicitors, and also from Norman, Waterhouse and Mutton, the councils requested of the LGA and the Opposition that an effort be made to make the following substitution:

(c) that it be fair and reasonable to each of the constituent councils.

That matter was referred to the Parliamentary Counsel, who came up with a form of words slightly different again but which had the same impact. That provision was presented in another place by my colleague the Hon. Diana Laidlaw, as follows:

(c) that it is fair and reasonable to each of the constituent councils (including the council proposed to be included) that the council be included as a constituent council.

The Minister in another place had received from the LGA a letter, dated 29 November, stating in part:

It appears to the LGA that the amendment proposed by the Opposition is in accord with that proposed by the Burnside council. This is acceptable to the LGA and hence I would appreciate your support for it.

The Minister, with the assistance of the Democrats in another place, sought to delete from that amendment the words 'to each of the constituent councils' and was prepared to accept the inclusion of the word 'fair' which, in essence, is the only new word included in the Bill as it comes to us from another place. It appeared at one stage that not even the inclusion of the word 'fair' would be permitted if there was going to be a division. However, on behalf of the Opposition the Hon. Diana Laidlaw indicated that we would accept the part-way provision, but at the same stage expressed her disappointment and that of the councils concerned.

The views of the LGA and the councils of Burnside, Stirling and Mitcham have not been given due regard. I refer to a letter from the City of Burnside to the Minister of Local Government on 2 November, in which the council, having been provided with a draft Bill to consider, drew attention to the various aspects and to its concern about this matter. At page 2 of its letter, the council states:

As you are aware, before the most recent amendment to the legislation the Minister could not join councils unless satisfied both that the proposed scheme was fair and reasonable and that the works or undertaking would substantially benefit the areas of the councils concerned.

It outlined the precise words of an amendment which I indicated we first mooted but then took advice that it be presented in a slightly different way.

The penultimate paragraph of the council's letter, I believe, needs to be given due regard:

In your letter you state that the power to bind a dissenting council to a scheme is not a new power and is not presently subject to automatic appeal rights.

There is no argument about that. However, the power to bind a dissenting council to a scheme from which the council would derive no benefit is a new power. The fact that the council can be drawn into a position of supporting a proposal from which it believes it would gain no benefit is a new power, and one which goes beyond the concept of local government in the past. If we examine again the circumstances I raised of floodwaters coming down from the other council areas into Unley, the councils concerned could argue quite easily that they would gain no benefit by continuing to let their water run where it had always run—in its natural course—and that it would be of no benefit to them if they were to be drawn into a controlling authority which would be a financial bind upon them.

The councils would seek to be able to argue that point in the future, as they have done in the past, in a court or elsewhere. I can appreciate their concern and the difficulties that that raises for the receiving council, as has happened over a long period, but in this case Burnside, Stirling and Mitcham councils are being forced into a position of not only no gain but financial detriment to their constituents.

The Hon. G.F. KENEALLY: I am aware of the issues raised by the honourable member but, as the previous Minister of Local Government, I would say that the compromise that the Minister reached in another place is fair and reasonable in all the circumstances. I say that because, although the Opposition does have a role to state clearly in this Chamber the views of local government and its authorities, merely because no benefit derives to a council government is nevertheless no good reason why it should not be included in a controlling authority. The instance canvassed by the member for Light is a clear example of that.

A local government authority may derive no benefit by being a partner to a controlling authority but, where that authority is causing difficulty for bordering councils, it has a duty to be involved in that controlling authority. Establishing a controlling authority would otherwise be impossible. The provision has been amended, as the honourable member has conceded, to include 'fair', which makes the situation fair and reasonable in all the circumstances, and I think that that will grant protection to the constituent parts. However, the overall good is what this Parliament ought to be legislating for.

The Hon. B.C. EASTICK: The Minister will accept that if a council becomes part of a controlling authority it will be at a cost to that council. How will the Stirling council in its present state become a contributor to a controlling authority?

The Hon. G.F. KENEALLY: I shall be happy to refer that question to my colleague in another place so that a considered response can be given to the honourable member.

Clause passed.

Clause 52—'Statute Law Revision amendments.'

The Hon. B.C. EASTICK: Will the Minister indicate what is envisaged in relation to the passage of this new subsection (2)? Is there a specific benefit to derive at the moment?

The Hon. G.F. KENEALLY: The reason why the new clause 52 appears is that, when the earlier Bill was agreed to, a schedule was attached to it. This Bill overrides that schedule, and it is important, therefore, to include this provision in the Bill.

The Hon. B.C. EASTICK: It appears that it becomes perpetual, and it could apply well into the future other than in relation to the specific purpose or the particular schedule.

The Hon. G.F. KENEALLY: My advice is that it will apply only to those schedule amendments, so it cannot apply perpetually to other amendments or to other Bills. It applies only to the amendments in the schedule attached to the Bill passed earlier this session.

Clause passed.

Clause 31—'Voting in remote areas'—reconsidered.

The Hon. B.C. EASTICK: I thank the Minister for his assistance. Here we have the creation of voting other than at a polling place, the advanced voting paper and, more particularly, voting in remote areas. Can the Minister indicate in what other places in Australia, if any, the mobile voting place is being used?

I recall that the mobile voting system is currently used in New Zealand. I am more concerned that the Government, in making this provision (with the assistance of the Opposition), will be ever mindful of the importance of ensuring that there is no way in which it can be used for fraudulent purposes. The intent is to improve the tenor of the Act so that there are greater penalties, and so on. This is the one area where concern has been expressed by a number of my colleagues—that scrutiny becomes more difficult in the movement of the mobile voting place. There will not be the type of scrutiny of people that normally occurs in the vicinity of a permanent booth.

The Hon. G.F. KENEALLY: The Government appreciates the assistance of the Opposition in introducing what is, certainly in South Australia, a novel development in allowing people to exercise their vote and, I suppose, it improves their democratic rights. However, we are well aware that we should not do anything that provides a potential for fraudulent voting which works contrary to proper democratic processes. The Government is conscious of that. There will be closer scrutiny of the mobile voting system to ensure that no malpractice occurs. After the election I am assured that the performance of the mobile voting system will be very closely reviewed to ensure that what Parliament seeks to do in fact occurs.

I am informed that this is not common practice in Australia, as the honourable member has pointed out. I understand that Western Australia, because it is a vast and sparsely populated State, has this mobile voting system. As the honourable member pointed out, we do have the experience from New Zealand, and we have other experiences to rely on. Nevertheless, there will be the closest scrutiny of the voting system to ensure that there is none of the problems that the honourable member has alluded to.

The Hon. B.C. EASTICK: Will the Minister advise me why section 106a (7) of the principal Act is to be struck out?

The Hon. G.F. KENEALLY: It is to remove the requirement that the returning officer keep a record of the advance voting papers that are issued. That has been replaced with the requirement that they mark the roll. So, there is still a record. The situation is explained in proposed subsections (9a) and (9b).

Clause passed.

Title passed.

Bill read a third time and passed.

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 1693.)

Mr S.J. BAKER (Mitcham): The Opposition does not support the Bill. Its provisions allow for the appointment of a panel of people with experience in the law to top up the judicial ranks when the need arises. The second reading explanation indicates that the courts are running a little behind time, so there is difficulty in ensuring that justice is speedily administered. Therefore, there will be auxiliary appointments to overcome the problem.

There are delays in the courts which, to me, are unconscionable, but the Attorney explained that our situation is not as bad as in other States. All I can say is: God help the other States. The Attorney suggests that currently in the Supreme Court there are delays of three to four months in the criminal listings and nine to 10 months in the civil listings; in the District Court delays of six months for criminal listings and an enormous 20 months for civil listings; in the Appeal Tribunals, for the full bench, delays of 18 weeks and for the single bench delays of 10 weeks; and the Magistrates Courts fluctuate with delays between six to 28 weeks.

We all believe that justice should be speedily dispensed. In fact, some of my previous speeches in this House have suggested much the same. We know that, the longer a trial is delayed, the longer it takes for its resolution and, as a result, it is less likely that justice will be administered in an effective fashion. We know the trauma that people go through when waiting to appear before a court. I know that those who commit offences experience trauma when waiting for trial. For some offences I do not mind if they have to sweat out that period, but for people charged with minor offences the wait can be far worse than the outcome.

The Attorney-General said that there is provision for a system of temporary appointments under the Act but that that is not effective enough. He suggests that we now need another mechanism to decrease the waiting lists. As a person with very little knowledge of the law, I take this Bill on its merits and what we have previously set as standards in this State. I have some concerns, as has my colleague in another place, about the way this measure will be administered.

I refer to the contribution from the Law Society on this matter in a letter to my colleague in another place. It states:

> The independence of the judiciary, and the public confidence in the impartiality of the judiciary, is critical to community acceptance of the law. Judges must not only be impartial, but also be seen to be impartial.
>
> The appointment of judicial auxiliaries from the profession might be seen as a trial period before permanent appointment. Both in relation to members of the profession, and to former judges, appointment for 12 months with a further period of 12 months 'option' might also be seen as a trial period. In either case members of the public, particularly unsuccessful litigants, might perceive the auxiliary judge as having made a decision influenced by the prospect of permanent promotion or extension of term.
>
> Another reason for objection to judicial auxiliaries from the profession is the possible perception that a former judicial auxiliary may have an advantage by reason of his knowledge of his former judicial associates, or his former status, in the subsequent conduct of litigation.

One could almost envisage the situation where at one moment the person is on the bench and the next he may well be pursuing the case from another perspective. The letter continues:

> Although the society shares the concern about the present delays in the courts it is opposed to those clauses. It suggests the appointment of judicial auxiliaries should be only of former judicial officers, and only for a non-reversible defined term.

It further states that there are other aspects of the Bill that the society opposes besides the general principle. It is also worthwhile to relate to the House that, in response to a number of questions raised by my colleague in another place, the Attorney-General admitted the following:

> The Chief Justice's objections to acting judicial appointments have not changed since the honourable member was Attorney-General. However the Chief Justice has informed the Attorney-General that those objections have less force in relation to retired judges than to acting appointees and he supports the general thrust of the Bill, while expressing the hope that auxiliary appointments will be confined to covering temporary absences of permanent judges.

I will ask one or two questions on this procedure during the Committee stage because, if it is to be a top-up mechanism, I simply pose the question: how do you pull people, who are involved in the due process of law in a legal sense, on and off the bench without prejudicing their occupation or their future status in particular cases? That is just a lay person's point of view.

How do you say that a person is impartial one minute in terms of administering the law and the next minute the situation is changed? It is an on-off situation. Has the Minister canvassed the profession to see how many people would like to be on this on-off list? Will he use only those people in the system who cannot get enough work? How does he induce a person with a very strong legal background, who has a great deal to offer, to serve on this auxiliary list and be called up as and when needed? With the delays in the court system today, how does he guarantee that these auxiliary appointments will not be permanent appointments? I pose a number of questions simply by reading the Bill.

It is suggested that, because someone qualifies for appointment (the minimum time being 10 years in the case of Supreme Court judges, I believe), they are eligible for inclusion on this auxiliary list. We all know that we have to increase the flexibility of management. I humbly suggest that, if you want to increase flexibility, there could be ways and means of reducing the workload of judges—perhaps speeding them up a little. In fact, I know of a couple of cases at the moment where justice is simply not being done because the judge has not made a decision. That may be his way of approaching matters, but it does not help the litigants.

This proposition seems to have been put together with a great deal of haste. Even the Chief Justice, who is ultimately the person responsible for the administration of the system, is opposed to the idea. Probably his opposition has some very strong basis in application. My colleague raised a number of questions about why we should not stretch it down to the Industrial Court where some of the delays are similar to those pertaining to civil jurisdiction in the District Court. The response was: 'We will worry about that later; we do not mind if they deal with workers compensation cases but, beyond that, we would be very concerned if they became involved in industrial matters'. That was the response to the delays in the Industrial Court, about which I have received a number of complaints over the years.

The Opposition would like some answers to the questions that have been posed. The Minister can answer either during the second reading debate—that is, if he has read the Bill—or, alternatively, during the Committee stage, when the same questions will be posed. The Minister will note that a number of amendments are on file in an attempt to reduce the scope for inappropriate appointments to the bench. Any appointments made by the Governor must have the concurrence of the Chief Justice. However, one would question whether such a decision would be set in concrete or whether the Chief Justice would say, 'Go back and look around again until you find someone whom I deem to be suitable.' There must be better ways of approaching this problem.

There certainly must be some sanctions against some of the practices that prevail in our courts today. There must be greater sanctions against lawyers who, quite scurrilously, continually delay the courts by asking for adjournments. I know that some attempt is being made to address that question. There must be sanctions when the public prosecution case is poorly prepared and there is a request for a further delay. There must be sanctions when certain members of the judiciary do not actually sit on the bench for the hours prescribed. There must be very reasonable ways to improve the performance of the courts. I suggest that an expert in time and motion studies—that happens to be very old terminology, but it was the in phrase during the 1960s—could work out where the delays are and set in train to have those delays eliminated. We could then reduce those extensive listings. I believe that it would take a minimal effort. This matter has been before this House far longer than I have been here—over six years. It seems to be the disease of the courts.

However, with new technologies and the ability to put everything on disk, and with the ability for judges to put their decisions down using the various technologies that are available—they can sit down with a tape recorder or dictate directly over the phone and get those decisions typed up very speedily—there is no reason why some of the delays that we see today should be perpetuated. I suggest to the Minister that there are a number of ways by which the courts can be better administered, so that we do not have people waiting, as is the case in the civil jurisdiction of the District Court, some 20 months before they can get a decision on matters that are very important to them. Even in the criminal area, a wait of six months should not be condoned. With those few words, I signal that the Opposition is opposed to this measure.

The Hon. G.J. CRAFTER (Acting Attorney-General): I am surprised that the Opposition supported this measure in the other place but now opposes it in this place. I do not think that anything the member for Mitcham has said to the House indicates that the Opposition has any arguments that are different from those advanced in the other place. Indeed, the matters raised by the member for Mitcham were canvassed at some length in the other place and were answered there. I think it would unduly delay the proceedings of the House if I were to repeat, to satisfy the honourable member's concerns, what was said in the other place and that it would simply involve us in debate of a repetitive nature. Very simply, either the Opposition agrees or disagrees with this strategy to most efficiently use the resources that we have available to us in the judiciary and to bring about a diminished waiting time for matters to be heard in our courts.

The honourable member has raised some points—I guess, niceties, if one can put it that way—with respect to the confidence that the public may have in the judiciary, if these proposals are brought into effect. I suggest to the honourable member and, indeed, to the House, that the greatest concern that the public would have in respect of the proper administration of justice would be to see the long delays continue. Justice delayed is justice denied, and there is a grave responsibility on the Government to ensure that there is minimum delay in justice being arrived at in these matters, and particularly in the criminal courts. So, we are beholden to use the judicial resources that we have available to us in the most efficient way, and that is why this matter has come forward.

There has been consultation with the various interest groups involved in this. The Government is mindful of the concerns that have been raised. Indeed, checks and balances have been built into the legislation. For example, the concurrence of the Chief Justice is required prior to making appointments of this nature. I remind honourable members that it was indeed the Tonkin Government which used, quite extensively, commissioners in the Supreme Court; taking practitioners out of private practice and swearing them in as commissioners of the Supreme Court, and put-

ting those commissioners out into the country circuits, to help reduce the lists at that time.

That system did help to diminish the size of the lists. Undoubtedly, similar concerns were raised by the groups that the member for Mitcham has mentioned, as have his colleagues in the other place. However, the Government at that time chose to take that course of action. It is understandable that similar cautions have been expressed to the present Government with respect to this proposal. Once again, I suggest that the greater consideration involved the introduction of the waiting lists and, indeed, the most efficient way that we can use the resources that are available to us. To simply put up jurisdictional barriers to that efficient use of personnel, I believe is not in the best interests of the community.

So, this Bill provides the maximum flexibility to the Senior Judge of the District Court, the Chief Magistrate and the Chief Justice in the deployment of judicial personnel in this State. I have every confidence in them, as does the Government, to administer these appointments and to advise the Government in the appropriate way. The record of those officers of the courts is quite outstanding in this State. We are well served by them, and there is no real reason to believe that we will not be in the future. I commend the Bill to all honourable members.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Appointment of judicial auxiliaries.'

Mr S.J. BAKER: I move:

Page 1, lines 32 and 33 and page 2, lines 1 to 6—Leave out subclauses (2) and (3) and insert new subclauses as follow:

(2) A person cannot be appointed to act in a judicial office under this sectional unless—

(a) that person holds a judicial office of a coordinate or higher level of seniority;

or

(b) that person has previously held the relevant judicial office, or a judicial office of a coordinate or higher level of seniority, on a permanent basis.

(3) A person may be appointed to act in a judicial office on an auxiliary basis even though that person is over the age of retirement prescribed for the relevant office.

Although the Minister has said that he was a little surprised that the Opposition is opposed to the Bill, he would have known that my colleague in the other place was quite vigorous in his defence of the current system and that this measure was subject to division in the other place. Whilst members of the Opposition oppose the measure, it is important to recognise that we are very mindful of the delays in the court system. If the Minister interprets our opposition as being more or less very reluctant support, that would probably put this measure into the correct perspective.

During the second reading debate the Opposition outlined a number of problems in the way that such a scheme could operate. The last thing that we want to see is a canvassing of those people, not formerly involved in the judiciary, coming from the ranks of the legal profession, to fill up a quota—going to the bottom of the pile to fill up that quota, and then by that due process saying that, as they now have experience, they thus have the ability to become part of the judicial profession. That is my concern. The matter was not raised in debate in the other place as being of any great moment. This concerns the practical ways in which this Bill will operate. It is important that we do not in some way prejudice the best people coming to the top to take a high-standing judicial appointment.

[*Sitting suspended from 6 to 7.30 p.m.*]

Mr S.J. BAKER: Members on this side do not oppose the calling in of true and tried members of the judiciary who, because of their age, can no longer sit on the bench. I remember the marvellous contribution made by Sir Roderic Chamberlain long after he had retired as a Supreme Court judge. The Opposition generally supports the freeing up of the auxiliary appointment situation by allowing people of merit and experience in that capacity to continue to serve on the judiciary. However, in regard to canvassing such appointments from the ranks of people currently serving in the legal system, the Opposition has difficulties and doubts about how such a system would work.

The Hon. G.J. CRAFTER: The Government rejects the amendment. Indeed, it was moved in another place and we reject it for the same reasons as it was rejected there. The Opposition says that it does not disagree that there are people who are competent to perform the judicial duties: it is just that it has no confidence in those who are vested with the responsibility of appointing such persons. Therefore, by means of this amendment the Opposition wants to confine the pool of people available for appointment as judicial officers in these circumstances to a narrow range of people indeed.

Although it is true that some retired judges are willing and certainly competent to perform these duties, to limit this provision to such a narrow range of persons as is proposed in the amendment is most undesirable and not in the interests of the proper administration of justice. Supreme Court judges retire at the age of 70 years, some earlier because of ill health or some other reason. Most of those judges want to have a period of retirement and to enjoy their years of retirement. They are not especially keen to return to the bench, although they are prepared to serve on committees in many and varied capacities in the community.

Therefore, it is important that we provide for a wider range of suitable persons in the category eligible for appointment as judicial auxiliaries as is provided for in the Bill. There are eminent members of the profession perhaps close to retirement who are prepared to serve in this capacity, as the Tonkin Government found when it appointed Supreme Court commissioners to do the work required at that time to reduce the length of the Supreme Court lists. The honourable member's amendment would exclude from the pool of available people, well qualified, retired or semi-retired practitioners who may wish to do work of this nature. Such people are now appointed as acting judicial officers from time to time and there have been a number of such appointments over recent years. Indeed, it was common practice for practitioners to be appointed as commissioners to go on circuit, although that has not been the case in recent years.

This Bill simply allows a pool of people to be available to be called on when needed without the need to appoint them as acting judicial officers with all the associated paperwork and with perhaps the need to reappoint them should they have uncompleted matters when their acting appointment expires. It must be remembered that no-one can be appointed by the Governor without the concurrence of the Chief Justice, a matter to which I referred in the second reading debate in reply to certain criticisms advanced by the Opposition. In moving his amendment, the honourable member is taking a narrow view and his amendment would weaken the measure considerably and really negate its effectiveness. Therefore, the amendment is opposed by the Government.

Amendment negatived.

Mr S.J. BAKER: Under what guidelines does the Attorney-General intend to operate this scheme? I have already expressed reservations about the way in which people will be pulled into the system. I have said that, if the Govern-

ment is looking for people of quality, the interests of such people may be better served in a lucrative practice than by taking a part-time job on the bench. What indication has the Attorney-General given as to the policy guidelines to be followed?

The Hon. G.J. CRAFTER: The guidelines that will be adopted in respect of these appointments will be the same as those applying in respect of all judicial appointments: the most appropriate person available for the job at the time will be recommended to be appointed. Consultations are always held not only with the Chief Justice, if that is appropriate, or with other senior judicial officers, prior to an appointment being made, but with other eminent persons involved in the law. So, a variety of views are gathered by the Attorney-General so that he may advise the Government of the day on the appropriate appointment. There is no printed set of guidelines for these or any other judicial appointments: the appointments are based on merit and suitability for appointment to judicial office.

Mr S.J. BAKER: If the Chief Justice was not comfortable with the proposition and the Law Society opposed it, what efforts were made by the Attorney-General to canvass the legal profession on this matter, given that the two foremost authorities in this State, to whom such matters are normally referred, both had difficulties with the proposition? How wide did the Attorney-General cast his net in asking the legal profession, 'Would you be willing to serve on this auxiliary list?' We have already seen that the Law Society and the Chief Justice, both of whom are eminent authorities, are not favourably disposed to this measure.

The Hon. G.J. CRAFTER: I cannot prejudge what the Attorney will do in terms of who will be consulted and how they will be consulted but, as I have said, the Attorney, as have all Attorneys to my knowledge, has practices established whereby he seeks advice and guidance on those important appointments. I may say that the appointments of this Administration have, to a person, been welcomed and supported by the legal profession as a whole in my experience and by those judicial officers with whom those appointees serve. Indeed, they have been proper appointments and have been received as such.

That has not always been the case. There have been judicial appointments where the Attorney-General in this place has said that a person is simply not suitable for appointment but that same Attorney has appointed that person to high judicial office in this State. That has not been the record under this Government, and it will not be. The track record is there to be judged not only by all members but by the people of this State, and I believe that that is the most important criteria on which one can assess how this law will be applied.

This is no different from any other law which provides for appointments, whether in the Executive or in the judiciary. It depends on the will of the Government of the day and the competence with which it administers the Acts of Parliament. I cannot add anything further to the debate than that.

Clause passed.

Clause 4—'Powers of judicial auxiliary.'

Mr S.J. BAKER: The Minister did not answer the question at all. He did not say how widely the Attorney had cast his net and how well he believed it would work. Can the Minister please explain to the Committee on what basis payment will be made? Acting appointments are for specific periods with a continuity involved. Are these people to be paid by the session, by the day or by the week, or are they to be paid for stand by? Will the Minister reveal to the Committee what terms of employment are involved?

The Hon. G.J. CRAFTER: I do not have precise details of this but there is already precedent for the payment of judges in an acting capacity and that is well established and accepted. I presume that similar arrangements will be arrived at with respect to payments for appointments made under this proposal.

Mr S.J. BAKER: I do not believe that that is a sufficient answer from the Minister responsible for justice in this State at present. We are discussing acting appointments for specific terms. Will the Minister detail to the Committee exactly how the payment system will operate? That is a reasonable question that can be asked in this forum.

The Hon. G.J. CRAFTER: As I explained, I do not have any information before me so that I can say that people will be paid contrary to the existing arrangements that have been established for the appointment of acting judges. As I said earlier, there is a situation where retired judges, magistrates and persons from the legal profession have acted in judicial office in this State. They have been paid. I understand that there is a loading on the salary that is appropriate for that judicial tier, and that it is a well established practice.

Clause passed.

Clause 5—'Power of judicial officer to act in coordinate and less senior offices.'

Mr S.J. BAKER: I move:

Page 2, lines 28 and 29—Leave out subclause (2).

The Minister will be aware that subclause (2) provides that the section shall not apply to the Industrial Court. That debate has already been canvassed in another place. It seems that certain people are protecting their own interests in this matter and that it would be appropriate for the Industrial Court to be given a hand, given that some of the compensation cases have involved extremely long delays, as has been the case in the District Court for many years. For advice to be tendered that it is all right to have acting appointments for workers compensation cases but not for other areas of the industrial jurisdiction is a fascinating comment. Although I do not wish to pursue the matter here, if we are talking about relief, the Government believes that this is the appropriate means of relief, we have some difference with that. Surely the proposition can extend into the industrial arena.

Amendment negatived; clause passed.

Schedule 1.

Mr S.J. BAKER: I move:

Page 3—Leave out the proposed amendment to section 8 of the Supreme Court Act 1915.

I will not be moving the other amendments standing in my name. We have some opposition to the provision, which expands the reference to interstate service. There is an explanation by the Attorney that applicants still have to apply for judicial appointment under the general guidelines. The Opposition believes that the practice of including interstate service involves some difficulty in principle. The next step is that service anywhere then counts towards judicial appointment. For that reason I move my amendment.

The Hon. G.J. CRAFTER: The Government opposes this amendment. Before commenting on the amendment, I would add in respect of the matters that the honourable member raised about clause 3 that subclause *(b)* provides that the remuneration and conditions of service applicable to a person holding an appointment under this section will be determined by the Governor with the concurrence of the Chief Justice. I am advised that when this Bill passes those discussions with the Chief Justice will be held and an arrangement will be arrived at. The matter will then be determined. However, as I pointed out, there is some precedent in this

area and it is assumed that that will be the basis of those discussions.

The amendment restricts those people who can be appointed to judicial office in this way. The Opposition objects to a person who has no practical experience in the law in South Australia being appointed as a judge. I point out to the Committee that that situation currently applies with respect to all other judicial officer positions. All that is required for a person to be eligible for appointment to judicial office now is that that person be a legal practitioner for a required period, ranging from five years in the case of magistrates to 10 years in the case of Supreme Court judges. A legal practitioner is defined in section 5 of the Legal Practitioners Act as a person duly admitted and enrolled as a barrister and solicitor of the Supreme Court. As long as a person keeps up his or her practising certificate, no matter that he or she never practise law, that person is eligible for judicial appointment. That person could be working in an administrative capacity in a quasi judicial way.

It could be a person holding academic tenure in a university or some other eminent position. Those people have traditionally offered themselves for judicial service, even at the very highest levels not only in Australia, at the High Court level and in Supreme Courts, but throughout the common law world. To deny that group of people judicial appointment I believe would be quite wrong. To then turn that argument around and say that the Government would appoint people who simply are not able to carry out their functions is, as I said earlier this evening, simply not the record of this Government.

The qualifications of a person will obviously be very carefully scrutinised before any appointment is made. I do not believe that I can add any more to that, except to urge members not to restrict the measure in this way.

Amendment negatived.

The Hon. G.J. CRAFTER: I move:

Page 3—Insert amendment to section 12 of the Supreme Court Act as follows:

Section 12—

Delete this section and substitute:

Remuneration of judges and masters

12. (1) The Chief Justice and each puisne judge are entitled to salary and allowances at rates determined by the Remuneration Tribunal in relation to the respective offices.

(2) A master is entitled to salary and allowances at the rates applicable to a District Court Judge.

(3) A rate of salary for a judge or master cannot be reduced by determination of the Remuneration Tribunal.

(4) The remuneration of the judges and masters is payable from the General Revenue of the State, which is appropriated to the necessary extent.

This amendment speaks for itself. It equates the category of District Court judge with master in the Supreme Court.

Amendment carried; schedule as amended passed.

Schedules 2 and 3 passed.

Title passed.

Bill read a third time and passed.

INDUSTRIAL AND COMMERCIAL TRAINING ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendment:

Page 2 (clause 5)—after line 16 insert the following:

and

(d) by inserting after subsection (15) the following subsection:

(16) Notwithstanding any other Act or law or any industrial award or agreement—

(a) a person selecting persons for training under contracts of training is not under any obligation to give preference to members of any association composed or representative of employees;

(b) a person seeking to become or remain a trainee under a contract of training may not be required to become or remain a member of any such association;

(c) any condition of a contract of training or employment purporting to impose a requirement that a trainee under a contract of training become or remain a member of such an association is void and of no effect.

Consideration in Committee.

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

That the Legislative Council's amendment be disagreed to.

Members have the substance of the amendment before them. The effect of the amendment is to import into the Bill something which I believe is inappropriate to the legislation. People who want to make a point about preference to unionists have their opportunity under relevant legislation to attempt to persuade the legislature as to the rightness or otherwise of the opinions they hold. I do not think that it is appropriate that it should be imported into this piece of legislation. The House of Assembly had ample opportunity to debate this matter. Members are well aware of the content of the legislation and what it purports to do.

It would be a great pity if, as a result of this amendment being tried on by members in another place, the Bill were to fail. I am sure that there would be some fairly unhappy people outside if that were the case. Nonetheless, the Government believes that as a fundamental principle it is inappropriate that such an amendment should be placed in this legislation, whatever one may think of the amendment, and I urge the Committtee to reject it.

Mr S.J. BAKER: We are delighted that the other place is insisting on this amendment. I have made quite plain to this House that I and, I think, the vast majority of South Australians are quite unhappy about the way in which this Government is approaching industrial relations in this State. They are quite unhappy about the pressures being brought to bear in the work place and about the way in which compulsory unionism is being approached as far as contracts for State Government services are concerned. They are quite unhappy that the stance of the Government gives power to certain scurrilous elements of the union movement to use their elbow and force to take away people's rights.

The Minister says that this is not the appropriate place: I believe that it is. We are talking about the Industrial and Commercial Training Commission; we are talking about the starting point of many people's lifetime employment; we are talking about apprenticeships when people are fresh out of school; and we are talking about traineeships which, as I have said before, I hope that this country of ours will embrace far more solidly than it is doing at the moment.

I believe that in principle we should say that everyone has a right of freedom of association. It should be encapsulated in our legislation. It should be placed foremost in a Bill which provides for the starting point for so many South Australians, that is, an apprenticeship scheme or a traineeship scheme. I have always upheld that principle and will continue to do so. It may well be one of the elements on which we fight the next election—the way in which this Government has used its power to allow the union movement to operate in what I believe is a totally scurrilous and unforgiveable fashion.

We have seen that on the building sites. We have seen it in certain Government areas such as the Electricity Trust of South Australia, and I receive calls on the subject literally daily on occasions, and the past few days have not been particularly good for that. I believe it is about time that this

Parliament made a stance, and I am delighted that this amendment has come down. I only hope that the Committee insists upon it. If the Minister believes that the Bill will fail because the Committee cannot accept the amendment, what he is saying is that no-one has any right of freedom of association. I commend the amendment to the House.

Mr LEWIS: What the member for Mitcham has said has been said in very mild terms. Members of the Government are either so steeped in their commitment to the union organisations from which they came and from which they derive their positions in preselection on the ballot paper to be elected to this place or they are otherwise so gutless that they are unwilling to see the legitimacy of the argument that all people, regardless of race, sex, creed or anything else, ought to be allowed to decide whether or not they will associate with another person.

I know that the member for Hayward thinks it is humourous, but she is at odds with the United Nations on this matter. I am appalled that a man of the stature that the Deputy Premier had before he came into this place can argue that it is legitimate to allow unions to insist that before people can even get training for a particular trade or skill they must first be compelled to join a union.

The coercive power of the Labor Party and its mandarins—those faceless people on South Terrace, including the representatives from Trades Hall—astonishes me. Do they not understand reason? Do they not respect people's rights and the freedoms and responsibilities that go with them to decide whether or not they wish to join a trade union or any other organisation? Do they not understand that reasonable people can logically see the benefits that an organisation can give them, as opposed to insisting that they do derive benefits and, therefore, must join regardless of whether or not they believe in it?

The Government's attitude to the amendment being insisted on by the other place is astonishing in light of the fact that Government members claim that they represent the individual, compassion and democracy. There is nothing compassionate or democratic about being forced to join an organisation against one's will. Some of the activities of unionists, of which I have had first-hand knowledge, in making people join their unions frighten me. I have seen those kinds of tactics used elsewhere in the world and I have also read of where they were used in history.

Regimes which have relied on that kind of coercive power have never been regimes that have endured; nor have they been regimes that have been respected by historians after the event. They always end up being corrupt because they come to think that, just because they have the power and the might, they must be right, and that it is legitimate to insist. In this instance I would not mind so much, taking heed of what the Minister said, had it not been for my two recent experiences, since being elected to this place, of a union compelling a young man to join it in the belief that he had to do so to obtain his training. After completing his training he set about establishing his own business and decided that he no longer derived any benefit whatever from belonging to the union.

Mr Gunn: He never did.

Mr LEWIS: If he ever did, and he never believed that he did. He always paid his subscription and never saw anyone from the union. That was probably just as well, because being the kind of chap he was I think that had he met someone from the union he would have believed even more strongly that it was an unworthy organisation for him to belong to. Notwithstanding that, after completing his indenture, leaving his employer and attempting to set up his own business, he was pursued by the union for subscriptions which it claimed he was still duty bound, by law, to pay because he was still earning a living from practising that trade, even though he did not work for an employer and was not paid an award rate, as it were, in the form of a wage or salary.

Mr Chairman, would you believe that the union in question pursued this young man for not just one, two, three or four years subscriptions but five years subscriptions. It took him to court an unsatisfied judgment summons. Not being satisfied with that punitive action, it black banned his business and sent him to the wall, and then it sold up the meagre assets he had left at home to pay its blood money.

That is the first instance I refer to that disgusts me. Some members opposite know the name of that man. He is still in his 30s and is unable to get work as a tradesman in this State in the area in which he trained. Of course, he has been counselled—not told, but talked to—in a way which will enable him in due course to appreciate the realities of his position, and in recent times he has decided to leave South Australia to try to rebuild his life elsewhere.

On that instance alone I would say that it is legitimate, reasonable and sensible for the Parliament to include this clause in the Bill. That will mean that we signal to trade unions that they may not coerce individuals seeking to obtain qualifications into joining a union before they can participate in a course of training. I am not proud to relate these events to the House but it is something I nonetheless feel compelled to do. Members opposite probably imagine, quite fondly, that there is nothing but benefit to be derived for an individual by membership of a trade union and for a society that insists its citizens join a trade union.

Of course, there are other reasons why it is inappropriate to compel people to do that. I do not see any reason why students should have to make a contribution through the sustentation funds to the ALP when they may not be supporters of that Party. To my mind that is the most repugnant consequence of this compulsory unionism which this Government is insisting upon.

There is one other aspect of it which relates to the kind of things that the member for Mitcham used to illustrate what occurs on building sites, and I give a specific instance of where it has occurred. A writ still stands in a situation where Mario Candallora found it necessary to take action and obtain a court order to restrain organisers of the builders union, particularly Ron Owens, from attempting to assault either him or anybody working for him. On one occasion I was witness to the events that resulted in Mario deciding to do that.

If ever the member for Hayward, the member for Fisher or, indeed, the Deputy Premier needed an illustration of the stupidity of giving unions the right to insist that people join their ranks before they obtain training in the trade for which the union is supposed to be making representations on their behalf in the Arbitration Commission once they become employees (or, for that matter, a job once they have obtained the training), they would do well to remember the kinds of things which Ron Owen was party to at that time. To take a piece of four-by-two, a bit longer than four feet, drive some four inch nails through it and then use it as a quarter staff to belt members of the work force on a building site about the shoulders and head to my mind is the kind of activity that we all ought to be ashamed of and all ought to condemn.

The Hon. H. Allison: It sounds like the board of education!

Mr LEWIS: It was meant to be, I am sure. I am sure Ron thought that he was just sticking up for things, and getting stuck into things at that. Four inch nails or at least

the points of them that stick through a piece of four-by-two are not pleasant things to have penetrate your body anywhere.

The Deputy Premier says that we should allow to continue the kinds of activities to which I have referred. He says that it is legitimate to curtail people's freedom and compel them to join organisations that they do not want to belong to. He says, and I presume that the member for Adelaide will support him, that in the process we should ignore the declaration of human rights and what the United Nations has had to say about this matter and enjoy—at least members of the Labor Party enjoy—the benefits. Those funds are used to help re-elect Labor members to this place and they come from the subscriptions paid to the trade unions by people against their will. Those funds go through the sustentation fund to the Labor Party.

Members interjecting:

The CHAIRMAN: Order!

Mr LEWIS: As the member for Hayward knows, she has an opportunity to join this debate and deny that what I am saying is true and produce evidence that what I am saying is wrong—

Members interjecting:

The CHAIRMAN: Order!

Mr LEWIS: It has everything to do with the matter before us right now because that is where you get to join a union and, once you join, as I tried to explain in my first example to the member for Hayward, the union will not let you go. That person signed a document without knowing what the fine print meant. It meant that, unless he got a court order to get out of the union, he was still liable to pay the subscriptions. They pursued that man for five years' subscriptions and black banned his business. If that was not enough, they sent him to the wall in the Bankruptcy Court to collect their money. They sold his furniture, and members opposite are proud of that! They advocate that if they support this proposition. They should be ashamed of themselves.

Mr Chairman, I cannot understand how the member for Hayward can actually accept that it is legitimate to support such activity. This amendment simply gives people the right to decide whether or not they want to join whilst they are obtaining training. What is wrong with that? Can they not exercise commonsense? Can they not exercise their basic fundamental human rights to accept responsibility for themselves and decide whether or not they will join? Why should children have to join a union to get the training that they want to be able to undertake a useful productive life's work? Can the Government give me any fair reason why?

Mr GUNN: I am disappointed that members of the Government back bench have not attempted to defend the action which their Minister is leading them into. One of the hallmarks of a free and democratic society is the ability to choose to belong or not to belong to an organisation or association. That is one of the distinguishing hallmarks between a freely elected democratic government and totalitarianism. This very simple, fair and reasonable amendment will give people who are engaged in industrial or commercial training the opportunity to choose for themselves. I find it absolutely incomprehensible that any fair and reasonable person would not agree with that. If members went out into the community and asked people walking down the street, the overwhelming majority would agree with this amendment. We know what is behind this provision: it is part of the compulsory ALP collection fund.

Members interjecting:

Mr GUNN: Of course it is, because the moment anyone is forced to join, whether it be the Australian Workers Union or the Amalgamated Metal Workers Union, they automatically pay a percentage of their union fee to the Labor Party. It is in the State platform, and it is compulsory. All of us on this side—including the member for Murray-Mallee and the member for Mitcham—know a very large number of people who belong to trade unions but vote for and support the Liberal Party.

Mr Tyler interjecting.

Mr GUNN: The only mug is the member for Fisher who has only a few weeks left in this Chamber—and displaying that sort of arrogance will help him on his way. I find it rather amazing that a Party which was founded and established with a view to protecting the rights and integrity of the so-called underprivileged of this community should take this stance. The late Dr Evatt, one of Labor's early leaders who helped establish the United Nations, subscribed to the international declaration of human rights, and this amendment is in line with that declaration. It is in line with all people who support a decent and free society. I am just appalled that this Government and the acting chief law officer of this State (the member for Norwood) do not support this amendment, because no-one in the community who stopped and thought about it for a moment would agree that this amendment is unfair, unreasonable or unworkable.

I have no problem whatsoever if people want to belong to any organisation or association, as long as they do it of their own free will and accord. As a matter of principle I believe that, if you are in employment, it is in your own interests to belong to the representative organisation, but I do not believe that you should be compelled, coerced or threatened to do so. These days you are not invited, nor is it suggested—you are not only told but you are coerced and threatened to belong to these organisations or else you will be drummed out of your job. Even worse, Mr Chairman, people are not told when they sign to become a member that they are making this compulsory donation to a political Party.

It would be fair enough if that person had the choice of making a donation to the political Party of their choice or to some other organisation, but that is not the case. They are compelled to make this donation because a group of people has determined that it is appropriate that they should be associated with the Australian Labor Party. I have no objection if people want to do it of their own free will and accord—that is their democratic right—but I certainly have an objection when legislation compels that to take place. This very simple, fair and reasonable amendment to the Industrial and Commercial Training Act gives people the opportunity to opt out, and that is only what they should be allowed.

Members interjecting:

Mr GUNN: I challenge all members who are interjecting, including the member for Fisher and others, to put it to the test: conduct a survey in the Mall to see who agrees that this proposal is wrong, improper, harsh or unreasonable. I will guarantee that all fair and reasonable Australians, who believe that the rights of people should be protected, would agree that the course of action that has been orchestrated by the other place is fair and reasonable and should overrule any other consideration. I therefore strongly support the amendment.

Mr S.G. EVANS: I support the amendment. It is the member for Fisher, through his interjection, who has inspired me to say a few words on this.

Mr Tyler: I think I'll leave!

Mr S.G. EVANS: Well, as long as it's permanent, we don't mind.

The CHAIRMAN: Order! I hope the member for Fisher is not interjecting out of his seat.

Mr S.G. EVANS: I am fully aware that the ALP will have to support the Bill as it is now drawn. However, I ask members opposite to stop and think about the role that the other place plays and the role that we should play as parliamentarians. I will refer specifically to the Legislative Council amendment, as I believe it is important that people in the community understand the attitude of the ALP on this issue. It is a vital issue. Until now it has been argued on many occasions in the community that the Liberal Party does not poll more than 50 per cent of the young vote. However, I am sure that the people who will be most adversely affected if this amendment is not passed will be young people.

This relates to young people at present in high schools who will become trainees in some profession or, more particularly, a trade. This relates as much to the Aberfoyle Park High School in the member for Fisher's area as it does to the Blackwood High School in my area, which schools have a crossover with student and parent connections in both electorates—or any other high school in this State, whether private or public.

I know that many ALP members rely on trade union support to get preselection. That is a fact. So, they cannot afford to support this amendment which is sensible, fair and reasonable. They cannot afford to support a proposition which means that people have freedom of association, the freedom to join an association of their own will or the freedom to be able to go and get a job without being obligated to pay something to an association that may be of no benefit to them. The amendment seeks to insert into the Bill the following provision:

> Notwithstanding any other Act or law or any industrial award or agreement—
> *(a)* a person selecting persons for training under contracts of training is not under any obligation to give preference to members of any association composed or representative of employees.

In other words, an employer can employ anyone regardless of whether or not that person belongs to a trade union. We must remember that both the Federal ALP Government and this State ALP Government have been saying that we need to employ more young people. Also, in recent times the trade union movement has indicated that, in an effort to employ more people, a penalty should be placed on employers who will not take on more young people to be trained.

All paragraph *(a)* is saying is that an employer cannot place an obligation on an individual to belong to some employee organisation in regard to that individual's employment. What is wrong with that? Paragraph *(b)* provides:

> . . . a person seeking to become or remain a trainee under a contract of training may not be required to become or remain a member of any such association.

This is saying that a person who finds, after joining, that an association is of no benefit, or who finds that he or she has some disagreement in principle with the association, is not obliged to remain a member of that organisation, even though that person might want to continue to learn the trade for which they signed up. Of course, if a person wishes to join an association that person may do so. If the trade union with which the person is to be associated, or which others seek to have the person associated is so wonderful, no compulsion would be required. People will join of their own free will.

Mr Lewis: They would want to, wouldn't they?

Mr S.G. EVANS: They would be there in their hundreds, saying, 'We are all trying to learn this trade and we will join your association.' Therefore, why do we want to impose some form of compulsion on these people? We know how the union movement works; it is by threat, quite often. There can be threats of black bans, threats against an individual, and unpleasantness in the workplace against an individual. It is a form of discrimination. Paragraph *(c)* provides:

> . . . any condition of a contract of training or employment purporting to impose a requirement that a trainee under a contract of training become or remain a member of such an association is void and of no effect.

In other words, if any person is intimidated into the position of having to join a union, it cannot claim unpaid union fees at some future time—whether it be 10 or 15 years later, because that is how long a trade union will dog a person in relation to payment of fees. Is that unreasonable? Is it unreasonable that a person does not wish to be part of an organisation? The ALP members will sit silently tonight because they know in principle that their trying to stop this provision being placed in the legislation is just not acceptable to the community.

Mr Tyler interjecting:

Mr Lewis: Why doesn't the member for Fisher get on his feet?

The CHAIRMAN: Order!

Mr S.G. EVANS: The member for Fisher says that it is rubbish. He says that it is rubbish that the young people in his electorate who wish to train in a trade should have freedom of association. He says that we should compel young people who wish to learn a trade to join a union. The member for Fisher believes in the principle that people should be bludgeoned into joining an association.

Mr Tyler: Come on!

Mr S.G. EVANS: That is what the member for Fisher is saying to the Committee tonight, when he says that it is rubbish to advocate that people should have the freedom to join only if they wish to. Because we are now into the 12-month period preceding an election, the member for Fisher knows as well as I do that the people in his electorate will express their attitude towards the view that he has displayed here on this issue. I support the amendment.

Motion carried.

The following reason for disagreement was adopted:

> Because the amendment affects the fundamental purpose of the Bill.

JUSTICES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 29 November. Page 1694.)

Mr S.J. BAKER (Mitcham): The Opposition does not support the Bill, which comprises one main amendment providing that outstanding warrants relating to fines and penalties shall be waived after a period of seven years and struck off the list. It is interesting to note the amount of information forthcoming from another place on this matter. Insufficient evidence has been provided to satisfy the Opposition that in these days of computer technology it is not possible, feasible or even economic to retain the records for a period of more than seven years.

The Opposition admits freely that maintaining a system of records by means of some of the outdated methods previously used, such as the manual card system, would be costly over a period of 15 years, especially as so many of the amounts involved were small. However, I should be content if the proposition before us waived fines and penalties under a certain limit. It may well be appropriate, for instance, to say that fines and penalties of under $500 at

the expiration of the seven-year period should be waived, but this Bill contains a blanket proposition. Irrespective of the amount owing, the person who manages to escape the law for seven years will get the benefit of this legislation.

I have read carefully the information provided by the Attorney-General on this matter. The Liberal Opposition in a spirit of compromise, as is always the case, has said that, instead of reducing the period to seven years, we should reduce it to 10 years, which is a reasonable proposition. However, the Government, supported by the Australian Democrats, preferred to more than halve the period over which warrants should remain outstanding.

The DEPUTY SPEAKER: Order! I do not want to cut the honourable member's flow, but I refer him to Standing Order 149, which provides:

No member shall allude to any debate in the other House of Parliament or any measure impending therein.

That Standing Order has been transgressed several times this evening and I remind the honourable member for Mitcham that he is stepping over the borderline. The honourable member for Mitcham.

Mr S.J. BAKER: Thank you, Sir. I thought that I would have been pulled up earlier in the evening but, seeing that I was getting away with it, I thought that I would continue to do so. Suffice to say, insufficient information has been provided to this House or in another place on the structure of the debts and whether indeed large sums are outstanding that should be collected eventually. If one reads the second reading explanation carefully, one finds that after seven years, even after five years, the rate of collection drops off dramatically. Most fines, I believe 80 per cent of them, are collected within the first 12 months. The Minister could therefore say that the period specified in the Bill could be a year, so there must be a reason why he has stipulated seven years. There is no reason why some of these large sums should not be pursued with the aid of modern computer technology, so the Opposition does not support the proposition and will move in Committee to amend it.

The Hon. G.J. CRAFTER (Minister of Education): I notice that the Opposition opposes this measure in the form in which it has been received in this place. It is unfortunate that the Opposition has simply plucked a figure out of the air, as the honourable member said, in a conciliatory fashion. That is not how legislation should be made in respect of the law and its administration. As I understand it, there has been a careful analysis of the situation and the Government's advice is that the number of warrants outstanding is only small each year, although they accumulate to a much larger number over many years, and that the cost of collection actually exceeds the value of the income collected.

That may seem to be an undesirable situation: that even after 15 years proceedings are no longer in train. Indeed, I guess that some members of the community would say that the debts should remain live forever, even though that would mean a huge number of outstanding warrants collecting in the system. In order to maintain an efficient organisation by using the resources available to us in our courts and in our Police Force, it seemed that there should be an appraisal of this matter and the introduction of appropriate legislation to support modern administrative practices.

However, there is an avenue whereby, if it is thought that a warrant should remain live, that warrant need not be forwarded to the Government for cancellation. That situation can be reviewed from time to time so that, if there is an offender in respect of whom one believes that it is not in the community's interest to see the warrant waived, and it is believed that there is a future possibility of having the warrant executed, that debt can remain live. Undoubtedly, there will be opportunities where that will be the appropriate course of action. So, the figure of seven years has been arrived at after careful consideration of the most appropriate time to leave warrants live in the system. The Government therefore brings this measure to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Substitution of s. 187aa.'

Mr S.J. BAKER: I move:

Page 1, line 21—Leave out '7' and insert '10'.

I have already told the Minister why the Opposition supports 10 years rather than seven. The Minister has said that the Opposition is plucking a figure out of the air but, after reading the available evidence, I say that the Minister is plucking the figure of 'seven' out of the air.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

[*Sitting suspended from 8.43 to 9.55 p.m.*]

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

[*Sitting suspended from 9.56 to 10.20 p.m.*]

JUDICIAL ADMINISTRATION (AUXILIARY APPOINTMENTS AND POWERS) BILL

Returned from the Legislative Council without amendment.

INDUSTRIAL AND COMMERCIAL TRAINING ACT AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

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

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs L.M.F. Arnold, S.J. Baker, and Duigan, Ms Gayler, and Mr Lewis.

Later:

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 9.45 a.m. on Thursday 1 December.

The Hon. D.J. HOPGOOD: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

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

That Standing Orders be so far suspended as to enable the conference with the Legislative Council to be held during the

adjournment of the House and the managers to report the result thereof forthwith at the next sitting of the House.

Motion carried.

ADJOURNMENT

At 10.40 p.m. the House adjourned until Thursday 1 December at 11 a.m.