HOUSE OF ASSEMBLY

Wednesday 5 April 1989

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

PETITION: RURAL INTEREST RATES

A petition signed by 62 residents of South Australia praying that the House take action to persuade the Federal Government to amend economic policy to reduce rural interest rates was presented by Mr Lewis.

Petition received.

PETITION: HOUSING INTEREST RATES

A petition signed by 95 residents of South Australia praying that the House take action to persuade the Federal Government to amend economic policy to reduce housing interest rates was presented by Mr Lewis.

Petition received.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Environment and Planning (Hon. D.J. Hopgood)—

Planning Act—Crown Development Report—Sobering-up Centre, Port Augusta.

QUESTION TIME

JUSTICE INFORMATION SYSTEM

Mr OLSEN (Leader of the Opposition): What action is the Government taking to contain the cost of implementing the Justice Information System in view of new estimates the Government has received showing that the cost has blown out from an estimated $21 million in 1985 to almost $75 million currently, while benefits to be obtained from the system have been more than halved? When Cabinet approved the implementation of this system in 1986 its cost was estimated at $21 million over a six-year period. However, the Government now has a report showing that, by the end of this financial year, just over $22 million will have been spent, with another $52.3 million required to implement the full system over the following five years. The 1985 approval also was based on the system saving more than $5 million annually. However, the latest report available to the Government has reduced the savings to under $2 million, because the number of positions to be saved in the departments to use the system has been reduced from an estimated 63 in 1985 to 16 currently.

The Hon. J.C. BANNON: This is a matter that the Public Accounts Committee has before it at present and I would not wish to transgress unduly on that committee's investigations.

Mr Olsen: Answer the question!

The Hon. J.C. BANNON: I certainly want to answer it and I will do so. However, I am simply drawing to the attention of the Leader of the Opposition the fact, which he well knows but chooses to ignore because he cannot think of any other question to ask today, that this matter is under inquiry by the Public Accounts Committee, which I understand—

Mr Olsen: What's that got to do with this question?

The Hon. J.C. BANNON: It has a lot to do with the question because that is the very issue that the committee is addressing, it is exactly on the question.

Members interjecting:

The SPEAKER: Order! I call the honourable Leader of the Opposition to order. Will the Premier resume his seat for a moment. This Chamber is not the private property of the honourable Leader of the Opposition and the honourable Premier to conduct a dialogue across the floor of the House, the primary responsibility of which I put on the honourable Leader of the Opposition because of his repeated interjections. I ask the honourable Premier to try to resist the temptation to respond to those interjections and I ask the honourable Leader to show more courtesy to the House. The honourable Premier.

The Hon. J.C. BANNON: I am not attempting to conduct a dialogue with the Leader of the Opposition; I am simply putting his question into a context and demonstrating—and the interjection to prevent me doing this indicates that I am spot on—that, in the absence of anything else to ask, they are in fact drawing on this matter prior to this Parliament receiving a detailed analysis and assessment, as it expects to do shortly from the PAC. The Government is looking forward to that, and looking forward to taking action on the recommendations and findings of the PAC.

That is the situation. What the Leader has raised today is not new. It is not something that has been overlooked, neglected or ignored. It is under active parliamentary investigation. The abysmal lack of communication between the Leader of the Opposition and members of his Party who are actually on that committee—

The Hon. H. Allison: Confidentiality!

The Hon. J.C. BANNON: Now, Mr Speaker, let us get this straight.

The Hon. H. Allison interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I am not expecting—

The Hon. H. Allison interjecting:

The Hon. J.C. BANNON: Well, the member for Mount Gambier wants to wave his finger at me. It does him no good. I am not—

The Hon. H. Allison interjecting:

The SPEAKER: Order! I call on the honourable member for Mount Gambier in particular, and the House in general, to extend more courtesy to one of their colleagues. The honourable Premier.

The Hon. J.C. BANNON: Thank you, Mr Speaker. I am not suggesting that the members of the committee should be putting before the Leader information that is part of their inquiry. That is totally wrong. I am saying that the fact that such an investigation is being carried out is well known, and the Leader of the Opposition, in asking this question, is trying to anticipate or traverse ground that will be properly placed before the Parliament.

Because the Leader has asked his question, I feel obliged to make a few points. The Justice Information System, I remind the House, was devised as a system—the concept of having a criminal tracking device which would encompass a number of agencies, from which a whole series of other uses were involved—under the previous Tonkin Liberal Government.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It was a project of very large scope. The cost estimates that have been made progressively

about such a system have always been subject to revision, because in many senses this was a step into the unknown. Now, the alternative to a JIS, let me remind the House—and I do not need to remind members of the previous Government who were part of the initial decision, because they know—was that, rather than have agencies going their own ways and introducing costly computing systems that did not relate or interface, we should have a comprehensive one which could then be an instrument for Government as a whole. That is the principle, and I think that that is a generally accepted principle. The fact is that the system has indeed cost a lot more than was anticipated.

Mr Olsen: Ah!

The Hon. J.C. BANNON: The development costs have been greater. The Leader of the Opposition says, 'Ah!' I think that this has been remarked upon publicly year after year for the past five years.

Mr Olsen interjecting:

The Hon. J.C. BANNON: Yes it has indeed. I am sorry to respond to interjections, Mr Speaker, but that is the fact. The Government has undertaken a detailed reassessment of the JIS—its costs, its applicability, and how they might be contained. It has also requested a reassessment of the benefits. The one area I will comment on was raised in the Leader of the Opposition's question when he introduced what he says are figures in relation to the benefits. Those figures are wrong. In fact, the review that has been undertaken indicates that the direct financial and economic benefits of the system are much greater than was anticipated. There are three categories, for the instruction of the honourable member: financial benefits, economic benefits, and intangible benefits.

Mr Olsen interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: With respect to the financial and intangible benefits, the assessment states that potentially, they can be much greater. That in itself is not sufficient. The figures are important. I suggest that rather than my attempting to answer what is in fact a very detailed and complex matter in the context that has been asked in Question Time—

Members interjecting:

The Hon. J.C. BANNON: If members want me to take the rest of Question Time, I have a tonne of information that I am happy to put before them. However, I do not believe that is what they want.

Members interjecting:

The Hon. J.C. BANNON: Some of my colleagues do, but I think the Opposition should have a fair go in this area. I think that the Public Accounts Committee will be able to set it all out very carefully and the Government in turn will respond to its findings.

TROTT PARK KINDERGARTEN

Mr TYLER (Fisher): Will the Minister of Children's Services tell the House whether the Children's Services Office plans to construct a kindergarten in the Woodend Estate at Trott Park in the near future? The Minister will recall that I have approached him about this matter previously. He would also be aware that the Sheidow Park/Trott Park Childhood Services Centre is bulging at the seams. In fact, the Minister—

Mr S.J. Baker interjecting:

Mr TYLER: If the member for Mitcham would like to listen, I am trying to explain the question to the House.

Members interjecting:

The SPEAKER: Order! The behaviour of some members, particularly those on my left, is more appropriate for 1 April than 5 April.

Mr TYLER: Thank you, Mr Speaker. I regret that the member for Mitcham does not think that this is important. In fact, the Minister visited the centre last Thursday and spoke to staff and parents about the overcrowding problem. To emphasize this to the House and the member for Mitcham, I point out that, in the first term of this year, there have been eight sessions per day with between 45 and 55 children attending each session, with a total four-year-old enrolment of 109. In the second term this will increase to 128. That will mean that about 36 four year olds will not be able to attend their entitlement of four sessions per week. Despite much parent involvement, this enrolment places enormous pressure on the staff of the kindergarten.

The Minister will also be aware that Hickinbotham Homes and A.V. Jennings Homes are in the process of building about 1 000 new houses south of Lander Road at Trott Park. Over 200 of these houses have already been constructed and the vast majority will be, or have been, purchased by parents with young children. Information that I have received from the local CAFHS nurse indicates that this enrolment pressure is likely to—

The SPEAKER: Order! The honourable member has given sufficient information to make the purpose of his question quite clear. He does not need to make a speech on the matter.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. This is a matter of considerable importance to those families with young children in the Woodend, Trott Park and Sheidow Park areas. I am—

Mr Lewis: Yes or no?

The SPEAKER: Order! The honourable member for Murray-Mallee is out of order.

The Hon. G.J. CRAFTER: I was pleased, last week, to visit a number of schools and kindergartens in this area and meet with parents and the staff of those kindergartens and schools to hear first hand about the issues that the honourable member has raised. I went to the Sheidow/Trott Parks Childhood Services Centre, to which the honourable member refers, and was very impressed with the work that the Director of the centre (Ms Sue Daw Thomas), the staff and many parents are doing for the children of that centre—and they are there in large numbers.

I have noted the very high level of parental involvement and support at that centre and I congratulate the staff and management committee on their achievements in running this very successful program in, albeit, difficult circumstances. I must say that, as Minister of Education and of Children's Services, it is encouraging to visit a community where there is growth in the population rather than an enrolment decline that we see in so many other areas of South Australia. The member for Fisher also showed me the extensive building programs in the new subdivisions and explained the pressures on Children's Services programs and, indeed, the families in these newly developing areas.

I am therefore pleased to inform the honourable member and, indeed, the House that the Sheidow/Trott Parks area has been identified by the Children's Services Office as a high need area in this State as far as pre-school facilities are concerned.

The provision of a new pre-school at Trott Park has been included in the Children's Services Office capital works program for 1989-90. The Children's Services Office is currently negotiating with the Hickinbotham group (the major

developer in this area) on siting the proposed new pre-school in the Woodend Estate at Trott Park. The CSO has advised me that, provided that negotiations about the site are concluded promptly—and we have every confidence they will be—it anticipates that the construction phase of the new Trott Park pre-school will start during August and September this year, with a projected completion date prior to the start of the second school term in 1990.

JUSTICE INFORMATION SYSTEM

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): Has the Premier sought a report on the cost of discontinuing the implementation of the Justice Information System and, if so, when does he expect to receive it?

The Hon. J.C. BANNON: In August 1988 the Government requested that the Government Management Board carry out a complete reassessment of the JIS. An initial report was presented to Ministers at the end of September last year and the board of management of the JIS was required to undertake a number of measures to assist in the process of reassessment. That has continued as a matter of high priority. At the same time the Public Accounts Committee commenced the study to which I have already referred and, obviously, it has received information as part of its study. As I said, the committee's findings will be a useful part of the process. Further meetings have been held.

In the course of that assessment a request was made that all options be investigated, ranging from the full-scale JIS as originally conceived by our predecessors in 1982, right through to a separation, or segmentation, of the various functions. Effectively, that would represent the investigation of a complete redirection in terms of a consolidated JIS. No option is ignored in that process. We have also required that benefits be better quantified and, as I have already said to the Leader of the Opposition (who has not used the correct figures in relation to benefits already identified), they are very much larger. I stated earlier that I did not want to detain the House with long lectures about the JIS, but it seems that the Opposition wishes to deal with this matter today.

To date, the JIS has established a major data centre with the necessary infrastructure support and a network of 400 terminals throughout the State. It has established a network which was identified in the Government's communication strategy study as able to be used as a basis for that Statewide network. In addition, a major proportion of developments or, indeed, operating systems, have been established. The Police Department has a system relating to warrants and stolen vehicles; the Department of Correctional Services has a prisoner movement system and a register of community correction clients; the Department for Community Welfare has a system with respect to various aspects of the client index, client files and substitute care; the Attorney-General's Department has a system of records management and law codes; the Department of Labour has a system on award text inquiries, national wage calculations, award publications, and so on and, with respect to building block applications, locality maintenance, person identification and office to office communications. All of those systems indicate that already there has been considerable work and applications are in place. Whether or not we can continue on the course of full-scale implementation of the JIS is the subject of the study that is being undertaken at the moment.

AGE DISCRIMINATION

Mrs APPLEBY (Hayward): Will the Minister of Employment and Further Education state how committed this Government is to ending discrimination against people on the basis of age and when might we see legislation to give people protection from such discrimination? I have received a number of calls today expressing cautious pleasure at the Government's announcement yesterday of legislation in this area. Continued consultation, as has been the basis of the report, has been expressed as being vital to the effective actioning of the decision to proceed.

Members interjecting:

The Hon. LYNN ARNOLD: I note that I was asked by way of interjection why the Government is not supporting the Liberal initiative. The fact is that the Liberal supposed initiative is full of loopholes. If it were a fishing net put out to sea, it would be safe for dolphins and blue whales. They could easily get through the loopholes in the legislation that the Hon. Di Laidlaw has introduced in another place. Frankly, it is an opportunist exercise that does not attempt to handle the issue. Let me identify some of the ways in which it is opportunist.

There are three prime reasons why we cannot support the thrust of that piece of legislation. First, the general derogation clause (new section 85*l*) would only serve to legally perpetuate discrimination on the basis of age as it is presently entrenched in the existing legislation. That legislation provides that, when age is mentioned in other legislation, that reference will stay there regardless of whether or not that reference is itself an act of age discrimination that is unfair.

Secondly, the transitional provisions under clause 8 of that Bill with respect to the proposed phasing in of the legislation would give a two year holiday allowing age discrimination to be practised until 1991 if that Bill were to be passed. Surely if we are genuine we want to act as quickly as possible on the matter of age discrimination being practised by employers.

The third matter relates to clause 6 of the Bill, which is an exceedingly harsh provision. This supposed piece of legislation that is designed to be a help to those suffering from age discrimination is in fact a farce, a charade. The matter that this clause attempts to address, namely, vexatious complaints taken before the Equal Opportunity Commissioner, is already addressed in the Equal Opportunity Act, and there are quite clear provisions under section 26 of that Act to provide for the necessary protections against vexatious complaints. This Bill, which has been touted by the Liberals as their initiative to protect people against unfair age discrimination, is a charade. It is so full of loopholes that it does not attempt to provide any real support for those suffering from age discrimination.

We have established a task force consisting of the Commissioner for the Ageing (Adam Graycar), the Commissioner for Equal Opportunity (Jo Tiddy), and the Director of the Office of Employment and Training (Glen Edwards) to, first, examine the extent of the problem and, having done that, to seriously address what can be done in a legislative framework. They have clearly addressed an important issue. We want to target some age discrimination and to ensure that other age discriminatory elements in legislation are preserved, at least until such time as their effect can be monitored, and some would need to be preserved forever. Who would want to do away with age discrimination that protects minors? Who would want to do away with age discrimination that helps people, not hinders

them? We want to eliminate those aspects that are blatantly unjust or unfair.

I mentioned the derogation clause in the Bill, but there are 158 age related provisions in existing legislation. We are proposing that there be a two year period while each of these is reviewed. This has clearly indicated the complexity of the issue before us and we have dealt with it seriously, and that is why it has taken the time it has from the first announcement in 1987 that we would do something. The Government will introduce a Bill in the next session of Parliament, and I look forward to the active support of all members as this Government becomes the first Government in Australia to make a commitment on this question.

Mr TERRY CAMERON

Mr S.J. BAKER (Mitcham): My question is to the Premier.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham has the floor, not the honourable member for Morphett.

Mr S.J. BAKER: Will the Government ask Mr Terry Cameron to produce information to show who built 30 homes in the Willunga council area for which Mr Cameron used the licence of Mr L.G. Addison?

Members interjecting:

The SPEAKER: Order!

Mr S.J. BAKER: The applications to build these houses, made to the Willunga council, nominated Mr Addison as the builder. However, according to the report tabled yesterday, Mr Addison says he never at any time built a home for Mr Cameron nor properly supervised the building of a home, but merely allowed Mr Cameron to use his general builder's licence for a payment of $50 per house. If this is true and if the homes were not built or supervised by a licensed builder, then Mr Cameron had them built illegally.

The report concludes that 'it is unclear who built those homes for Mr Cameron'. As the Premier has said the report exonerates Mr Cameron, suggesting there is proof that these houses were built legally, will the Premier arrange to have Parliament provided with that proof?

The Hon. J.C. BANNON: The honourable member's audacity never ceases to amaze me. After the bath he got on the *7.30 Report* last night, I would have thought that he would not stick his head up again on this issue, but I was wrong. There is a condition known as punch drunk, and I sincerely hope that the honourable member does not have it. In relation to this question, I point out that it is all covered adequately within the report and, in the very quotation that he used, the honourable member mentioned the fact of building houses for Mr Cameron. That was the very point that was investigated and established. They were not built by Mr Cameron but for Mr Cameron.

NATIONAL PARKS AND WILDLIFE SERVICE

Mr RANN (Briggs): Will the Deputy Premier confirm whether the National Parks and Wildlife Service intends to relocate its Mount Lofty district office and base to the Salisbury East open space? If so, will such a move assist the development of the open space into a major recreation park serving the northern suburbs?

The Hon. D.J. HOPGOOD: Yes, I can confirm that a property in the major district open space—Kelway Park—is to be used as an office. That will not only provide for some rationalisation and consolidation of the facilities of the Lofty district but also, I believe, assist in achieving greater effort towards the development of the major district open space. The honourable member would be aware that we are both using slightly dated language in referring to it because of the decision that it should become a recreation reserve under the National Parks and Wildlife Act. That, of course, has been an initiative of this Government to ensure that that land should not be alienated in any way but would remain a prime recreation area for people not only in the honourable member's district but from the northern suburbs generally. We look forward to a sensitive development of the area as a recreation park. It is obviously one which will maximise the opportunity for low level forms of recreation and, of course, one where open access of the area to local people will continue.

In congratulating the honourable member for the very active role that he has played in this, I point out that, for many years when really it was simply a weedy paddock, in practice one could hardly say that there was proper access for people to use it for recreation purposes. This development will ensure that it can be used for the purposes for which the land was originally acquired under the State Planning Authority.

Mr TERRY CAMERON

Mr D.S. BAKER (Victoria): Will the Premier table all statements and documents obtained during the investigation of Mr Terry Cameron's activities in the building industry—

Members interjecting:

The SPEAKER: Order! The honourable member for Victoria has the floor.

Mr D.S. BAKER: —so that the House can be better informed on a number of unresolved questions, particularly the following:

1. The number of houses in which Mr Cameron was involved and who built them. The report does not identify precisely how many building applications were examined. It refers only to 'about 60' and, in relation to these, the report does not reveal in which individual or company names 10 of the building applications were made.

2. Conflicts of evidence between Mr Cameron and builders who undertook work on his behalf.

3. The circumstances in which an officer of the Department of Public and Consumer Affairs still maintains that threats were made against him by persons associated with Mr Cameron.

The Hon. J.C. BANNON: All the matters mentioned by the honourable member are dealt with in the report. I have confidence in the probity of the investigation and the officers who conducted it. I would have thought that that would have made sense anyway. When one considers the high profile of this investigation, one notes that the determination to ensure that it was done properly and thoroughly was paramount to those officers—and they did it. Although no undertakings were given that the reports would be tabled, they have been tabled.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I would suggest that the Opposition give it away. Members opposite have egg all over their face and there is no way that they can recover their ground. They have smeared somebody; they have pursued somebody. It is part of a list of about nine or 10 furphies that have been raised. When it affects members sitting in this House, I guess we can defend ourselves. For example,

when the Minister of Recreation and Sport is accused of falsifying his Grand Prix tickets—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —and when I am accused of doing some deal with the SGIC over a broken window in my house, and so on, we can defend ourselves. There is a list of these things. But I think that it is pretty rough when such an investigation is undertaken into a private individual and all those reports are laid out, and still members opposite will not leave it alone.

SHELTERED WORKSHOP WAGE RATES

Mr DUIGAN (Adelaide): Will the Minister of Labour say whether the Department of Labour will formally seek information from sheltered workshops about their wage rates and other entitlements? Late last month a survey was announced which was to examine conditions in sheltered workshops. The survey followed a phone-in that had been organised by the UTLC. The question has now arisen of how both the people attending sheltered workshops and their families will be able to contribute to the inquiry.

The Hon. R.J. GREGORY: I thank the honourable member for his question. It raises a number of matters that are very sensitive, particularly to the people concerned. A survey phone-in was conducted by the United Trades and Labor Council, and one of the issues that was mentioned frequently related to the concern of people who work in sheltered workshops about what they perceive as the very low monetary amounts paid by those sheltered workshops and the fear that if those monetary amounts were increased it would mean that access to pensions would be lost.

A considerable number of workshops operate in South Australia, with hundreds of people participating in their programs, and people are paying varying amounts of money. At a meeting of representatives from the United Trades and Labor Council and the sheltered workshops, I announced that the department will be providing funds for three months so that an officer or somebody employed specifically to do this work will visit the workshops, interview the people involved, and collect all the available information in respect of the amount of money that they are paid in addition to their pensions.

It is the first time that this has been done in South Australia. It will go a long way towards assisting the people who are involved in sheltered workshops to have a greater understanding of just how people are treated. It will also go a bit beyond the salary question, because it will also look at the occupational safety and health factors of those people working in the sheltered workshops as well as at other practices. I am confident that when the survey has been conducted the information will be very useful in ensuring that the people who attend these workshops are treated well and know how well they are being treated.

Mr TERRY CAMERON

The Hon. B.C. EASTICK (Light): Will the Premier investigate whether the records of the Builders Licensing Board go back to 1978 and, if they do, will he table in Parliament documents showing why a company in which Mr Cameron held a directorship received a builder's licence only about one year after Mr Cameron breached the Builders Licencing Act?

The report tabled yesterday by the Premier can shed no further light on the circumstances in which the Builders Licensing Board warned Mr Cameron that he had breached the Act in building a house at Aldinga Beach in 1976 because, according to the report, 'the records do not go back to 1976-77'. Despite this breach, and the requirement at the time that all directors of a company applying for a licence should be 'persons of good character and repute', a company in which Mr Cameron held a directorship (Tarca Investments) received a general builder's licence in July 1978.

The investigation of Mr Cameron's activities reveals that while another director of Tarca Investments (Mr Nico Kodele) did hold a builder's licence there is a conflict of evidence on the extent to which Mr Kodele 'properly supervised' the building of houses on behalf of Tarca Investments or Mr Cameron. Further, the report reveals that Mr Kodele resigned as a director of Tarca Investments in June 1979, and that means that, if the company built houses in its name after that date, it did so illegally.

The Hon. J.C. BANNON: I know that the Opposition has a desperate desire to retrieve its position on this matter because it has probably gone once too often into this area of outrageous application. Having been caught out, they believe that by repeating material in this way they can somehow cast some doubt that the investigation has not covered these issues. It has, and I suggest that rather than try to retrieve their situation they should not continue to waste the time of this House but get onto matters of substance.

DOMESTIC VIOLENCE

Mr HAMILTON (Albert Park): Can the Minister of Community Welfare inform the House of South Australia's participation in the National Domestic Violence Awareness Campaign? Like most members, I have received representations from constituents who are victims of domestic violence and who would be most interested in the way in which the national awareness program intends to address this important community issue.

The Hon. S.M. LENEHAN: I thank the honourable member for his question. The honourable member has long been supportive of the provision of information to constituents in his electorate and, in fact, has disseminated on a number of occasions each year through his newsletters information regarding the support that is available to victims of domestic violence in his own area.

Mr Lewis: What's that to do with the question?

The Hon. S.M. LENEHAN: It has a lot to do with the question, because it indicates that the honourable member's concern with this issue does not merely relate to this campaign but goes back a number of years. In answering the question, I would first like to say that I attended in Melbourne this morning the launch of the national campaign to raise the awareness within Australia of the whole issue of domestic violence. That campaign was launched by the Prime Minister, and I attended representing South Australia. At the same time, the Premier of South Australia launched the South Australian campaign.

It is important to share with the House exactly what this campaign is designed to do. First, it is designed to raise the whole issue of domestic violence and, indeed, under the slogan of 'breaking the silence', it is designed to ensure that the community is aware of two basic facts: first, that overwhelmingly victims of domestic violence are women (90 per cent of the total number of victims); and, secondly, that domestic violence is indeed a men's issue and a community

issue. To that extent campaigns will be run through the electronic and print media and in South Australia this Government has allocated $100 000 to complement and extend the national campaign. In this regard, an open line has been launched by the Premier this morning.

The 'help line', as it is being called, will be available for the whole month of April to any member of the community who wishes to find out about domestic violence—where either the victim or the perpetrator can get help—or to anyone interested in being able to develop some skills in dealing with domestic violence within their own home.

As well as that, there are a number of other initiatives which include the training of professional workers who can give counselling and support to victims and perpetrators of domestic violence. This program has already been undertaken in South Australia. I draw the attention of the House to the editorial in today's *News*, which states:

> As the Community Welfare Minister, Ms Lenehan, points out, South Australia is the leader in the prevention field, and is the only State with a domestic violence preventive unit. However, there is a long way to go. Ms Lenehen says domestic violence is a women's problem, since most incidents are perpetrated by man, but it should not be seen as a women's issue. It is vital—for the sake of general community health—that this message gets through.

I congratulate the *News* on the way in which it has picked up this very sensitive issue, which the community must address. I am very proud that I was able to represent South Australia at the national campaign launch this morning.

RURAL ASSISTANCE

Mr GUNN (Eyre): Is the Minister of Agriculture aware that some farmers on Eyre Peninsula are being offered finance to sow a crop for the coming year only on condition that they agree to sell their properties when seasonal conditions become more favourable and, if so, does the Minister intend to take any action? I have received representation from a drought affected farmer about the latest conditions being imposed on his financial arrangements. I have a copy of a letter from the Commonwealth Bank which was sent to applicants for finance for this year's crop. One of the conditions states:

> If seasonal conditions improve and are more favourable the bank will expect you to auction your properties in August/September this year with a view to obtaining realistic prices.

Further, the letter states:

> An establishment fee will not be charged for the increase in loan facilities; however the following fees and charges will be charged to your cheque account in due course:
>
> Stamping fee of $60
> Loan stamp duty of $284
> Registration fees of $88.

The State Government will get about $300 from those fees. The letter continues:

> The bank's standard interest rate of 19.25 per cent per annum which is variable at the option of the bank. Interest is calculated on the daily balance outstanding and charged to your account quarterly . . .

These conditions are having a serious effect on farmers, and they are being forced into a position that is quite unreasonable.

The Hon. M.K. MAYES: I appreciate member for Eyre's continuing concern about the situation of his constituents on the West Coast. In his question the honourable member has indicated the bank involved, and I thank him for raising it with me in that way so that I can take up the matter directly.

Given the information that the honourable member has presented to the House, I must say that I am disappointed that the bank has presented the particular details to the farmer in that way. The interest rate indicated for carry-on finance (which is my interpretation of what is being offered for sowing the crop; it obviously involves the costs of putting the crop in) is disappointing, because in our negotations we offered the Commonwealth Bank a package that would cost the farmer less than a carry-on loan would involve. As the member for Eyre is aware, we proposed a 6 per cent interest subsidy in connection with that finance and, of course, it was a considerable additional subsidy to that involved in farmers' restructuring finance.

In other words, if a primary/secondary debt structure had been brought in for that farmer (and I am speaking of the individual concerned, as mentioned by the honourable member), there would be an additional subsidy to the primary debt as well. That concerns me. I am disappointed if the bank has taken that attitude. I have no grounds to question the member's accuracy. From his past record in this House in always presenting the facts very clearly and precisely, I accept what he says in terms of this situation.

The circumstances with regard to the individual concerned in terms of the overall policy are somewhat more complex than the member presents. I certainly have sympathy with the farmer on the facts as presented, particularly with the way that it has been presented with the costings attached and the overall cost of carry on finance. In looking at the overall issue which the member has touched on, it is appropriate for me to indicate that in some circumstances farmers who are in the most horrendous financial situations will be asked to continue farming in order to preserve the quality of the land and the environment generally, and the property as a whole.

It is appropriate for the financial institutions to meet an arrangement like that. I would hope that in doing so it is a much more sensitive and better negotiated arrangement than the situation that has been presented to the House today by the honourable member. In view of what he has said, I am sure that we will be able to take up that matter with the Commonwealth Bank, and I would hope that it follows the other banks in adopting our package. That would significantly reduce the cost of that carry on finance and may in fact assist that farmer to continue.

Not knowing the full details, of course, I cannot do other than restate that there might be circumstances where farmers are asked to continue farming on the basis that, because of the tremendous debts that they carry, it may be sometime before they realise the sale of their farm. I will take up that matter with the bank concerned. I thank the honourable member for the way in which he has raised this matter, the concern he has expressed and his continued close examination of what is happening on Eyre Peninsula.

RADAR DETECTION DEVICES

Ms GAYLER (Newland): My question is directed to the Minister of Transport. Does the micro-radar detector which is being marketed through the American Express company help people evade Parliament's road safety laws, and will the Minister consider outlawing the device? Last Monday I received from American Express a brochure promoting a device called the micro-radar detector. The device is said to give a faster warning and provide extra sensitivity even around curves and over hills. It is said to give a kilometre or more for a driver to adjust speed in order to avoid radar detection. The scan wave XK is said to detect moving, stationary and hand-held gun radar systems. It has been put to me that it is very irresponsible for the American Express company to promote such a device.

Members interjecting:

The Hon. G.F. KENEALLY: As the Minister responsible for road safety in South Australia, I am stunned at the Opposition's response to that question.

The Hon. Lynn Arnold: They just think it's a joke.

The Hon. G.F. KENEALLY: This is not a joke; it is a very serious matter and one that I thought—

Members interjecting:

The SPEAKER: Order! It is most discourteous for other members to try to drown out a Minister while he is giving his reply.

The Hon. G.F. KENEALLY: I am also astounded that a company such as American Express would promote the sale of such a unit in a glossy pamphlet that has obviously been mailed out to all its clients. It is appropriate for American Express to state on its pamphlet that the use or possession of radar detection devices is currently legal in all States and Territories of Australia except Tasmania. I will refer to the reason for that in a moment. It is quite clear to me—and I am sure it is also clear to every sensible person in this House and outside—that the only reason that one would want to have a radar detector mounted on one's motor vehicle is to evade the speed laws. There is no other reason for one to have such a device. If there is any other reason, I would be pleased to hear it. Any person who used the device on the 30 day free trial offered by American Express would be attempting to detect radar traps so that when they passed the police they were within the speed limit and when they passed out of the range of the trap they could then exceed the speed limit.

An honourable member interjecting:

The Hon. G.F. KENEALLY: I can assure the honourable member that, in the almost 40 years that I have had a licence, I have never committed an offence and I never drive faster than the speed limit. The honourable member would only need to follow me around on the roads to observe that. Here again the Opposition is trying to suggest that this is a matter for levity. That is certainly not the case.

The Government has been monitoring a case in Victoria where the police took action against a person who mounted a radar detector on his vehicle. Apart from this contravening the Australian design rules, the mounting of a speed detector, either on the sun visor or on the mirror, thereby impairing one's line of vision, is, in fact, an offence. The police took action against a driver in Victoria under the laws of that State. The case was appealed in the District Court and the law was upheld. A penalty and conviction were recorded. Subsequently, there was an appeal to the High Court but the police did not proceed as their legal advice was that Federal law overrode State laws in this situation. That is an unfortunate situation. It is my intention to have this matter raised at the next meeting of Federal and State transport Ministers in order to get general agreement—

An honourable member interjecting:

The Hon. G.F. KENEALLY: It is my intention to have this matter raised at the next meeting of transport Ministers—both State and Federal—so that there is uniform agreement on the need to have these radar detectors banned. I repeat: I am surprised and, frankly, astounded that a company like American Express would be involved in promoting such a unit amongst its clients throughout Australia. Quite obviously, the only reason for such a device is to evade the State road laws. Those laws, as determined by Parliament, are there to protect motorists, road users, pedestrians, and so on. Anything in contravention of that works against the best interests of the Australian people. The South Australian Government will maintain its efforts to reduce the incidence of road crashes. If banning a device such as this will assist in the fight against road crashes, we will pursue that course with some vigour.

DOMESTIC VIOLENCE

The Hon. JENNIFER CASHMORE (Coles): Given the severe concerns already expressed by women's shelters and other care givers in the domestic violence area about the effects of a massive media campaign on domestic violence starting today, will the Minister of Community Welfare be specific about the funding and staffing, apart from the helpline and training to which she referred in answer to a previous question, that have been established to deal with the expected overwhelming influx of women seeking help and needing services?

In her earlier answer, the Minister referred to a national media campaign focusing on domestic violence and costing $1.6 million which commences today, with the South Australian Government contributing $100 000. The Director of the North Adelaide Women's Shelter, one of the many care givers who have expressed concerns about the effects of the campaign, has put her views in a written report saying:

> In June 1987 a mere $2 000 media campaign was organised by South Australian women's shelters and the result was overwhelming. Shelters became overfull and telephone inquiries increased tenfold. The implications and expectations of this much larger campaign are devastating. The stress that the intended media campaign will cause must be counteracted with the provision of extra resources and extra funding for agencies dealing with victims of domestic violence. There is no extra funding available for women's shelters, which are already seriously underfunded. The campaign will cause more hardship and pain as women leave violent situations to be met with inadequate back-up services.

The Hon. S.M. LENEHAN: I am delighted to answer the honourable member's question, although quite a bit of what I will say was contained in my answer to the member for Albert Park. However, this question raises a fundamental issue in our community.

Members interjecting:

The Hon. S.M. LENEHAN: I will get to the specific details in a moment. This question raises an issue for all Governments and for all people who share the kind of political philosophy which we on this side of the House share; that is, do we sweep these issues under the carpet and do nothing in respect of highlighting problems within our community or do we have the courage to bring these issues out into the open and address them honestly and fairly? That is exactly why the Federal Government and State Governments of all political persuasions, let me remind the honourable member, are involved in this national campaign. The Premiers of the other States, irrespective of whether they are Liberal or Labor Premiers, are launching their State campaigns. We are putting in more money as a State—

Mr Hamilton interjecting:

The Hon. S.M. LENEHAN: That is a very pertinent interjection. I am delighted to tell Parliament that, with its $100 000, South Australia is contributing more than any other State in Australia. Of that $100 000—

Members interjecting:

The SPEAKER: Order! I call on members to act with a greater degree of maturity than one or two have been showing in the past couple of minutes.

Members interjecting:

The SPEAKER: Order! The honourable Minister has the call.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. I certainly take this issue very seriously, as do the victims of

domestic violence in this State. I am rather ashamed that there are members on the other side of the House who obviously find this such a trivial issue that they are not even prepared to listen to the answer. As I was saying, South Australia has put in $100 000, and this is more than the contribution of any other State in Australia. I will be very pleased to talk about what this money is being spent on. Already, $30 000 has been allocated to the training of professionals so that they can be aware of domestic violence and to give them the skills and the support that will enable them to provide advice, support and services not only to victims but also to perpetrators.

The Domestic Violence Service, as well, has a counselling program for both men and women. The Department for Community Welfare has specially trained domestic violence contact officers in each of the district offices throughout the State. Emergency financial assistance is available to victims to help them with accommodation. I am delighted to say that the Emergency Housing Office is also offering resources to help victims with accommodation.

An honourable member interjecting:

The Hon. S.M. LENEHAN: I have talked about the amount of $100 000. I have not individually costed the contributions from all the other agencies involved, but I can say that the Government has taken this issue very seriously, and the other Ministers in their various portfolios have ensured that we have received support. I want to say that I do share some of the concerns raised by the women's shelters, but I think to say that, because we have concerns that there are people who are going to come forward now and for the first time in their lives do something about domestic violence, that because this is going to happen and because we may not have totally adequate resources already on the ground, we should do nothing is grossly irresponsible. I am not prepared to be part of that kind of philosophy: it is the Liberal philosophy of not doing anything because you might cause a few ripples.

I am prepared to cause a few ripples in this State. I am prepared to put the issue of domestic violence squarely on the public agenda. I am delighted that the *Advertiser* and the *News* are supporting the Government and me in this campaign. In my capacity as Minister of Community Welfare I will do everything possible to ensure that we have adequate resources to meet the genuine needs of the many women who are currently victims of domestic violence. It would be nice to think that on just this one occasion the Opposition would actually support the Government and support the national campaign. If the Opposition was prepared to do that, the people of South Australia might believe that members opposite have some shred of credibility, as opposed to this image of knocking everything that the Government puts forward. Surely, in this one instance the Opposition could have come forward and said that, yes, it supports the Government's putting $100 000 into this campaign and that it was prepared to back the Government on that. I am rather sad that the Opposition has not chosen that course of action.

MILLIPEDES

Mr ROBERTSON (Bright): Will the Minister of Agriculture tell the House when biological controls, such as the native nematodes, will be unleashed against the Portuguese millipedes in the hills face zone between Darlington and Marino?

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order!

Mr ROBERTSON: With the impending declaration of a recreation reserve at the eastern end of the hills face zone area in question, the concern of local people seems to have turned from motorcycles to millipedes or, as Karl Linneus might have said, from decibels to diplopods!

Members interjecting:

The Hon. M.K. MAYES: This has led to a significant number of one liners being uttered around here. I thank the honourable member for his question. I am certain that he is not the only one who is interested, from the way that members of the House have responded to this question. I can assure the honourable member (and the member for Heysen for that matter) that the issue is being addressed and, in fact, we have released, as he probably knows, the native nematodes, although he may not know the extent of the release. The release has been in some 20 areas around the whole of the Hills area, including, obviously, the member for Heysen's area.

The Hon. D.C. Wotton: How long ago?

The Hon. M.K. MAYES: They were released in about September/October last year at some 2 000 sites, in the areas most badly affected. It did not directly include the parts of the hills face zone referred to, that is, the areas around Darlington itself, but the Flagstaff Hill area and the area around Flinders University were involved in the release. The release occurred in an area encompassing a broad sweep from the coastline through to Tea Tree Gully and the northern areas of the Adelaide Hills.

The Hon. Frank Blevins: What about Whyalla?

The Hon. M.K. MAYES: Not in Whyalla—the member for Whyalla's area is not subject to millipedes at this point of time. But, of course, millipedes did originate from Port Lincoln. It will take some time for us to assess the impact of the nematodes. I am sure that you, Mr Speaker, appreciate the scientific need to determine whether the impact is significant. Dr McKillup discovered the relationship and impact of the native nematode on the Portuguese millipede and there has been a significant reduction in the millipede population in the areas that were first infested in the Adelaide Hills. It is important to note that the research that Dr McKillup has undertaken has already given positive hope that there will be an impact. We have to be reasonably patient and asses the extent. We have noticed that numbers have dropped dramatically in the older infested areas. It is important to take that into account.

As to the Darlington area, I hope that the nematode released within the immediate range of the Darlington hills face area will have an impact as well. The Portuguese fly is still under quarantine and we hope it will be released later this year. It has been subject to a series of tests to determine its impact on the native environment. To date, all those tests have been positive in the sense that it looks as if we can release the fly, which will be specific to the millipede. I believe that the tests being undertaken by entomologists are such that we would be confident in seeing an application go before quarantine authorities later this year. We will have a second front, which of course was the initial front on which the State Government spent about $500 000 to initiate that research program under Dr Bailey. I can assure the honourable member that the Government is addressing this issue seriously and I hope that we will see in the near future a reduction in the number of millipedes infesting not just the hills face zone but the whole metropolitan area that is being affected.

PERSONAL EXPLANATION: PUBLIC ACCOUNTS COMMITTEE CONFIDENTIALITY

The Hon. H. ALLISON (Mount Gambier): I seek leave to make a personal explanation.

Leave granted.

The Hon. H. ALLISON: I simply wish to express concern that the Premier should have inferred that there would be an exchange of information between the Liberal members of the Public Accounts Committee and the Leader of the Opposition concerning the present Public Accounts Committee inquiry into the Justice Information System cost overrun. I simply wish to assure you, Mr Speaker, and members of the House, that any knowledge that the Leader of the Opposition may have gleaned—however accurate it may have been—in relation to his lead question today did not emanate either from the member for Hanson, (Mr Becker) who of course has been ill and absent from both the House and the PAC in recent weeks, or from myself. I simply reassure the House and you, Mr Speaker, that the proper confidentiality of the PAC as might be and is expected from members of that committee has been observed by me prior to reports being publicly released to members of the House.

TRUSTEE ACT AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Trustee Act 1936. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends the Trustee Act by inserting into section 5 provisions which will make the common funds of the ANZ Executors and Trustees Company, National Mutual Trustees and Perpetual Trustees authorised trustee investments in this State. These companies are newly approved to operate as trustee companies in South Australia and investment in the common funds of these companies will be given authorised trustee status in the same way as the common funds of the trustee companies already operating. The amendment will come into operation at the same time as the Trustee Companies Act.

Clause 1 is formal.

Clause 2 provides that the Act will come into operation on the day on which the Trustee Companies Act 1988 comes into operation.

Clause 3 amends section 5 (1) *(g)* of the principal Act. Three additional companies, namely, ANZ Executors and Trustee Company Limited, National Mutual Trustees Limited, and Perpetual Trustees Australia Limited, are now included in section 5 (1) *(g)* of the principal Act and hence now have authorised trustee status for their common funds.

The Hon. H. ALLISON secured the adjournment of the debate.

STRATA TITLES ACT AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Strata Titles Act 1988. Read a first time.

The Hon. G.J. CRAFTER: 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 Strata Titles Act came into effect in 1988. Since that time the operation of the Act has been closely monitored. It is intended, once the Act has been in operation for a year, to canvass the need for amendment to the Act with those persons who utilise it in their professional work (e.g. Registrar-General, Real Estate Institute and Law Society). The need for amendment in one particular area, however, cannot await the review which will occur later.

It has been pointed out by a legal practitioner that there is a deficiency in the Act in that there is no provision for a company which is a unit holder to be represented in dealings as an office holder of a strata corporation. In particular, problems arise when all or some of the unit holders in a group are companies and section 23 requires the corporation to appoint certain officers—presiding officer, secretary and treasurer. A company cannot itself preside at a meeting—it must be represented by a person authorised to represent it. Where all unit holders are companies the corporation could not appoint any of the required offices. The Act is amended to allow for such representation.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 inserts a new section 44a in the principal Act which will allow a body corporate that is a unit holder to hold office as the presiding officer, secretary or treasurer of the strata corporation, or to act as a member of the management committee. Under this arrangement, the body corporate will be able to appoint a person to act on its behalf.

The Hon. H. ALLISON secured the adjournment of the debate.

LISTENING DEVICES ACT AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Listening Devices Act 1972. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It seeks to make a number of amendments to the Listening Devices Act 1972. In its report of May 1987 to the Attorney-General, the Privacy Committee of South Australia observed:

> It . . . notes criticisms made by the Criminal Law and Penal Methods Reform Committee, the Australian Law Reform Commission and the Royal Commission into the Non-Medical Use of Drugs of the provisions of the Act which exclude members of the Police Force acting in the performance of their duties from the prohibition against the use of a listening device, subject to

the requirement that the Commissioner of Police report the use of such devices to the responsible Minister.

The (then) Commissioner of Police indicated to the 1978 Working Group that the Force would wish the Act to remain unchanged. However, this Committee notes that in a recent decision the European Court of Human Rights considered that monitoring of the use of listening devices in the United Kingdom by a Judge was not sufficient to comply with a requirement that privacy shall not be interfered with arbitrarily.

Article 17 of the International Covenant on Civil and Political Rights (to which Australia is a party) provides that no-one shall be subjected to arbitrary interference with his privacy. In order to comply with this Article authorisation for members of the police force to use a listening device should be by a Judge of the Supreme Court. This Committee recommends accordingly. It notes this recommendation is consistent with the warrant requirements that obtain under the Telecommunications (Interception) legislation of the Commonwealth. (paragraphs 55 and 56 of the Report).

This Bill seeks to give effect to this recommendation of the Privacy Committee. In addition it seeks to confer on the National Crime Authority itself the power to apply for a warrant to use a listening device. In its 1986-87 Annual Report the National Crime Authority passed comment on the legal situation throughout Australia. Among other things, it said:

The use of listening devices is, like the utilisation of telephone interception facilities, vital in the investigation of organised crime. The National Crime Authority Act contains no provision relating to the use of listening devices and the Authority therefore relies on relevant provisions in the Commonwealth Customs Act and in State legislation. As noted in last year's report these arrangements have not proved entirely satisfactory. . .

The Authority raised with the Inter-Governmental Committee at its meeting on 21 May 1987 the Authority's position under the listening devices legislation of the Commonwealth and various States. The Committee agreed that the Authority should pursue with the Commonwealth, Queensland, South Australia and Western Australia the possibility of extending the relevant legislation to enable the Authority to use listening devices in its own right. Tasmania and the Northern Territory have no legislation concerning listening devices, although the Authority understands that the Northern Territory government is considering its introduction. The Chief Minister of the Northern Territory has offered to consult with the Authority on the development of such legislation. (See pp. 43-44).

The Chairman of the National Crime Authority has written, requesting this amendment, pursuant to its determination referred to in the Annual Report. It should be noted that the authority already has the power to obtain and use listening devices in its own right under the Listening Devices Act 1969 of Victoria and the Listening Devices Act 1984 of New South Wales. This Bill also seeks to insert record-keeping and reporting requirements akin or analogous to those that appear in the Telecommunications (Interception) Bill 1988. This consistency of approach is considered desirable from an operational viewpoint as well as ensuring a proper balance is struck between the powers of the State to undertake electronic surveillance of citizens and the rights of those citizens to freedome from arbitrary or unlawful inteference with their privacy. Offences of unlawful communication of information obtained pursuant to a warrant are also to be created; and, finally, the penalties prescribed for a number of existing offences under the principal Act are substantially upgraded. I commend this important measure to members.

Clauses 1 and 2 are formal. Clauses 3 and 4 substitute the penalties imposed for offences against sections 4 and 5 of the Act respectively. The maximum penalty for using a listening device contrary to the Act, or communicating information obtained by use of a listening device contrary to the Act, is increased from $2 000 or six months imprisonment or both to a division 5 fine or imprisonment ($8 000 or two years) or both. Clause 5 substitutes section 6 of the Act which currently regulates the use of listening devices by the police. New sections 6 to 6c are inserted. New section 6 provides for the issue by a judge of the Supreme Court to the police or the National Crime Authority of a warrant authorising the use of a listening device. A warrant may only be issued if the judge is satisfied that its issue is justified having regard to—

(a) the extent to which the privacy of any persons would be likely to be interfered with by use of a listening device pursuant to the warrant;

(b) the gravity of the criminal conduct being investigated;

(c) the extent to which information that would be likely to be obtained by use of a listening device under the warrant would be likely to assist the investigation;

(d) the extent to which that information would be likely to be obtained by methods of investigation not involving the use of a listening device;

and

(e) the extent to which those methods would be likely to assist the investigation or to prejudice the investigation, through delay or any other reason.

If a warrant is to authorise entry onto premises, the Judge must also be satisfied that it would be impracticable or inappropriate to use a listening device pursuant to the warrant without entry onto the premises. A warrant must specify a period of up to 90 days for which it is in force, but may be renewed. A warrant may be issued subject to conditions relating to the use of listening devices and may regulate entry onto premises for the purposes of use of listening devices. Provision is made for an application for a warrant by phone where that can be justified due to urgent circumstances. The clause enables the Commissioner of Police or a member of the NCA to revoke warrants.

New section 6a makes it an offence for a person to whom a warrant has been issued to communicate information obtained by use of a listening device, except in the course of duty. It is also an offence for any person using a listening device at the direction of a person to whom a warrant has been issued to communicate information obtained by that use except as necessary to give full effect to the purposes for which the warrant was issued or for the purposes of giving evidence. In each case, the penalty is a division 5 fine or imprisonment ($8 000 or two years) or both. New section 6b requires the Commissioner of Police to provide the Minister with information and statistics concerning the issue of warrants, the use of listening devices and the use of information obtained. The Minister is required to table an annual report setting out relevant statistics on police and NCA use of listening devices and containing a general description of the uses made of information obtained by use of listening devices pursuant to warrants and the communication of that information to persons outside the police or NCA. New section 6c requires the Commissioner of Police and the NCA to keep information obtained by use of a listening device pursuant to a warrant secure and to destroy any such information not likely to be required in connection with the investigation in respect of which the warrant was issued, the making of a decision whether or not to prosecute for an offence or the prosecution of an offence.

Clause 6 amends section 7 of the Act. One amendment is consequential to the inclusion of the NCA as a body to which a warrant may be issued. The other increases the penalty for communicating information, obtained by a party to a conversation by use of a listening device, for purposes other than those authorised under the section. The penalty currently is $2 000 or six months imprisonment or both. The amended penalty is a division 5 fine or imprisonment

($8 000 or two years) or both. Clause 7 amends section 8 of the Act. It increases the penalty for having possession of declared listening devices from $2 000 or six months imprisonment or both to a division 5 fine or imprisonment ($8 000 or two years) or both.

The amendment ensures that the Minister may consent to persons of a specified class having possession of declared listening devices. It further limits the power of the Minister to delegate the power to give such consent to a delegation to a Chief Executive Officer. Clause 8 repeals section 9 of the Act which requires an annual report relating to the use of listening devices by the police to be tabled. More extensive reporting requirements are contained in new section 6b.

The Hon. H. ALLISON secured the adjournment of the debate.

STATUTES AMENDMENT (CRIMINAL SITTINGS) BILL

The Hon. G.J CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Justices Act 1921, and the Local and District Criminal Courts Act 1926. Read a first time.

The Hon. G.J. CRAFTER: 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 Justices Act 1921 and the Local and District Criminal Courts Act 1926, in order to achieve three ends.

(i) The first is the abolition of the concept of criminal sittings.

The criminal jurisdiction of the Supreme Court and the District Court is exercised theoretically in monthly sittings of those courts. In practice the concept of sittings is obsolete and is largely ignored. Both courts are in continuous session in criminal jurisdiction throughout the year with several judges sitting on criminal cases concurrently. Dates are fixed for trial without regard to sittings. The retention of the concept of criminal sittings causes administrative difficulties and compels observance of some obsolete procedures. The work of both courts would be facilitated if the concept were abolished. The Chief Justice had arranged for a committee to examine the means by which that might be achieved. The committee consisted of Justice Millhouse, Judge Bishop, the Crown Prosecutor, the Sheriff, the Clerk of Arraigns, Supreme Court and the Clerk of Arraigns, District Court. The report was considered by the Senior Judge of the District Court and the Chief Magistrate. They supported its recommendations including that committals to a higher court should be for the first Monday (not being the first Monday in January or being a public holiday or falling after 23 December) after the expiration of 28 days from the date of the committal. The committee referred to was established by the Chief Justice with the following terms of reference:

To consider and report . . . as to the following matters:

1. The practicality of the abolition of the concept of criminal sittings or sessions in both courts;

2. the alternative arrangements which would be necessary in substitution for criminal sittings or sessions;

3. legislative amendments which would be necessary to abolish the concept of criminal sittings or sessions and to substitute appropriate alternative arrangements.

The committee was of the opinion that it is both practicable and desirable to abolish criminal sessions. The disadvantages of the present system are known. When there were fewer criminal cases, sessions provided a useful way in which to make the best use of the time and talents available, but old-fashioned court administration is not designed to cope with the present number of cases before the criminal courts. Peaks and troughs at present appear in the workload of court staff. Activity builds towards Arraignment Day, then falls off until preparations for the next arraignments begin once more. Magistrates' Clerks, already under pressure, must deal with a lot of paperwork before committals can go on to a higher court. As the Magistrates' Court falls behind, so too do officers of the Clerks of Arraigns and the Crown Prosecutor's Office. The Sheriff's Office must act on very short notice to produce the calendar and deliver up those accused people held on remand. Once the Bill becomes law, consequential amendments will be made to the Rules under the Justices Act, the District Criminal Court Rules and the Rules of the Supreme Court (Criminal Jurisdiction) and the whole package will come into operation at the one time.

(ii) The Bill also seeks to simplify administrative procedures following committal for trial or sentence, by a Magistrate, to a District Court or the Supreme Court.

Current legislation provides for a number and variety of forms to be prepared by Magistrates' Clerks following an accused's committal for trial or sentence to the Supreme or District Court. The forms take an inordinate amount of time to prepare and many of them simply duplicate information.

It is difficult to estimate accurately how long it takes to prepare committal documents as each file has different requirements. However, a conservative estimate is that it takes a Magistrates' Clerk 45 minutes to prepare the required forms and to perform the associated clerical functions. Several of the forms no longer have any real purpose and are only prepared to meet the requirements of the legislation. Presently matters cannot be listed in the higher courts until the expiration of 14 days from the date of committal. This period of time has been set aside to enable the prosecuting authority to review the documents and then prepare the appropriate information. However, because of the length of time required in preparation of files, delays inevitably occur and frequently files are not forwarded to the prosecuting authority forthwith, as required. This has been the subject of adverse comment by superior courts and the staff of those courts.

It is estimated that these amendments will provide savings for Magistrates' Clerks time in the order of 680 hours per annum. These savings would enable Magistrates' Clerks to more properly perform other functions that are required of them. Savings would also be made in the use of casual assistance, as Magistrates' Clerks would not be required to spend as much time out of Court preparing these documents, and accordingly would not require as much relief.

(iii) Finally, the Bill seeks to amend the Local and District Criminal Courts Act 1926, to repeal the requirement to publish the criminal sittings lists in the *Government Gazette*. At present, the criminal sittings of both the Supreme and District Criminal Courts are published, monthly, in the *Gazette*. The requirement for publication of the list of names of accused persons appearing in the Supreme Court arises by precept issued to the Sheriff requiring that officer to publicly proclaim the sittings and cause all those to be prosecuted to appear. In the District Court the requirement of publication arises by virtue of section 320 *(b)* of the Local and District Criminal Courts Act 1926, which provides:

320. The Senior Judge shall, from time to time, as occasion requires, either personally or by the giving or proper directions—

(b) after receiving the criminal lists from time to time the Attorney-General, cause to be published in the *Gazette* and court houses, police stations and at such other places as he deems proper and necessary, such notices as will, as far as reasonably practicable, keep all persons concerned duly informed of the lists and the

sessions of District Criminal Courts throughout the State;

Before the list of names and charges can be deleted from the *Gazette* in respect of District Court matters the amendment will need to be made to section 320. The origin of the Supreme Court precept issued to the Sheriff appears to be the issue of a writ of general summons to the Sheriff to prepare for the eyre, which was a court created by commission which empowered justices to hear all pleas in the fourteenth century. By this writ, which was issued some weeks before the beginning of the eyre, the Sheriff was directed to summon all those who were bound to attend before the justices in eyre. The writ had the effect of suspending the activities of rival courts to ensure that all persons were free to attend.

This duty on the Sheriff to notify parties in respect of criminal proceedings has continued to the present day. In the absence of legislation the means of notification is a matter for the Sheriff. Provided therefore that the Sheriff ensures that all parties are notified in sufficient time to prepare their cases, he or she will be taken to have fulfilled the duty. Where an accused is said to have a case to answer in a Magistrates Court, he or she is committed to the appropriate court. His or her counsel is then contacted by the Sheriff's Office before the sitting date and a listings conference is arranged. On the day of the trial a cause list is published in the Court and in the local newspaper. In those circumstances there is no need to publish a list of names and charges in the *Gazette*. It will be the case, however, that the Sheriff will continue to print the next sitting dates of the Criminal jurisdictions of the courts.

The Chief Justice has no objection to this proposal. Indeed with the concept of criminal sittings being abolished and the Supreme Court being in continuous session in its criminal jurisdiction, there will be no need for any publication. The Sheriff has indicated that, in future, publication in the *Gazette* would simply set out the order of business of the sittings and that Circuit Sessions of the Supreme Court would still require the Proclamation, (and the issue of the Circuit Judge's Commission) to appear in the *Gazette*. Members should note that these proposed amendments have the support of the Chief Justice, the Senior Judge and the Chief Magistrate and will be, it is anticipated, conducive to more efficient administration of the court system in this State. I commend the Bill to members.

Clause 1 is formal. Clause 2 provides for commencement on a day to be fixed by proclamation. Clause 3 is formal. Clause 4 amends section 112 of the Justices Act 1921. It strikes out paragraph *(d)* of subsection (2), which sets out the record that currently has to be prepared by a justice when a defendant is committed for trial on an indictable offence. It makes a consequential amendment to subsection (5), striking out the existing subsection and substituting a new subsection that is to the same effect, but which does not contain a reference to the record prepared under subsection (2). Clause 4 also strikes out paragraphs *(d)* and *(e)* of subsection (3), which set out the existing method for determining the criminal session of the Supreme Court or District Court at which the defendant is to be tried.

Clause 5 repeals section 116 of the Justices Act 1921, which contains the existing requirements as to the documents that have to be prepared by a justice on committing a defendant for trial.

Clause 6 amends section 136 of the Justices Act 1921, by striking out subsection (1) and substituting a new subsection (1) which deletes the existing requirement that, where a defendant has pleaded guilty, the justice must prepare a record on committing the defendant for sentence. Clause 6 also strikes out paragraphs *(d)* and *(e)* of subsection (2), which set out the existing principles for determining the criminal session of the Supreme Court or District Court at which the defendant is to be sentenced. Clause 7 repeals section 139 of the Justices Act 1921, which contains the existing requirements as to the documents to be prepared by a justice on committing a defendant for sentence. Clause 8 amends section 141 of the Justices Act 1921, by striking out subsections (1) and (2) and substituting new subsections (1) and (2) which are to the same effect, but which do not contain the existing reference to criminal sessions. Clause 8 also makes an amendment to subsection (3) which is consequential upon the repeal of section 139 of the Act by clause 7.

Clause 9 inserts a new section 155 into the Justices Act 1921. This new section sets out the new principles for determining, where a defendant is to be committed for trial or sentence, the date and time for that trial or sentencing. It also sets out the documents that must be prepared by a justice on committal of the defendant for trial or sentence. Where a defendant is committed for trial or sentence, the committal order must fix the date and time at which the defendant is to appear for trial or sentence, and the court before which the defendant must appear. The date must be on the first business day of a week that is a specified period (prescribed by rules of court) after the date of committal, unless the justice is satisfied that there is good reason for fixing another date. If a preliminary examination is conducted in a circuit district of the Supreme Court, and the defendant is to be committed for trial or sentence in the Supreme Court, the defendant must be committed for trial or sentence at a circuit sitting of the Supreme Court in the same circuit district.

If a defendant is to be committed for trial or sentence in a District Court, the defendant must be committed to the District Court for the District Court district in which the preliminary examination is conducted. The documents that a justice must forward to the Attorney-General on committing a defendant for trial or sentence are a note of the committal order; a copy of the information (as amended); a transcript of evidence from the preliminary examinations; a list of exhibits; a copy of any existing bail agreement relating to the defendant; and any recognizances of witnesses. The Attorney-General must forward these documents to the court to which the defendant has been committed for trial or sentence. Clause 10 amends section 320 of the Local and District Criminal Courts Act 1926, to remove the requirement to publish criminal sittings lists in the *Gazette*.

The Hon. H. ALLISON secured the adjournment of the debate.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Health) obtained leave and introduced a Bill for an Act to amend the South Australian Health Commission Act 1976. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Its purpose is twofold—it makes a number of machinery amendments and also paves the way for further develop-

ments in quality assurance programs. Turning to the machinery amendments, members may recall that as part of the updating of the South Australian Health Commission Act in 1987, Part IXC of the Health Act was replaced by section 64d of the South Australian Health Commission Act.

Under Part IXC the Governor could authorise persons to conduct research for the purposes of reducing the incidence of morbidity or mortality in the State. Information supplied to authorised persons could not be used as evidence in any legal proceedings except with the approval of the Governor by Order in Council. Many persons who were authorised under Part IXC undertook valuable research in a variety of areas for the purpose of reducing morbidity and mortality. For instance, many important improvements in patient care resulted from the work of and reports produced by the Anaesthetic Mortality Committee, a committee established to investigate the causes of deaths associated with anaesthesia.

Section 64d was subsequently introduced, and replaced Part IXC. The wording of the new section is different, although its purpose is the same as the previous provisions. It allows the Governor to authorise a person or class of persons to undertake research into the causes of mortality and morbidity in the State. Confidential information can be disclosed to any person so authorised without breach of any law or any principle of professional ethics. Disclosure to persons other than those authorised could lead to a penalty of $5 000.

Members of the Anaesthetic Mortality Committee and a number of other researchers and classes of researchers were and continue to be authorised under section 64d. However. the difference in wording has given rise to concerns by the Anaesthetic and Intensive Care Committee, its subcommittee, the Anaesthetic Mortality Committee and anaesthetists in South Australia. Although legal advice to the Government is that section 64d is an improvement on the previous provision and prevents a Court from requiring an authorised person to disclose confidential information, anaesthetists remain concerned that section 64d will not prevent a court from requiring an authorised researcher to give evidence about information collected in the course of research. In addition, there is concern that any anaesthetist or other person giving information to the Anaesthetic Mortality Committee can be required to give evidence in court of anything which he or she reported to the committee.

These concerns have meant that there is a loss of confidence on the part of anaesthetists and committee members in South Australia in the confidentiality of material supplied to the Anaesthetic Mortality Committee. As a consequence, the important work of the committee which previously enjoyed a very high level of support from specialist anaesthetists and others involved in anaesthesia in this State is jeopardised. In order to restore confidence and to enable the committee to continue its valuable work, amendments are therefore proposed to section 64d.

Turning to the important matter of quality assurance, for several years, the South Australian Health Commission has encouraged hospitals to run quality assurance programs aimed at increasing the quality of patient care. Such programs require openness by all participating health care practitioners, confidence that the process will not be biased, a preparedness to admit problems in patient care and a willingness to correct problems highlighted. Adequate documentation is essential in this process for analysis and assessment.

The Royal Adelaide Hospital has a quality assurance program but is now interested in undertaking a pilot study into a form of quality assurance developed in California and known as Medical Management Analysis. Medical Management Analysis is designed to provide early identification of hospital incurred adverse patient occurrences and patterns of substandard care. The system uses a set of specific objective outcome screening criteria which cover all aspects of hospitalisation. Medical Management Analysis highlights problems in the care of specific patients. These problems must be documented and followed up with critical evaluation by other practitioners. However, practitioners are hesitant to participate in the pilot program because of the potential legal repercussions for the material and information generated. The practitioners' concerns are twofold. Firstly, the concern is that the information presented to committees or practitioners as part of quality assurance programs may be defamatory of other practitioners or health care workers. This concern is not necessarily well founded as the peer review process is probably the subject of qualified privilege so that an action in defamation would be unlikely to succeed.

The second concern is that material gathered in quality assurance programs may be relevant in an action in negligence. Material created through the use of this system may contain some evidence of negligence. In some states of the US and in some Canadian provinces legislation protects quality assurance material. The US courts have adopted the view that the public benefits of quality assurance outweigh the patient's right of access to documents. In order to clarify the situation and place these important programs on a sound footing, certain amendments are proposed in new section 64d. The amendments will permit specified persons and groups to be authorised by the Governor to have access to information for the purpose of assessing and improving the quality of specified health services. This will allow for quality assurance committees to be so authorised.

Confidential information may still be disclosed to a person to whom the provision applies without breach of any law or any principle of professional ethics. However, a person must not divulge the confidential information, whether obtained directly or indirectly, in any circumstances, including proceedings before any court, tribunal or board. This will provide a statutory protection to persons giving information to authorised persons and committees. It will encourage them to be more frank about the information they supply than they might have been had the protection not been there. In order to prevent any abuse of such privilege it is proposed that any person or committee seeking protection must first be authorised by the Governor.

It is intended that such authorisations would be gazetted and would extend to Government funded hospitals, private hospitals and any other properly constituted body carrying out quality assurance of clinical practice or competence. In granting an authorisation the Governor would need to be assured that a committee was properly established for the purpose of quality assurance and reported to the board of directors of the hospital or other appropriate body. In addition, the Governor would need to be satisfied that privilege was necessary in order for the quality assurance work to be properly carried out and that such privilege was in the public interest. The provisions in new section 64d have been the subject of lengthy consultation with hospital and medical administration and the South Australian Regional Committee of the Faculty of Anaesthetists of the Royal Australasian College of Surgeons. I am pleased to say that the amendments are introduced with their co-operation and support.

There are a number of other machinery amendments. The Bill provides that regulations may be made for hospitals

and health centres which provide that no fee is payable in respect of a service of a specified class or a service to a person of a specified class. Existing regulations simply state 'no fee' is payable for specified services such as for the supply of pharmaceuticals to Health Benefit Card holders or for services to specified classes such as public inpatients. The Supreme Court has declared such regulations to be invalid. The notion of regulation implies the continued existence of the thing to be regulated. Accordingly, it is necessary to introduce new provisions making it clear that there can be services for which no fee will be charged. This will validate existing regulations. In line with 1988 amendments to the Acts Interpretation Act 1915 new divisional penalties have been introduced into the Act.

A new provision is also inserted into section 64c. This was done on legal advice and extends the evidentiary provisions. In addition, an amendment to section 57aa of the Act provides that by-laws can be made which include the power to remove persons guilty of disorderly or offensive behaviour from health centre grounds. This is in line with by-law making powers for hospitals. I commend the Bill to the House.

Clauses 1 and 2 are formal. Clause 3 amends section 39 of the Act which relates to hospital fees. A new subsection is inserted to make it clear that the Governor may, by regulation made on the recommendation of the South Australian Health Commission, provide that recognised hospitals may not charge any fee for a service of a specified class or a service provided to a person of a specified class.

Clause 4 amends section 57aa of the Act to give an incorporated health centre the power to make by-laws for the removal of persons guilty of disorderly or offensive behaviour from within the health centre or the grounds of the health centre. Incorporated hospitals currently have this power. Clause 5 amends section 57a of the Act which relates to health centre fees in a manner similar to the manner in which clause 4 amends section 39 of the Act. Clause 6 amends section 64c of the Act to add an evidentiary provision that in a prosecution an allegation that a specified person was, or was not, an inspector under Part IVA at a specified time is to be accepted in the absence of proof to the contrary.

Clause 7 substitutes section 64d of the Act. The current section 64d provides for the protection of confidential information disclosed to a person authorised to conduct research into the causes of mortality or morbidity. The new section 64d in addition provides for the protection of confidential information disclosed to a person authorised to have access to the information for the purpose of assessing and improving the quality of specified health services. 'Confidential information' is defined as information relating to a health service in which the identity of the patient or person providing the service is revealed.

Under the new section confidential information may be disclosed to an authorised person or to any person providing technical, administrative or secretarial assistance in the performance of such functions. The new section provides that it is an offence to divulge information obtained directly or indirectly as a result of a disclosure made pursuant to the section, except where the information is disclosed by an authorised person, or assistant, to another such person. The penalty provided is a division 5 fine (maximum $8 000). The information cannot be divulged in proceedings before any court, tribunal or board. The schedule amends the penalties throughout the Act, converting them for the purposes of the divisional penalty system. The penalties altered are as follows:

Section	Current Penalty	New Penalty
	$	
s 38 (1) *(n)* and 57aa (1) *(n)*—maximum fine that may be imposed for contravention of by-law of incorporated hospital or health centre	50	Divison 10 fine ($200)
s 45 (2)—failure by insurer to forward accident report to Commission	100	Division 9 fine ($500)
s 57b (2)—provision of health services by private hospital at unlicensed premises	5 000	Division 5 fine ($8 000)
s 57f and 57i (5)—breach of condition of licence by private hospital	5 000	Division 5 fine ($8 000)
s 57k (3) and (4)—hindering inspector	500	Division 8 fine ($1 000)
s 64 (1)—breach of confidentiality by health service employee	5 000	Division 5 fine ($8 000)
s 66 (2) *(h)*—maximum fine that may be imposed for contravention of a regulation	200	Division 8 fine ($1 000)

Mr OSWALD secured the adjournment of the debate.

DENTISTS ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Dentists Act 1984. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The purpose of this short Bill is to strengthen the principal Act with respect to illegal dentistry. Members will recall that in 1984 a new Dentists Act was passed. It provided a more modern framework for registration and greater accountability for the profession through revised disciplinary procedures. The legislation also provided for the first time for registration of clinical dental technicians, taking account of recommendations by a select committee of the Legislative Council.

The Act has now been in operation for several years, and experience has shown that there is a need for some fine tuning in relation to illegal practice. As the Act stands, unregistered persons cannot hold themselves out as being registered, nor can they seek to recover a fee in court. However, they are not actually prevented from practising. While it can be argued that the public is safeguarded (by the 'holding out' provisions) against being misled into believing that a person providing treatment is registered, the Dental Board has found this to be inadequate. The board has, for instance, received a complaint about an unregistered person who was believed to be registered, and who provided dental treatment at substantial cost. The patient subsequently required attention from a registered dentist. While such complaints are very much in the minority, the board nevertheless feels inadequately equipped as the Act stands to deal with them satisfactorily as they do occur.

A similar problem arises in relation to clinical dental technicians. As members would be aware, there are now a number of registered clinical dental technicians in South Australia. As envisaged by the select committee, they have undertaken a specific course and are now registered to deal directly with the public in the supply of full dentures. Unfortunately, however, some persons who are not registered continue to operate in apparent contravention of the Act. If they do not hold themselves out or attempt to recover a fee in court, the legislation does not provide a means of stopping that practice. This is obviously unsatisfactory, particularly from the point of view of the clinical dental technicians who have met the requirements for registration and are operating within the terms of the legislation. The Dental Board, the Australian Dental Association (South Australian Branch) and the clinical dental technicians have all sought a strengthening of the Act. The Bill therefore makes the necessary amendments.

Clause 1 is formal. Clause 2 amends section 38 of the principal Act. The effect of the amendment is that a person who provides dental treatment for fee or reward is guilty of an offence unless he or she is authorised by the Act or another Act to provide the treatment.

Mr OSWALD secured the adjournment of the debate.

POLICE PENSIONS ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister Assisting the Treasurer) obtained leave and introduced a Bill for an Act to amend the Police Pensions Act 1971. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Its purpose is to make an amendment to the Police Pensions Act 1971 to curb 'double-dipping' in superannuation and WorkCover benefits. Without this amendment, a police officer retired due to ill-health and also entitled to a WorkCover disability pension would be able to receive an aggregate pension of up to 150 per cent of salary, plus a lump sum of 150 per cent of salary.

The amendment will provide for the suspension of superannuation benefits where a disabled police officer is entitled to a full WorkCover pension. An officer retired but only entitled to a partial WorkCover pension may receive some superannuation benefits, where the WorkCover pension is less than the superannuation pension. The amendment also deals with the case of a spouse in receipt of a WorkCover pension and also entitled to a superannuation spouse benefit. The same general principle to be applied to former employees will also be applied to benefits paid to spouses. Spouse superannuation pensions will also be reduced by the amount of any WorkCover pension paid. Benefits paid to children are similarly dealt with under the amendment.

The amendment ensures that once an entitlement to workers compensation ceases, any suspended superannuation benefits will then become payable. The principle being applied in the amendment has already been introduced into the main State scheme under the Superannuation Act 1988. I commend the Bill to the House and now include Parliamentary Counsel's detailed explanation of the clauses.

Clause 1 and 2 are formal. Clause 3 replaces the first four subsections of section 41 of the principal Act with provisions that correspond with section 45 of the Superannuation Act 1988. These provisions ensure that pensioners and eligible children cannot receive both pension (or child's allowance) and weekly workers compensation payments that when aggregated exceed the amount of the pension or allowance. A former contributor is however entitled to earn income from remunerative activities if the aggregate of the pension, workers compensation and the income he earns does not exceed the amount of the salary payable from time to time to persons holding the same position as he held before retirement. Clause 4 inserts a new section that provides that lump sums cannot be paid while a pension is suspended because of the receipt of workers compensation.

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

BARLEY MARKETING ACT AMENDMENT BILL

The Hon. M.K. MAYES (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Barley Marketing Act 1947. 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

Following an approach from the United Farmers and Stockowners of S.A. Inc., the Australian Barley Board (ABB) supports the introduction of a permit system for feed barley. Under the current legislation no barley can be bought or sold or delivered to any person without the written approval of the board. The board has the authority to issue permits but not to charge a fee for service. Under the proposed arrangements, domestic prices for feed barley sold under permit would not be administratively determined, but would be determined by negotiation between growers and buyers. The major advantage of a permit scheme is that a greater range of marketing options would be available, and both growers and users would have some freedom to choose the particular trading opportunity which is most appropriate to their circumstances. Growers not wishing to negotiate with stockfeed users the sale of their barley, and those who prefer to have all marketing and distributional services provided for them as part of a single marketing package, would be able to continue delivering their barley to the ABB. The second amendment relates to a change brought about by the passage of the Commonwealth Rural Industries Research Act 1985 which refers to the Barley Research Trust Fund rather than the Barley Research Trust Account.

Clause 1 is formal. Clause 2 amends section 14 of the principal Act which creates the offence of selling or delivering barley to a person other than the Australian Barley Board. The clause amends the section by adding to the list of exceptions to the offence barley sold to a person authorised to purchase it in accordance with a permit issued by the board under proposed new section 14b (for which see clause 4). Clause 3 makes another amendment that is consequential to the proposed new section 14b. Clause 4 provides for the insertion of a new section 14b. Proposed new section 14b provides that the board may, on application and payment of such fee as the board may determine, issue

a permit authorising a person to make, during a specified season, purchases of barley from growers for stockfeed purposes. The clause provides that a permit may contain such terms and conditions as are fixed by the board and may be revoked or suspended by the board upon breach by the holder of any such term or condition. Clause 5 makes corrections to certain references in section 19b required as a result of the replacement of the Barley Research Act 1980 of the Commonwealth by the Rural Industries Research Act 1985.

Mr GUNN secured the adjournment of the debate.

LAW OF PROPERTY ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1, after line 11—Insert new clause 1a. as follows:
Commencement
1a. This Act will come into operation on a day to be fixed by proclamation.
No. 2. Page 1, lines 13 to 20 (clause 2)—Leave out this clause.
No. 3. Page 2, line 15 (clause 3)—Leave out 'an indenture of deed' and insert 'an indenture or deed'.
No. 4. Page 3, lines 29 and 30 (clause 4)—Leave out subclause (1).
No. 5. Page 3, line 32 (clause 4)—Leave out 'deeds or other'.

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

That the Legislative Council's amendments be agreed to.

The Hon. E.R. GOLDSWORTHY: I commend the Government on its good sense and support the motion.

Motion carried.

COUNTRY FIRES BILL

In Committee.

(Continued from 4 April. Page 2608)

Clauses 17 to 19 passed.

Clause 20—'Provision of information to the board.'

Mr GUNN: The Opposition has a slight problem at this point, because it wishes to move a number of amendments. Could the Minister move to rearrange the business of the Committee. Clause 20 (2) provides:

An authorised officer may, for the purpose of the board's determination of an insurer's contribution—
(a) enter any premises of the insurer at any reasonable time during ordinary office hours;
(b) require a person who may be in a position to furnish information relevant to the making of the determination—
(i) to take reasonable steps to provide that information to the authorised officer;
(ii) to answer a question to the best of that person's knowledge, information and belief;

Clause 20 (2) *(d)* provides that an authorised officer may, for the purpose of the board's determination of an insurer's contribution, 'examine, copy and take extracts from any books, documents, records or information produced under paragraph *(c)* or require a person to provide a copy of any such book, document, record or information'. This means that a person who is authorised by the board may ask to see an insurance policy, and I believe that this is an unreasonable and improper requirement. I do not object, nor would any other responsible person object, to a request for adequate information, but this provision raises the possibility of relatively junior officers entering an office and having the right to examine insurance policies.

Members know, as well as I do, that there are attachments to insurance policies. In fact on a general household insurance policy (which includes fire protection) there is attached a list of one's valuables. That information will become available to those people, and that should not be so. The insurance industry is most annoyed about this. I referred this matter to a well known insurance company—a very responsible group which I will not name—and I will read what it said in reply, as follows:

Clause 19 details the total amount of contributions payable by the insurance industry. Comment: having established the level of contribution it is then up to individual insurance companies to seek reimbursement from their policy holders. This approach fails to recognise:
a. insurance business placed offshore.
b. the insurance industry body administering the collation and reporting of contribution levels.

Clause 20 details the obligations of insurers in the declaration of premium income and the inspection of insurers' records. Comment: clause 19 determines the total contribution required from the insurance industry. Understatement of premium income by any insurer impacts financially on all other insurers and not on the CFS.

The insurance industry as a whole has strong vested interests in ensuring total and accurate premium income declarations and is the appropriate body to self-regulate the proposed reporting requirements. Therefore, it appears that the inspection rights of a CFS authorised officer are draconian, and unnecessary in view of the lack of financial impact on CFS income.

All insurance companies are subject to very stringent audits in all statutory and financial reporting requirements including fire services contribution returns and either a formal request to the company's auditors or the Auditor-General would seem far more acceptable and appropriate should the need arise to verify insurers' records.

I have also received comments in a similar vein from other representatives. Therefore, I believe the most appropriate course of action is the one that I have put forward. I do not believe that any reasonable person could object to it being done by the Auditor-General (or someone nominated by him) or in the form of a statement from an insurance company's auditors. They are bound by appropriate practice and accounting procedures. Accordingly, I move:

Page 9, after line 25—Insert new subclause as follows:
(a1) In this section—
'authorised officer' means the Auditor-General or any other person authorised by the Auditor-General to exercise powers under this section.

The Hon. TED CHAPMAN: I rise briefly to support my colleague. As members would be aware, I did not participate in the second reading debate and so far I have not indulged in debate on any of the clauses. Nothing disturbs me more than what I regard as the inappropriate entry into private affairs that is embraced in this clause. From my recollection, in relation to investigating valuables for insurance purposes, no insurer in the private sector has, for any other structural insurance or property insurance reason, the rights that are proposed an insurer will be required to have under this clause.

I think that it is an infringement that is not necessary. Indeed, I will refer to a range of other matters that I believe are not necessary within this Bill. Generally speaking, there is no question that there needs to be a tightening up of the administration area of CFS activities both internally and as distributed throughout the community at large. I agree, too, that there needs to be some uniformity associated with the administration of even the affairs of the volunteer groups and also at local government level with respect to fire-fighting in South Australia.

However, to take that exercise on board and spread the wings as far as the proposal that we have before us attempts to do is beyond my acceptance and beyond what I believe is necessary in the interests of the community at large. This type of clause certainly has a detrimental effect on the incentive and morale that is very important to preserve

within volunteer groups, whether they be CFS volunteers or those in any other community activity.

We all know the level of deterioration that has occurred within volunteer groups across the State generally. We all know that nowadays there is a reluctance by private individuals to provide money and effort for what might be described as general community affairs, and affairs in which there is a constant call on the Government to provide funds. We all know about the deterioration of community effort in that regard. It is almost non-existent nowadays in the built-up areas and, in particular, in the metropolitan area of Adelaide.

It has been, and still is to some degree, prevailing in the rural areas of the State, and we all respect that. However, this clause provides for the sort of thing that will kill that. It will depreciate volunteerism as a principle and as a practice in the community at large. This is the sort of thing that will destroy the last vestiges of that voluntary effort that is so important to preserve. My remarks on this clause are applicable to my colleague's amendment but are also to be taken as a signal of what I intend in relation to other similar clauses further down the track.

The Hon. D.J. HOPGOOD: Before responding, I take this opportunity to mention, in relation to the matter raised by the member for Victoria last evening, that I will be moving to recommit clause 16 at the end of the Committee stage. Therefore, that consequential renumbering will be required in view of my acceptance of his colleague's amendment.

I am glad the member for Alexandra got that off his chest. It may all have been good stuff, but it had absolutely nothing to do with the clause that is before us. I ask the Committee to reject the amendment moved by the member for Eyre. I believe that the board can and will be relied upon to appoint a responsible person in these circumstances. In fact, I would find it quite extraordinary if it did other than appoint a responsible person. I point out that very much the same sort of provision has been in the MFS Act for quite some time without there being any damage, so far as I can see, to anyone.

Mr GUNN: It is unfortunate that the Minister does not want to start the day off in a cooperative manner. Just because Parliament has been less than wise on a previous occasion is no reason to refuse to put into what will become an Act of Parliament an appropriate, safe and responsible protection. Like the Minister, I have been in this place for a long time.

The Hon. D.J. Hopgood: Exactly the same time.

Mr GUNN: Yes. I have seen Bills containing some deplorable clauses pass this Parliament, and I have seen their result. I have spent a lot of my time acting on behalf of people who have been treated in the most disgraceful way by the bureaucracy.

It is very difficult to obtain justice for them. Therefore, I do not intend to support any clause that is draconian or unnecessarily impedes people's rights and privacy. Surely the Minister will not oppose the second part of my amendment which makes it an offence for anyone to improperly disclose information. It is bad enough letting someone on the board have this authority. Woe betide anyone who misuses this information, because it will then be necessary for this place to deal with it.

I believe that, if we want to continue to attract industry insurance business to this State, we should act sensibly and responsibly. We will have a debate about putting insurance offshore. How can the Government catch up with people who do that? I believe that this clause will only encourage that practice, and there will be an even greater reason for people to insure with companies that place their business offshore. I am most concerned at the Minister's attitude. I indicate that this matter will be addressed by the incoming Government.

Mr D.S. BAKER: One of the most important things in running a business is confidentiality of information. It is naive for members to think that insurance companies will allow someone from the CFS to go onto their premises and go through their books to identify their clients, and perhaps a short time later go into an opposition insurance company and do the same thing, and expect that that information will remain confidential.

I do not care what the Minister says happens with respect to other legislation. That does not indicate that it is right and proper. Insurance companies are very concerned about this, and quite rightly so. The member for Eyre says that the Auditor-General, or a person authorised by him to exercise these powers, will conduct the inspection. That is very right and proper. He is a third party who is some distance from the operation in general. But it will not happen, and it cannot be expected to happen, if someone from the CFS conducts the inspection. I urge the Minister to reconsider his position. It will not work—and I put that in *Hansard*. You will not get the cooperation of those insurance companies which believe that their commercial confidentiality is at risk.

The Hon. E.R. GOLDSWORTHY: This clause provides that insurance companies must supply accurate information so that it can be determined whether or not they are paying the requisite amount. For the life of me I cannot see what objection the Government, or anyone else for that matter, would have to a more appropriate means of gaining that information. It is all about obtaining information. Does the Minister think that the Auditor-General is overworked? What is his objection? The amendment provides for a third party, in whom everyone has confidence, to do the job, yet the Minister says he does not want that. Why not?

The Hon. D.J. Hopgood: I told you.

The Hon. E.R. GOLDSWORTHY: Tell us again. It is quite fallacious. The fact is that the Minister wants the information. Does he think that the Auditor-General, or an officer appointed by him, could not find the information? Surely that can be the only reason for rejecting the amendment.

The Committee divided on the amendment:

Ayes (17)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn (teller), Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

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

Pair—Aye—Mr Becker. No—Mr Payne.

Majority of 9 for the Noes.

Amendment thus negatived.

Mr GUNN: I move:

Page 10, after line 22—Insert new subclause as follows:

(6) A person must not divulge or communicate information that is acquired by him or her by reason of being, or having been, an authorised officer under this section except—

(a) with the consent of the person from whom the information was obtained;

(b) in connection with the operation of this Part or the administration of this Act;

or

(c) as may be required by law.

Penalty: Division 6 fine.

The Hon. D.J. HOPGOOD: I support the amendment.

Amendment carried; clause as amended passed.

Clause 21 passed.

Clause 22—'Provision of fire-fighting equipment by council.'

Mr GUNN: I move:

Page 10, lines 40 and 41—Leave out subclause (3) and substitute:

(3) A council may appeal to the District Court against any such requirement.

(3a) An appeal must be instituted within 6 weeks of the requirement being imposed unless the District Court, in its discretion, allows an extension of time for instituting the appeal.

(3b) Subject to a determination of the District Court, where an appeal is instituted, the requirement being appealed against is suspended until the appeal is determined or withdrawn.

(3c) On hearing an appeal, the District Court may—

(a) confirm, vary or cancel the requirement, and make any incidental or other order that may be appropriate in the circumstances;

(b) refer the matter back to the board for further consideration;

(c) make any order as to costs.

This clause gives the board considerable authority to purchase equipment even if the council concerned does not agree. We support the appropriate provision of fire-fighting equipment across the State.

However, we believe that when a board, or any other organisation such as a board or statutory authority, gives directions to elected bodies such as councils, that are charged with administering and forming budgets and raising funds from the population in its general area, there should be an appropriate right of appeal. Therefore, the amendment is reasonable, because the appeal to the Minister is, in reality, not an appeal at all as the Minister will be advised by the CFS Board and those who have the responsibility. Everyone understands that.

The District Court would deal very quickly with anyone who made a frivilous or ridiculous appeal. Therefore, only in the most extreme circumstances when negotiations have completely failed would people attempt to appeal. However, it is a protection not only for the council but for the board; where a council is unreasonable, the board knows that its decision would be upheld by the court.

The Hon. D.J. HOPGOOD: I oppose the amendment. I do not think it is necessary. This is an administrative technical matter. It is an operational matter rather than one dealing with legalities, equity and that sort of thing. Therefore, I do not believe that at the point at which the honourable member raised it it is a matter for the courts. The courts may get involved if the determination is not made properly, is made for improper purposes, or anything like that, and there can be a declaration from the Supreme Court on that point. I think that is a sufficient safeguard, particularly given the fact that this Committee has written into this legislation that local government and the volunteers will have a majority membership on the board.

The Hon. E.R. GOLDSWORTHY: I am certainly not prepared to accept that thesis. I think the member for Eyre rightly pointed out that district councils have certain responsibilities which require them to raise rate revenue. Councils are directly responsible to the people who elect them. On top of that, there is the imposition of a board that can direct the council as to how it will spend its money. I am very uneasy about this sequence of events—even with an appropriate appeal mechanism in place—that a democratically elected district council can, in effect, be ordered by a non-elected board to spend its money in a certain way.

I have a fairly serious objection as a matter of principle to that thesis or proposition, let alone that body not having an adequate right of appeal against this dictate. Therefore, I urge the Minister to re-think his opposition to this amendment. As I said, I have some fairly serious questions about the basic propositions, that is, that a non-elected board can dictate to a freely elected district council that is charged with the proper responsibility of the spending of funds raised by rate revenue and from other sources. I do not know of any other authority that can dictate to a council that it should spend its money in a particular direction. If the Minister can give me examples, the deficiency in my knowledge can be remedied.

An honourable member interjecting:

The Hon. E.R. GOLDSWORTHY: Well, I would like to hear about it. However, quite frankly, I am pretty uneasy about the whole principle embodied in this clause.

Mr S.G. EVANS: The Minister made the comment that, among other things, the issue of equity was involved. I believe equity could be involved because, when as one council might accept a direction and be quite happy about it becuase it has a fluid budget and has not incurred extra expenses or whatever in meeting a demand by the board to acquire certain equipment, the same recommendation may, not be accepted by another council which may not be as flush or which may face greater difficulties. But the precedent would be set. It would be very difficult for a Minister to say that the board was wrong because there might already have been agreement in another case. And because each Minister is a bird of passage from year to year, this Minister will not be responsible forever.

The other difficulty that I find very hard to resolve is that many of the CFS brigades are located on a boundary, or close to a boundary, of the local government area. One unit may have one-third of its area within the council area and two-thirds outside. The locality may not be designed in that way with the boundaries drawn by the CFS headquarters. Therefore, equity could be involved. I know the fear of going to court and letting a court decide, but under this system it is a bit like Caesar to Caesar: a Minister is unlikely to stir a board too much because he or she wants a reasonably easy road.

If a precedent has been set by an easy going council which has a good rate revenue, it is very easy to say that A did it, so B and C should be able to do it. No two situations in this field are identical. I think that any member of the board or anyone involved in volunteer fire fighting would agree with that. Therefore, I support the amendment moved by the member for Eyre on the basis that I cannot think of anything better. However, I do not like what is in the Bill, because I believe that equity could be involved, although the Minister said that that would not occur.

Mr GUNN: I am aware that previous Bills have contained provisions of this nature. Subclause (2) provides:

If the board is of the opinion that a council has not provided adequate equipment as required by this section the board may give notice in writing to the council requiring it to provide such equipment as is specified in the notice.

That is an all-encompassing provision giving the board tremendous power. It may be that for a variety of reasons a council's priorities are such that it is not in a financial position to provide that equipment, even though that equipment may be highly desirable and it may be necessary, if one examines the matter purely on the basis of what is required for adequate fire prevention and suppression in that council area. One need only look at the situation that currently exists in a number of council areas on Eyre Peninsula where there has been terrible trouble with sand drift, and in the northern part of my electorate where there has been tremendous flooding. If a council in these areas receives this sort of order, what are its priorities? Its priorities must be road access for citizens. A little bit of commonsense

must apply, and it will apply if those people exercising authority know full well that an umpire will impartially and responsibly sit in judgment if situations get out of control.

Amendment negatived; clause passed.

Clause 23 passed.

Clause 24—'Grants and payments by and to the board.'

Mr GUNN: I move:

Page 11—Line 11—After 'defraying' insert '(wholly or in part)'.
Line 12—Leave out 'a proportion of'.
Line 16—Leave out 'a proportion of'.

Amendments carried.

Mr GUNN: I move:

Page 11, Lines 24 to 26—Leave out subclause (3).

This clause provides that:

A rural council is liable to contribute to the board an amount determined by the Treasurer towards indemnifying the board against its liabilities in respect of workers compensation.

The Opposition believes that this particular responsibility should be maintained by the board, as it would be a more efficient and effective way of providing those funds. That arrangement is essential if the volunteers and others who are involved are to be protected adequately. As I understand the current arrangement, the board picks up that financial responsibility, and the Opposition believes that that is most appropriate. The amendment will ensure that councils are relieved of that obligation.

The Hon. D.J. HOPGOOD: I must break the spell by saying that the Government opposes this amendment. The concern is that councils may be tempted to enrol every person they can as brigade members, leaving the board and the Government to foot the bill for the increased insurance to cover possible compensation needs. As it is, councils tend to be a little more careful about the way in which people are enrolled. Currently councils pay an amount towards this provision, and that should remain so, but there would be problems if the path favoured by the honourable member were followed, well intentioned though he may be.

Mr GUNN: Is it the intention of the board that the existing arrangements be maintained?

The Hon. D.J. HOPGOOD: Yes, it is.

Amendment negatived; clause as amended passed.

Clause 25—'Proceeds of sale of equipment.'

Mr S.G. EVANS: My concern with this provision may need only clarification or comment from the Minister. I accept the provision contained within subclause (1) because, even if the community put in 99 per cent of the effort and the board contributed only 1 per cent, the board should still have a say in what happens, and that is the sort of percentage that could occur. Subclause (2) provides that the board may give its consent on such conditions as it thinks fit and, although that may sound reasonable, it could be fairly rough on a group that decided to do a lot of work themselves, with the board putting in very little. I am really worried by subclause (3) because of the assumption that I must make, and I ask the Minister to tell me whether my assumption is correct. If it is, at least it will be on the record. This subclause provides:

The board may by conditions imposed under this section require that money realised from the sale of any building or equipment be applied towards the purchase of a building or equipment in substitution for it.

The expression 'in substitution for it' could mean substitution within that brigade or another brigade. It is probably intended to mean within a brigade, but it should be stated so that, later on, arguments are not likely to arise because one group has put in a lot of effort and the money from a substituted item is used to buy a unit over the way.

The Hon. D.J. HOPGOOD: I take the point that the honourable member makes and I am happy to place on record that the intention is that the money would be expended on equipment or property in that council area. In other words, the whole clause contemplates a situation in which an asset is liquidated and the liquid asset thereby found is put back into that same community.

Mr S.G. EVANS: That does not quite answer my point. The Minister spoke about a council in total. In some cases one brigade could put in a big effort in producing a lot of its own equipment while another brigade is lazy. That could result in arguments. If we are talking about Government grant or board grant, I do not care where the money goes within a council area or the State. That is fair. However, if one unit has put in the effort, it should have the opportunity to say that the money be spent in its area and, if it is not needed, by agreement it could go to another part of the council area.

The Hon. D.J. HOPGOOD: That is how I see it operating, but I make the point that the board must have power under the legislation to agree to the transaction. In circumstances in which a particular brigade wanted the money to be spent somewhere else, the board must have the power to approve that.

Clause passed.

Clause 26 passed.

Clause 27—'Recovery of costs against uninsured owners.'

Mr GUNN: This is a fairly significant clause, and the Opposition has some concerns about it. In my second reading speech I mentioned some of those concerns, particularly as to who will determine what is adequate or inadequate insurance. If there was ever a clause that could cause considerable litigation it is this one. Who will make that determination? Will it be the insurance industry, a fire assessor or someone acting on behalf of an insurance company? Two valuers will give two different valuations. Perhaps the assessor will be from the CFS. What training will these people have in fire damage assessment? Will it be based on the actual cost of replacing a building or its actual value at the time of a fire, because they could be two completely different values? The replacement value would be far in excess of the actual value of a building that is 10 or 15 years old, and the same applies to tractors, fencing and stock. The value of stock is a bit like beauty: it is in the eye of the beholder. This must be clarified, because who will make the determination is significant.

The fire levy was to have amounted to only a few dollars. It would be a complete waste of the board's time and effort to pursue someone for $2 or $3. The insurance industry had this to say about this clause:

Recovery of costs against uninsured owners. This right is consistent with the principle of the user pays, however one must challenge the cost effectiveness of this approach. Difficulties may arise in the collection of fees after the assets of property owners have been (partly) destroyed. Absent landlords cause further delays and often the administration costs incurred exceed the costs ultimately recovered.

I have made the point quite clearly that this matter needs to be cleared up because, in conjunction with subclause (2), the measure really means that there is a reversal of the onus of proof. Who will make the determination? What is the reason for this provision?

The Hon. D.J. HOPGOOD: Let me address the principle that we are grasping for here. During the second reading debate, various members of the Opposition pointed out the iniquity of people who responsibly insure carrying the burden for those who do not insure at all, and I accept fully that that is the case. If this measure had not stated 'inadequately insured' but 'uninsured', I wonder whether the Opposition would be so twitchy about it.

However, as to the particular points that the honourable member raises, all I can say is that further consideration is being given to them. The commitment that I will give to this Committee, and through it to the House, is that if the clause stays in there will be a Government amendment in the other place to clear up this matter. It may be that we will have to settle for 'uninsured' and give away the possibility of being able to have any cost recovery against the inadequately insured. There is still an equity problem there, of course, because a person may have a property worth $1 million and have it insured for only $60 000, and the burden which the rest of the community would be paying would probably be graver than where a person has a property worth $60 000 and has underinsured it or perhaps has not insured it at all. So, we are grasping here for a principle, but I accept that the drafting does not fully answer the honourable member's question. The best I can do is say that the Government will address the matter by way of an amendment in another place.

Mr D.S. BAKER: Of course, the heading of the clause refers to 'uninsured owners', and then further down the clause refers to inadequate insurance. As I said in my second reading speech, this clause will just not work. It will not work because of the litigation that will follow to try and enforce these provisions. All that will do is cause a tremendous amount of damage to the volunteer organisation which is supposed to be carrying out the operation of suppressing fires. Another situation arises: trying to enforce this clause in an Ash Wednesday-type situation, where millions of dollars has been spent over thousands of square miles, in relation to which even now, six or seven years afterwards, litigation has not been completed. What would happen then? It would be completely impossible to enforce clause 27. It would take away any goodwill that may have been built up over the years of the operation of the CFS organisation, and in practice it would not work.

The Hon. E.R. GOLDSWORTHY: I can only agree with the comments of my colleagues. The heading of the clause does not line up with what is in the clause. The heading is 'Recovery of cost against uninsured owners', and then the clause goes on to refer to owners who are inadequately insured. The Minister is suggesting that all he will do is line up the clause with the heading.

The Hon. D.J. Hopgood: Not necessarily.

The Hon. E.R. GOLDSWORTHY: I am glad the Minister has put that right. But we are still none the wiser as to what the Government's final position will be. I can only agree with my colleagues that it just will not work. As was suggested during the second reading debate last night, many, and probably the majority of, land owners are in fact underinsured. I make no bones about the fact that I am underinsured. One carries as much insurance as one thinks is necessary so as not to go broke. Some people choose not to insure at all. I know that one of my colleagues chooses not to insure and to take the risk. Very many landholders choose not to pay a very steep annual premium, because it makes a fair hole in their annual income. They choose to carry some of the risk. They cannot afford to carry it all. I would suggest that probably more than half fall into this category.

I do not know the precise figures, but a lot of people are underinsured. I insure some things and not others, and I think I am reasonably provident. Most people insure their houses, because house and contents is a major item and if it is burnt down they cannot afford to carry that loss. I suggest that the clause as it stands is a nonsense. I would think that it would be very difficult indeed to administer, even if the Minister simply gives effect to the heading and says that if people are uninsured cost recovery will be possible.

What about the uninsured landholder who does not invite the CFS to come onto his property but where the CFS believes that it has got to go onto his property to stop the fire spreading? I think there is another problem there. People might say, 'Okay, I'm uninsured, I'll carry my own equipment and look after myself.' I do not think there are many people in that category, quite frankly; but what about the situation where someone says that the CFS came onto their land without their invitation to fight the fire? I just do not think that this will work, and it will lead to a great deal of litigation.

If the Government was prepared to bite the bullet and do something about spreading the cost of the service across the community which uses the service, we would not need this clause. I know that the funding proposal is all hung up because the Government is frightened about what might happen in the marginal seats in metropolitan Adelaide. However, why do we not worry about funding for the CFS? The Gumeracha District Council has had a fire levy for at least the last 36 years, since I have been there paying rates, and I have never heard of anyone in the Hills area, the high risk area, complaining about having to pay a levy for fire cover.

Mr S.G. Evans: The Hills wards of the Mitcham council have a levy.

The Hon. E.R. GOLDSWORTHY: Yes. If there is all this hoo-ha and worrying about what is going to happen to these metropolitan Adelaide seats, why do we not have a funding proposal for the CFS for starters? I for one would thoroughly support the idea of a fire levy spread across the community—and forget about all the nonsense in this clause.

The Hon. D.J. Hopgood: You had better talk to your Leader.

The Hon. E.R. GOLDSWORTHY: The funding proposals are locked in with funding for the MFS. I am speaking for myself: the funding proposal is for the fire services, plural, and everybody is worried about what is going to happen with a levy on the uninsured around metropolitan Adelaide. Let us not kid ourselves. This has been on the Premier's desk for months—we know that.

The Hon. D.J. Hopgood interjecting:

The Hon. E.R. GOLDSWORTHY: Well, I know that and the Deputy Premier knows that he has had it. They all shy away because it could lose votes at the election. We are talking about the CFS. Why don't we worry about the funding of the CFS?

The Hon. H. Allison: It's in the too hard basket.

The Hon. E.R. GOLDSWORTHY: Of course it is in the too hard basket, and it will stay there, like all these problems. The too hard basket in the Premier's office gets bigger every day. The closer the election gets the higher the pile gets. Blind Freddy knows the way this Government operates.

The Hon. D.J. Hopgood interjecting:

The Hon. E.R. GOLDSWORTHY: I am saying that those people who have the services of the CFS would be happy to contribute to its operation.

The Hon. D.J. Hopgood: And no contribution from the metropolitan area.

The Hon. E.R. GOLDSWORTHY: I am not saying that.

The Hon. D.J. Hopgood: You are.

The Hon. E.R. GOLDSWORTHY: Okay—and the country people will not make a contribution to the MFS. How is that for a deal?

The Hon. D.J. Hopgood: I would say that they would get the worse end of the stick.

The Hon. E.R. GOLDSWORTHY: All I know is that what it costs the Government to fund the MFS up in Port Pirie would pay for the whole of the CFS. Who will fund the MFS?

The Hon. D.J. Hopgood: If you want to deal along those lines, goodness gracious, it's not good rural representation.

The Hon. E.R. GOLDSWORTHY: I will tell you what; if you—

The CHAIRMAN: Order! I ask the Committee to come to order and I ask the Deputy Leader to come back to the clause before the Committee.

The Hon. E.R. GOLDSWORTHY: All I am saying is that if the Government was prepared to grasp the nettle and do something about the funding of this fire service we would not need all this business here which, quite frankly, will just not work.

Mr S.G. EVANS: I am grateful that the Minister has said that he will consider an amendment when the Bill goes to the other place. At this point I want to express perhaps a slightly different view about something that concerns me. There are people who do not insure fully and there are people who may not insure at all but who can be an asset to the CFS. I know of two properties in this regard. One of these property holders does not insure at all. He has an excellent firefighting protection system on his property, with reticulated water. There is no vegetation of any significance near his house that a fire could catch onto, or near any building on his property.

This property also provides a main filling point for the CFS for water for emergencies—which is better than most other people provide. This property owner also has on the property a filling point from a dam. The CFS can hook into this dam and pump water at a rate consistently at about 5 000 gallons an hour. Hoses can be run right along the perimeter fences of that property, which has virtually nothing on it to burn except the boundary fence. Yet, as to the neighbouring properties (and I know of two—the other one the person does insure), in one case it is a Crown conservation park, while the other is privately owned property which has on it dense vegetation and scrub. The sensible place for the CFS to fight a fire would be from inside the fence, just away from the scrub, because if the CFS firefighters went into the scrub because it is so dense there would be a risk, perhaps due to a change of wind, of losing units.

By fighting the fire from within the property it could be argued under this clause that they are operating to protect or minimise damage to property. Yet most of the fighting to stop the fire coming from land that does not belong to that property owner also minimises the risk to some other property. That is just one example of an unfair situation where a person has provided a filling point from a dam for the CFS which gives the CFS a better opportunity to fight the fire on a safer front. If it were a vicious fire they could not get close to the boundary, either. The property owner runs the risk of losing the fence, which is not a great expense. There could be many units there, and it is not known whether the value of the volunteers' time will be considered. I am not saying that it should not be considered: they have given up time away from their jobs and businesses to fight the fire, and many of them have sacrificed thousands of dollars over the years. Is the use of equipment included? This is a difficult area. There is justice on one side, but a serious injustice can occur on the other side.

Any redrafting needs to mention that, if there is a balancing out of the effect of help to the CFS, for example, the property holder in question may provide a bulldozer or slasher to help reduce the chance of the fire getting past a certain point, just over the top of a ridge or the like. This has been done many times previously, and any effort of the landholder, whether immediately at the time of the fire or by way of previous planning, to help the CFS must be taken into consideration in deciding the amount to be paid. I will not ask the Minister to say what he can do now, but in any amendment let us consider an individual's genuine desire and attempt to help in the case of fire.

Clause passed.

Clause 28—'Recovery of contributions from insurers outside the State.'

Mr GUNN: This clause allows the recovery of contributions from insurers outside the State. It also provides:

> . . . the board is entitled to recover the amount of the contribution from those persons who own property in the country that is insured with that insurer (the amount recoverable from a particular person being determined according to the extent to which the person has contributed to the insurer's premium income . . .)

It means that if the contribution cannot be obtained from the insurance company it can be obtained from the individual landholder, a provision that seems difficult to enforce. Is this another clear example that the existing funding arrangements need extensive overhauling and examination? Will the Minister indicate whether the report looking at alternative funding methods provided to the Premier by Mr Whinnen, a Treasury officer, can be tabled in Parliament so that there can be a full public debate on the alternative methods of funding proposed? It would alleviate the difficulty of such clauses if a new form of funding could be put into effect.

The Hon. D.J. HOPGOOD: I am not in a position to table anything that may or may not be in the possession of the Premier. However, let me answer the gravamen of the concern about this clause. Let me talk about the financial institutions duty (FID). The mechanism adopted here is not dissimilar to the mechanism adopted concerning FID on accounts held in banks operating nationwide, for example, the Commonwealth Bank. As I understand it, the proposal was that since technically under section 92 it was almost impossible for the State to apply FID to the Commonwealth Bank, it would directly bill its depositors.

In those circumstances the Commonwealth Bank decided that it did not want to be at a competitive disadvantage with, say, the State Bank, and it paid up. I do not see that that is any different from an overseas base or an offshore insurance company which similarly wants to maintain its client base in this State and thus agrees to pay in the same way as a domestically based insurance company would do. That is the equity argument and it is the same as in the previous clause. It is the mechanism which has operated successfully in the case of FID, and I see no reason why it should not operate successfully here.

Clause passed.

Clause 29—'The South Australian Bushfire Prevention Council.'

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

Page 13, lines 6 to 10—Leave out subparagraph (iv) and substitute:

> (iv) a nominee of the Conservation Council of South Australia;
>
> (iva) a nominee of the Minister, being a person with expertise in bushfire prevention.

This is purely a drafting amendment. I did not understand why it was proposed that the person nominated by the Conservation Council had to be at the say-so of the Minister. I am happy to accept whomever the council nominates, and for that reason I regard the wording embodied in my amendment as more appropriate and urge it on the Committee.

Amendment carried; clause as amended passed.

Clauses 30 and 31 passed.

Clause 32—'The responsibilities of a regional committee.'

Mr GUNN: I move:

Page 14, line 20—Leave out 'prepare plans for, and to'.

My amendment relates to the responsibilities of regional committees. We believe the plan should be prepared by the councils and the district committees. These regional committees are more appropriate to make recommendations to the relevant authorities for the carrying out of work in preventing the outbreak and spread of fires.

The Hon. D.J. HOPGOOD: I have two problems with this amendment. First, the Coroner's reports have called for the preparation of such plans and, as I understand it, it was envisaged that it should be under the general control of the board. Secondly, if the honourable member likes to cast his mind back to clause 10, which has been approved by the Committee, we find that subclause (2) (i) talks about the board having responsibility for prevention plans being prepared, maintained, implemented, and so on. It seems that the only way that the board could ensure that it carried that out properly would be for the regional bushfire prevention committee actually to do the job.

Amendment negatived; clause passed.

Clause 33—'District bushfire prevention committees.'

The Hon. E.R. GOLDSWORTHY: I like these provisions. I indicated last night that the fire prevention measures were the ones that interested me as much as, if not more than, many of the other provisions in the Bill. I recall reading about this proposal in a report commissioned some years ago, I think, by the Lewis committee. I thought that the equivalent of this committee would be even more localised than it is. I have not read the report for years, but I think they were described as local committees. These committees will encompass one or more district council areas, and that covers a fair bit of territory.

As I said last night, I am eagerly looking forward to getting onto one of these local committees so that we can stir and say what we think should happen. I especially like Division V, which concerns the prevention of fires. I believe that local communities should have a say in what should happen to reduce the risk of bushfires in their area and that there should be a localised input from people who have local knowledge and an acute interest in this matter. If I have any criticism of this provision, it is that the area to be covered is a little too large.

Mr S.G. EVANS: It thrills me to see this council. I suppose that one difficulty with it will involve Government owned land. I understand the concern of conservationists that we must be cautious in the way we treat the conservation park or indeed a privately owned area of native bush, which is after all a form of conservation area. I understand also the sensitivity of those who think only of conservation and have a mental block concerning the practicalities as to what can happen if the correct precautions are not taken.

We all make mistakes in judgment and there will always be the arsonist. Recently, in the case of the Ash Wednesday fires that have caused some difficulty in the Stirling area, the judge said that he did not care whether or not the arsonist who lit the fire was found. So, if the landowner happens to be a private individual and the fire hazard is proven to be a nuisance in law, that individual will be liable even if the arsonist is found. However, in the case of Government property that attitude is not accepted or, if it is, there is no display of conscious decision by the authority to do something about it. In this regard, Loftia Park in the Stirling area is a typical example and I know that the Minister is to try to fence it.

My other reason for liking the provision concerns the Hills face zone. In either 1976 or 1977, I said that I hoped that one day the Hills face zone would be built on and that future generations would see the benefit of that action. An advisory committee may be able to prove to people that this is one of the most dangerous areas of our State because it is on the edge of a densely settled urban area where young children and indeed other people may venture and decide to play with fire or accidentally or deliberately start a fire. The impact of such a fire as it goes over the range is so intense as to make it difficult as it moves into the densely settled residential areas.

I hope that these committees will receive as much cooperation and encouragement as possible because, regardless of what has happened in the two Ash Wednesday fires, if such committees say that an area around the house or adjacent to a rubbish dump needs to be cleaned up and action is taken as a result, the lives of volunteers and policemen will be saved and considerable time will not be wasted in fighting fires or cleaning up afterwards. These committees should be encouraged and helped to work. At times they may do things to which the member for Eyre would object. Indeed, they may infringe on the privacy of the private individual in order to get things corrected on properties, but I accept that because of the beneficial results.

Clause passed.

Clause 34 passed.

Clause 35—'Fire prevention officers.'

Mr GUNN: I move:

Page 15, after line 35—Insert new subclause as follows:

(2a) The office of fire prevention officer or assistant fire prevention officer may be held in conjunction with any other office or position on the staff of the council.

I am happy that the Government intends to accept this amendment, because it is essential that experienced and capable people discharge the responsiblities under this legislation. My amendment will ensure that staff members of councils may order people in high fire risk areas to take action that will reduce the fire hazard on private properties. Although some people may object to these provisions, they are necessary if the community is to be adequately protected, and these council officers should be given complete support. Council officers, who are experienced in dealing with the public, should do this work particularly well.

Amendment carried; clause as amended passed.

Clauses 36 to 40 passed.

Clause 41—'Private land.'

Mr GUNN: I move:

Page 19, lines 40 and 41, page 20, lines 1 and 2—Leave out all words in these lines.

My first amendment, which I have moved, will be the test amendment, my other amendments on file being consequential. The provisions of clause 41 are draconian, albeit in some cases necessary. However, in a free society people should have the right of appeal against arbitrary decisions. During my time as a member of Parliament, I have been called on from time to time to help aggrieved citizens before tribunals, and this has been one of the most difficult and frustrating roles that I have been called on to play. Indeed, I and other people assisting me have had to spend much time just getting a fair go for the people that we have represented.

The CFS has the authority and the force of the Government with all the Government's resources. When personalities come into the picture, there are disputes and it is necessary to have an independent umpire, because I have seen people treated outrageously and disgracefully. People

who are experienced in the law have told me that, because in this State there is no administrative appeals tribunal (and I believe that the establishment of such a body would have much merit), the only other appropriate course of action to provide for the means of appeal would be recourse to the District Court. I do not believe that we should clutter up the Supreme Court with such appeals, but the District Court has the necessary standing. We should be cautious because people who are denied the right of appeal will go to the media and take other action. My amendments to provide the right of appeal are based on my experience in the community.

If my amendments are not successful, there will be confrontations. In the end, members of Parliament will become involved, the Minister's time will be wasted, and there will be all sorts of hassles. I make no apology for saying that, because some of us are sick and tired of going into bat for people. We want to see legislation placed before Parliament that contains provisions to protect these people. If one compares this clause with clauses 42 and 43—

An honourable member: It's a joke.

Mr GUNN: Yes, it's a joke. I believe that it is essential that we deal with all landowners on an equal basis. All of the bushfires that have occurred in this State have started on Government owned land. They were caused by the mismanagement, gross incompetence and negligence of those in charge of the parks. If these conditions are good enough for private owners, they are good enough for the Government. I believe that there should be an appropriate appeals mechanism for all concerned.

The Hon. D.J. HOPGOOD: I cannot allow this occasion to pass without challenging the point he made about the origin of fires. In fact, the National Parks and Wildlife Service has statistics which clearly show that the broad majority of fires that affect national parks start off-park and burn into them—not the other way around. But, leave that as it may. That may be—

The Hon. E.R. Goldsworthy interjecting:

The Hon. D.J. HOPGOOD: Of course, there will always be individual examples. However, over a 20 year period the overwhelming majority of fires that affect national parks begin off-park, often as a result of stubble burning and that sort of thing. I oppose the amendment on the practical level, that one could well have a situation where a landowner is asked to clear up the rubbish, he takes it to court and, a year later, it is still being argued in the court. That vitiates the whole point of a person being asked to clear flammable material.

Earlier, the honourable member referred to previous legislation—some of which has been good and some of which has not been good—that has passed through this place. In the past when this principle has come up it is clear that the honourable member supported what is embodied in this Bill, because I know of no existing legislation that allows appeals in these circumstances. It has been possible for certain authorities to make orders against property owners for years. When I was a landowner in the Marion council area, as a young married man with a block of land and looking forward to building on it, I received a notice which said, in effect, 'Clean it up or else we will clean it up for you and bill you'. There was no right of appeal against that.

So, this sensible practice of an authority responsibly being able to require people to clear rubbish from their property without there being the possibility of delays in the courts (which would act against the whole principle of what we are trying to work for) has been long recognised as being within the powers of the board or within the ambit of local government. In light of the Ash Wednesday bushfires, and that sort of thing, it behoves us to retain those controls, draconian as they may be, and for them to operate in the way they have in the past.

Mr GUNN: It is a pretty poor set of circumstances when the Minister says that some bad laws were passed because of a few difficult cases.

The Hon. D.J. Hopgood interjecting:

Mr GUNN: Let us get it right. Whenever this Parliament sits it passes more laws, it allows the creation of more regulations, it impedes, and takes away, people's rights, and it imposes penalties. It is about time we addressed this nonsense and gave the average person, when unreasonably directed, an opportunity to appeal. If a person appeared before a court with an outrageous or unreasonable appeal, he would be laughed out of court. It is not the fault of the individual who is served with these orders that the courts system is blocked up—it is the fault of the system. It is about time we addressed that situation. That is no reason to deny people their rights.

I thought that this Labor Party stood for the rights of the under privileged. I thought that it would be all for allowing people the right of appeal. We now have a legal system that is so expensive and cluttered up that, unless one is backed by a huge organisation, it is virtually beyond one's resources to obtain justice in the courts. That is a deplorable situation. As long as I am in this place I will not idly sit by and see the bureaucracy given more power to impede the rights of the average citizen. Mistakes will be made with these sorts of orders and there will be a tremendous public outcry about it; and rightly so. A safety valve in legislation is essential. The opportunity to appeal to the Minister is not acceptable, and I do not believe that any reasonable person would think that it was.

I will deal with what the Minister said about fires in national parks when talking to the next clause. I will say one or two things, without being unduly provocative. My amendment is fair and reasonable. Those members opposite who believe that they are civil libertarians who belong to a Party which stands for the fair treatment of individuals and their right to be judged by their peers in a fair and reasonable system will contradict those principles if they oppose my reasonable amendment.

Mr S.G. EVANS: I believe that there should be the right of appeal to someone other than those involved in the decision making (whether that be the board or the Minister). If the Minister is saying that because we have such a bad courts system in this State matters cannot be brought before it for months or years, that is not the fault of the landowner; that is the fault of the Government of the day in not finding the resources to speed up the process.

An honourable member: Nonsense!

Mr S.G. EVANS: It is hardly justice when one must wait for months for a judgment. If the amendment, which I support, is not acceptable to the Minister, we may need to look at a situation where the work has to be carried out. If it is then decided that the work should not have been done, the landholder should be able to claim compensation. In that situation one does not have to wait for a decision of the court. If a clean up is ordered, the landowner may not believe that it is necessary, and he may prove that to a court.

An inequity might arise, for example, in relation to a one acre patch of native bush close to a house if an order is made that it be cleared. The landowner might disagree with the Government and regard it as not being dangerous or a fire hazard. On the other hand, there might be in the same area 200 acres of Government owned bushland close to four or five houses. The inequity arises if the Government sees

that as not being dangerous or a fire hazard and no order is made. If there is an unjust direction and the owner has carried out the order, there should be compensation. I ask the Minister to consider this aspect of the matter. At this stage I support the amendment because it is better than what is presently in the Bill.

Amendment negatived.

Mr S.G. EVANS: Subclause (13) provides:

The appellant must send a copy of the notice of appeal to the responsible authority that issued the notice to which the appeal relates.

It provides that, if you do not comply with the clause, you can be subject to a Division 5 fine or imprisonment. I believe that it might be wise to include in the subclause the provision that the notice should be sent within a period of time. If somebody contacted me and asked why I did not send in the notice, I could say that it does not state when I should send it in. It might be logical that it should be sent in before the appeal is heard, but it does not state that. There needs to be a provision that the notice be sent within a period of, say, seven days or 14 days.

The Hon. D.J. HOPGOOD: I thank the honourable member. Perhaps that can be addressed in another place.

Clause passed.

Clause 42—'Council land.'

Mr GUNN: The Opposition opposes this clause and wishes to insert a new clause 42 in lieu thereof. I move:

Page 21, after line 18—Insert new clause as follows:

Public land

42. (1) In this section—'public authority' means—

(a) a Minister, agency or instrumentality of the Crown;

or

(b) a council.

(2) A public authority that has the care, control or management of land in the country must take reasonable steps to protect property on the land from fire and to prevent or inhibit the outbreak of fire on the land, or the spread of fire through the land.

(3) A public authority to which subsection (2) applies must appoint an appropriate person to be responsible to ensure compliance with subsection (2).

(4) If a public authority fails to comply with subsection (2), the board may, by notice in writing, require the public authority to take specified action to remedy the default within such time as may be specified in the notice.

(5) A public authority must not, without reasonable excuse, fail to comply with the notice.

(6) The board may, by further notice in writing, vary or revoke a notice under this section.

(7) An authorised officer may, for purposes connected with the operation of this section, after giving reasonable notice to the public authority, enter and inspect land.

(8) A public authority to which notice is addressed may appeal against a requirement of the notice.

(9) An appeal under subsection (8) must be made—

(a) where the notice was issued to a council—to the District Court;

(b) in any other case—to the Minister.

(10) An appeal—

(a) is instituted by written notice of appeal setting out in detail the grounds of appeal;

and

(b) must be instituted within 28 days of the requirement being imposed unless the appellate authority, in its discretion, allows an extension of time for instituting the appeal.

(11) The appellant must send a copy of the notice of appeal to the board.

(12) Subject to a determination of the appellate authority, where an appeal is instituted, the requirement being appealed against is suspended until the appeal is determined or withdrawn.

(13) For the purpose of dealing with an appeal, the appellate authority may adopt such procedures as it thinks fit.

(14) On hearing an appeal, the appellate authority may—

(a) confirm the requirement:

(b) vary the requirement in such manner as it thinks fit;

(c) cancel the requirement;

(d) substitute a new requirement;

or

(e) refer the matter back to the Board for further consideration.

This provision basically puts the Crown and its instrumentalities on the same level as other land-holders. From time to time we have had considerable debates in this place and in the public arena about the responsibilities of those who manage land. Along with other members, I have been inundated with complaints that various instrumentalities have not taken responsible action which would have solved many of the problems that arise from time to time.

I know that statistics can be quoted. I suggest to the Minister that, if there had been adequate fire control measures at Mount Remarkable, and if commonsense had applied with respect to the fire at Telowie Gorge and other fires in the area, the problems would not have been as severe. If there had been adequate firebreaks, adequate burning off and controlled grazing or some sensible spraying with Round-up and things such as that to reduce vegetation, there would not have been the problems.

One has only to fly over the hundred of Hambridge, as I do regularly, to see a great mass of scrub. I have no problem with that but, if a fire starts, you cannot get into it. The problem is not while it is burning in the park but if it comes out on a front. If there are reasonable firebreaks and reasonable access tracks, people can get in and stop a fire before it gets out. I have no problem if you want to burn the whole thing—that is fine with me—but there ought to be some controlled burning off so that the whole lot does not go up one day when there is a hot north wind.

As I pointed out to the Minister the other night, there is regular controlled burning off in Colorado, California and in many other parts of the United States. Therefore, an amendment of this nature is not only necessary but essential. We want cooperation and commonsense. The administrators of national parks in particular have an unfortunate attitude. Of course, they are very well meaning people, but unfortunately somewhat misguided, because many of them have not had the day-to-day experience or understanding of how to deal with these problems. Blind Freddy knows that it is commonsense for a farmer to control weeds around his sheds by spraying with Round-up or something of that nature, or by allowing the sheep to graze there, or by ploughing reasonable fire-breaks. Then if a fire starts, it is a matter of running along against the wind and burning a break. Some people in this place have done that dozens of times. They are not a bit frightened of fire if it is controlled and used sensibly. It is very easy to quickly burn a break. There has not been that sort of sensible management in national parks, and there appears to be this great reluctance to apply commonsense.

If it is good enough for the board—and we have just approved (rightly so) to have these officers appointed to give guidance and, if necessary, direction on behalf of councils—the same conditions should apply to Government land. If that excellent property at Mount Remarkable owned by the Woods and Forests Department—and it is quite unsuitable for a forest reserve—had been properly grazed, there would have been a different result. I arranged for the previous Minister of Forests to inspect this area and I tried to convince him that it was inappropriate land for the department. The problem was that some person in the Treasury, or some other enlightened character, decided to raise the rents, which made it impossible for farmers to graze the land. All of that land should be grazed, and firebreaks should be maintained and, if necessary, they should be graded or sprayed.

We have the same problem with the parks at Quorn and others around the State. It is very difficult to get into these

parks if a fire breaks out. The last fire at Quorn was started by people who were growing some prohibited plants. Obviously, they were sampling the product and it had some effect on them. The local community had to put up with the inconvenience of trying to control that fire. I could go on with respect to the rest of the State. I have had the opportunity to fly around most of the western and northern parts of the State. You can see first-hand where the problems will arise.

This amendment will give the Country Fire Services Board the capacity to rectify these problems. I do not want to waste any more time or go into any more detail. I could quote chapter and verse some of the stupid things that have been done. I gave the Minister one example last night with which he did not agree. In the northern part of my electorate there is a council which has one reserve. A fire started in that reserve and the overseer in charge did the right thing by going out with a grader and whipping around the open country and putting it out. He was then ticked off the following day by a National Parks and Wildlife officer.

What a stupid thing for that officer to do! What an absolute harebrained course of action to adopt! The overseer was most experienced, and anyone knows that in open country a big heavy grader is one of the best pieces of firefighting equipment. Once you get a break in front of a fire, you can either burn back or people with units can get in along it. However, as I have said, he was ticked off. That is conducive for good relations and commonsense for future action! They will not go near the blasted thing. They will hope that any fire burns out and everything is alright for the next five or six years. In the rural communities a great deal of time and effort is spent fighting fires. People spend days in fighting fires such as the one at Mount Remarkable. This provision will help overcome many of those problems.

The Hon. E.R. GOLDSWORTHY: I support the amendment. I think the Government is on the line with this one. It is either one rule for the Government and one for the citizens of the State, or one rule for all. That is what it gets down to. The amendment simply allows the board to have a say in relation to Government land. That is identical to that which we have imposed on the rest of the community. I honestly believe that the Government is on the line. If the Government believes that the board will be unreasonable with land-holders, it will be unreasonable with the Crown, I guess. Obviously, it has not adopted that attitude but believes that the board will adopt a responsible attitude with respect to the directions it gives land-holders in relation to fire prevention.

The Government is the board's master. I think we can conclude that the Government believes that the board will be responsible and sensible and will set about the business of reducing the fire risk in an effective way. If other prerogatives intrude where the Government wants to pander to other groups who may have some particular interest in this Crown land over and above that of the welfare of the general community, no doubt it will oppose this amendment.

However, if the Government is fair dinkum about giving the board the teeth to go about the job of equitably reducing the bushfire risk and doing sensible things—of course, under the direction of the Minister, who is there looking over its shoulders—it will accept this amendment cheerfully. The member for Eyre spoke about his electorate. Let me talk about the issues that I am familiar with: the Adelaide Hills and the Ash Wednesday situation. A neighbouring property was as bald as a billiard table; there was not a blade of grass to burn. However, the local CFS units were perched up on top of the range looking at this fire which started at the bottom of the hills, adjacent to the suburban—

Mr S.G. Evans: The hills face zone.

The Hon. E.R. GOLDSWORTHY: Of course, the hills face zone—the Government reserve. Where else? It was not safe to go down there. The units watched that fire for a couple of hours; they waited up on top of the hill, because the hills face was overgrown with rubbish. The situation has improved, but it needs to go a lot further. I am not saying that conditions are as bad as that now. We did manage to get some stock in there after an 18 month fight with some people in the local community. That helped to rid the area of wild oats and other weeds which infest this country. However, there was no adequate access. On a wild fire day—a red alert day—if one does not get to the fire quickly it will be uncontrollable. That is why I was particularly interested in the comments made by the member for Davenport. I hope that members listened to what he said in relation to the necessity of having a brigade in a certain area because of the need for quick access. If they do not get there quickly, they are done. That should be an important consideration. If there is a danger of people being burnt on the way down to the fire, they do not go down there. That was the situation on Ash Wednesday. That is why local knowledge is essential.

Local knowledge is also essential in order to judge whether or not it is safe to go into an area. Blind Freddy knew it was not safe to go down there. The group captain at Gumeracha—who is a friend of mine—appreciated the situation. He said that he would not send his men down there, because they would be burned to death. In the event, when the fire came out of that reserve land, it did not matter whether the country was as bald as a baby's bottom; the fire would leap half a mile ahead. It lept over my neighbour's paddock—about 250 yards away—which was as bare as a baby's bottom and the trees around his shed started burning. This is what happens on a red alert day. If fire fighters cannot get down to put out the fire smartly (and in order to do that there must be safe access and reduced fuel load, in this highly explosive area) the fight is lost before it has begun.

I repeat what I have said *ad nauseum* for the past four or five years: the hills face zone is a time bomb on which some of us have the misfortune to sit in the summer months in a state of constant anxiety. That is certainly the case on high fire risk days. We are confident that if there is no north wind the CFS will be able to put out a fire. However, if there are 100 mile per hour winds from the north and 100 degree plus heat, there are real problems. You can bet your bottom dollar that the cranks will keep lighting fires. There is nothing surer than the sun rises each morning.

It is essential that the Government obey the same rules and is subject to the strictures to which people such as me, my neighbours and all those who live in the hills area are subject. I am quite happy to accept the strictures of the authorities in relation to bearing my share of responsibility. My contribution to the fire hazard is minimal: the Government's contribution to the fire hazard is enormous. It should stand up and be counted and accept the same ground rules that it is imposing elsewhere, or this whole business of fire prevention will become an absolute and utter farce. The Government's commitment to fire prevention is a farce and it is seen as a farce. There is one rule for Joe Blow and one rule for the Government. I urge the Minister to accept the amendments.

The Hon. D.J. HOPGOOD: I will not be sucked into a long debate about the appropriateness or otherwise of the fire prevention policies of the National Parks and Wildlife Service. No doubt I could take up 45 minutes or so with a

fairly eloquent defence of the activities of the service. It would then be 5.40 p.m. and we would be no further through this Committee stage. I will not do that; I will address directly the issue of the amendment, that is, that the Crown should be bound in this legislation.

I urge the Committee to take exactly the same course in this instance as the Government of which the Deputy Leader was a member took when it drew up and passed the Planning Act. That Government inserted in the Planning Act a section 7 mechanism which embodied in that Act that there was one rule for the Crown and a quite different rule for private individuals in this State. I do not want to take a long time justifying why that Government believed that, under the Planning Act, a Government development proposal should not be subject to the same surveillance as a proposal put forward by private citizens. The principle is exactly the same.

Members interjecting:

The CHAIRMAN: Order!

The Hon. D.J. HOPGOOD: I am not prepared to accept an amendment that would bind the Crown at this point. There are sufficient mechanisms within government to resolve the sorts of conflict that could arise from time to time between bodies such as the board of the CFS and the National Parks and Wildlife Service, or the Department of Woods and Forests. That is evidenced in the excellent cooperation that now exists between the service and the board of the CFS. There is a very good level of cooperation and, indeed, adherence to a similar philosophy between the two organisations. I urge the Committee to reject the amendment.

Mr GUNN: It is unfortunate that the Minister has taken an intransigent attitude in relation to this amendment because, obviously, he does not have confidence—

Members interjecting:

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

Mr GUNN: —that those Government organisations have the ability or the competence to overcome or the understanding of the problems created by the management levels which they have applied to this stage. It is quite unfair that the rest of the community can be endangered or placed at risk because the actions of these people are inappropriate to meet the general needs of the landholders. Therefore, if the Government persists and defeats this amendment in this House, the Opposition will vigorously pursue it—and, in government, we will also pursue it. The Opposition is sick and tired of having hundreds of volunteers standing by day after day in the Mount Remarkable area, at Naracoorte and in the Murray-Mallee, costing hundreds of thousands of dollars. People have been inconvenienced because a little commonsense was not used: bulldozers were not brought in at the right time. Or some fool might say that we cannot burn back.

Look at what happened at the Wirrabara Forest fire. The local community stated what would happen, but those people were ignored and the whole forest burnt. Therefore, it is irresponsible of the Government. The unfortunate thing is that it is very clear that the Department of Environment and Planning is more powerful than any other department in this State and it is attempting to impose its will over every other section of government. It is a deplorable set of circumstances which should be addressed and stopped. The department has more assets and funds at its disposal than many of the productive departments. It is about time that situation was redressed and some commonsense applied. If the Government does not see the wisdom of our proposal, let me assure the House and those people who are concerned that it is only a matter of time.

Mr S.G. EVANS: I support the amendment, but I cannot understand the Minister's attitude. Perhaps he believes that departments and local councils will do all that is required of them in the same way as that is expected of private land-holders, so there is no need to do anything. If that is the case, there is absolutely no reason why that cannot be written into the legislation. The other reason for the Minister's not accepting the amendment is that he knows that Government departments will not abide by the rules and that he as Minister is not prepared to bind them to the same rules as those which apply to private land-holders.

There may be many reasons for that, one being cost, or it may be that the Minister believes that a young red gum on a bit of Crown land is more important than a young red gum on private land. If the issue is cost, what the Minister is really saying is that the majority or all the community—Government land is owned by the total community—cannot afford to be bound by the rules although individual land-holders can. In other words, what he is saying is that the minority can afford something that the majority cannot afford. That is absolutely ludicrous.

The Planning Act does not put life and limb at risk, although building regulations do. From experience, many members on this side are not happy with the way in which the Planning Act works, especially when the Government uses section 50 to keep a church out of a Minister's street. Generally speaking, people are not happy with the operation of the Planning Act whereby Government authorities can do things regardless of the community's point of view. It may be that the Government is considering relocating Northfield to the Waite Research Institute. In practice, Government authorities have abused the power that is given to them, rather than working to the benefit of the community.

Perhaps the Minister feels that this amendment refers to a local council and it should not have the power to move in on a national park. Surely the CFS Board has a broader base than a council, so to make it acceptable the amendment moved by the member for Eyre may need further amendment. However, I cannot accept that we as parliamentarians can say that private land-owners must pay a greater penalty than the Crown or a local council for maintaining land, controlling weeds and vertebrate pests and being responsible for fire prevention. I thought that minorities were supposed to be looked after. It is easy for us to pass a law that puts a burden on the individual, because he cannot really get at us. Individuals are not really affected in big enough numbers at one time to create a groundswell against us and to vote us out.

When it comes to Government departments having to meet the same responsibility, departmental officers jump up and down complaining that their burden could become as great as the one that is placed on private land-holders, especially in terms of cost. We all know what the truth is and what fairness and equity should be in this situation. The Crown should be bound by the same rules, because the same menace or danger to individual volunteer firefighters prevails on Crown land as it does on private land.

The Hon. E.R. Goldsworthy: It may be more.

Mr S.G. EVANS: I am not saying that it is more because it varies from place to place. I hope that, if not in this place then in the other place, the wisdom of such a move is accepted. If it does not occur in the life of this Parliament, it will occur in the next Parliament when there is a change of Government.

The Hon. P.B. ARNOLD: I have refrained from becoming involved in this debate although I have listened to most

of it from its commencement. I have been reasonably pleased with the attitude that has been adopted by the Government and the Minister in his approach to the Opposition's amendments, but I was staggered to hear the Minister refer to the philosophy and policy of the Tonkin Government as grounds for saying that that is why nothing will be done at this stage. That has nothing to do with it. In the eight years since the Tonkin Government, South Australia has had some disastrous fires. In recent years the Opposition has learned a lot through some of the disasters that have occurred in this State, but it appears that the Government has not.

I have joined the debate at this stage to refresh the Minister's memory about a situation that occurred in my district not so long ago with a fire at the Danggali Conservation Park. Those fairly extensive fires were dealt with by the CFS and officers of the National Parks and Wildlife Service. However, the CFS brigades were frustrated at being stopped at every turn from cutting firebreaks in Danggali to try to limit the extent of the damage. Although the National Parks officers took control, at 5 o'clock each day they knocked off and went back to Renmark, leaving the fire to the CFS until 8 o'clock the next morning. The CFS had to fight this blessed fire round the clock and, in the morning, the National Parks officers came along to see how things were progressing and whether the CFS had carried out their instructions. That was an absurd situation and this amendment is designed to deal with such incidents. I ask the Minister to consider seriously what occurred at Danggali. It was a farce. Given that it was a serious fire, half the manpower knocked off at 5 o'clock.

The Hon. B.C. Eastick: I am sure they had their cup of tea first.

The Hon. P.B. ARNOLD: Yes, a fair bit of that went on, as well. A number of firefighters from the various Riverland CFS units approached me in absolute frustration asking what were they wasting their time for. Either the Minister wants an effective firefighting set-up in this State or he wants only window-dressing. I urge the Minister to consider seriously what I have said. If he does not believe me, he should check with the CFS units on hand at the time.

Mr S.J. BAKER: Although my electorate is not serviced by any CFS units, I must say that the Minister insulted the intelligence of members of the Committee by his previous response. He referred to the Planning Act as being the model for this legislation because its provisions apply differently to the Crown. I remind the Minister that we are dealing with totally different entities. We have always upheld the right of the Crown to have ultimate control in planning matters.

That is important for the development of this State. In this legislation we are talking about safety and life. The Minister cannot insult the Parliament by saying, 'Well, as the Planning Act deals in a different way with the right of Government, then that is the way it should operate under this Act.' It is a disgrace for the Minister to even raise that as a proposition. Importantly, the Minister should understand at least one or two things about fires. I do not know a great deal about them, but I do know, however, that in the Northern Territory, for example, as the Minister would probably be well aware, some 80 per cent of the land is burnt off, and indeed in the heritage areas the land is burnt off. If the Aborigines had not done that—which is a normal part of their activities—

The Hon. P.B. Arnold: Part of their land management.

Mr S.J. BAKER: That is exactly right. If the Aborigines have not done that, rangers are sent out to finish the burn-off process. So, in the Territory it is deemed important to preserve land by burning it off. In South Australia we have the creation of real hazards. I presume that the Minister understands that these reserve areas are potential fireballs. They contribute to the massive destruction of the areas surrounding the parks. So much enormous heat is generated that the fire gets out of control with spontaneous combustion. It is almost like putting a ton of petrol on a fire. So, if the vegetation in national parks is not controlled and the areas are not kept clear of weeds and undergrowth, fireballs occur at times of bushfire.

The Minister should understand that proposition. He should ensure that there is a commitment to cleaning up these reserve areas. We do not believe that the Crown should be creating a hazard for the urban or rural communities concerned by not doing something about the matter. I believe that if he did not agree with this proposition the Minister would be negligent in his duty. He said that anyone who lives anywhere near a national park runs a risk. Apparently, the Government does not give a damn about those people because it will not do anything to maintain those Government owned lands. How many reserves will be burnt out in the process? How much wildlife will be destroyed? How much flora will be destroyed for the sake of conservation—and yet in the Territory most of the land is burnt off?

The Hon. P.B. Arnold: Lives have been lost, too.

Mr S.J. BAKER: The number of lives lost is another question. On the one hand, for the sake of conservation, the Minister says that the Government will leave the parks untouched, but in the process we lose all the things that conservationists (and we are all conservationists) believe are important. I thoroughly support the member for Eyre's amendment. I believe it is the only solution to a very difficult problem, and I think that the Minister will be absolutely negligent in his duty if he does not adopt it.

Amendment negatived; clause passed.

Clauses 43 to 48 passed.

Clause 49—'Duty to report unattended fires.'

Mr S.G. EVANS: I understand the importance and necessity for this clause, which provides:

> A person who finds an unattended fire on land in the country must immediately take such steps as are reasonably practicable to notify a member of the CFS, a member of the South Australian Metropolitan Fire Service, a Government officer or a member of the Police Force of the existence and location of the fire.

However, the difficulty that arises here is that a person who comes upon a fire could be caught between two loyalties. I remember an incident on the Clarendon road that occurred about six years ago. A very small woman, from Adelaide—she was not a Hills woman—came upon a fire. She was first on the scene. Subsequently a local farmer with a ute and a knapsack came upon the scene and then I was third on the scene. This woman came upon a small fire that was burning on the side of the road. With great courage—and she was from the plains and had never had any involvement with fires in the Hills—she took off her good jacket and actually put out the fire, except for a small smouldering area on the edges. When the cocky came along with the knapsack he was able to fully extinguish the fire.

This woman had two choices: she could drive about 200 metres to a house that she could see and hope that someone was home so that she could ring the police or the CFS, or she could stop and attempt to fight the fire and beat it, because it was in the very early stages. She was in fact able to put out the fire; she was in tears and admitted that it nearly got away from her. Had the fire got away from her, I think that, under this clause, she would have been in a very serious situation. She could be charged for not attempting to inform an officer, although a court would most probably say (and I come back to my belief that we should

have a good Samaritan Act) that she had attempted to do the best she could in the circumstances.

I am not attempting to amend this provision; I am just putting the idea to the Committee that, in passing this sort of law, problems can be created. If one comes across a fire there might be a balance in one's mind as to the question of whether one can beat it or not. Quite often these fires that we have today are started on the edge of the road by some idiot. I will not talk about the methods: the Minister knows and the CFS knows the different sorts of igniting methods that are used so that people can get away from the scene. We do not have to advertise that. Until now the situation has been that, if we came across a fire, we had to make a decision whether we could beat it or whether we went and got some help. There is now the spotter place up on the mount from where most of the area can be seen, and fires are picked up reasonably quickly. I give the CFS a lot of credit for this. With that spotter facility, on the worst days of the fire season the CFS is able to sight fires reasonably quickly.

However, there is the point that, if one decides to fight a fire and fails, there could be a problem and a person could be charged. Does one simply drive off and hope that someone coming along afterwards will attempt to fight the fire? A person might drive off to look for a CFS officer or a telephone; the person has protected themselves from being charged, but the fire might have got away. I am not asking the Minister to say that he will change this; I am simply pointing out that there must be some recognition of this situation.

I will never forget this lady who fought the fire. She was a very small lady and she used some valuable clothing to fight the fire. It was not a really bad day, but she saved the necessity for a CFS unit to go out. No-one saw the fire and no unit turned up. Those of us who were involved drove off and that was the end of the matter. It cost this woman money in relation to the clothing she used to put out the fire, and she showed courage. However, in future a person being unaware of the consequences could be charged. I hope that the Parliament thinks of something before this measure goes to the Upper House to provide that, where people take action with good intent, other than trying to find the CFS, that be taken into consideration.

The Hon. D.J. HOPGOOD: I am not rejecting out of hand the possibility of some minor amendment that might fix this up. I do not really see the problem. There is a concept of reasonableness which underlies our law and I think that, in the circumstances that the honourable member has described, not only notwithstanding this wording but indeed perhaps because of the wording, which talks about 'reasonably practicable', firstly, no prosecution would be launched and, secondly, were it to be launched it would be just tossed out by the magistrate, because of the person having acted quite reasonably in the circumstances.

We are trying to catch the person who for whatever extraordinary reason may see a fire and simply walks away from it, making no effort whatsoever either to address the situation by dousing the fire as this heroic lady did, or not make any effort to contact the authority. In the practical circumstances referred to by the honourable member it is perfectly consistent with this clause that no action would be taken against the individual. If it was taken, for whatever strange reason, the magistrate would throw it out.

Mr S.G. EVANS: That is the very point. We need to make it clearer. What would be the position if action was taken. I refer to the pressure applied if a minor fire becomes a major fire. It may grow from a fire someone attempted to stop but failed and it burns from Brownhill Creek to Strathalbyn causing millions of dollars of damage. There could be pressure applied by the media and other pressures and what would be the impact on the poor individual? It is for the sake of people saving face to be charged. It is all right for the magistrate to chuck it out, but it costs money to prove that one was trying to do the right thing. I am saying to the Minister that there can be a tightening up to cover the situation. Reasonableness does not always apply in our law in the initial stages. It may apply when the judgments are made when people decide what is happening, but it costs a lot to find out what reasonableness is.

The Hon. D.J. HOPGOOD: This is the first time I have risen twice on a clause, and it is extraordinary because the honourable member has not even an amendment before the Committee. However, I want to reject out of hand any suggestion that under this or any other Government prosecutions can be launched as a result of pressure either from the media, from politicians or from anyone. No-one has been stronger than our present Attorney-General, and I would hope that in the case of the Liberal Party coming to Government, Mr Griffin or anyone else who would be around at the time would resist any suggestion that prosecutions should be launched on any ground other than the merits of the evidence before the appropriate person.

There have been one or two lines of questioning in this place during recent weeks which suggest that members of the Opposition in any event believe that if they make enough noise in here the authorities may be affected in the way that they launch prosecutions against individuals. I will not go further than that and be more specific. I regard it as totally unacceptable that the sort of thing that the honourable member fears should ever happen. Newspapers can carry on for all they like but, when there is the possibility of a prosecution being launched against an individual, the officers charged with that responsibility have a duty only to look at the evidence and nothing else. Newspaper editors, members of the Opposition or members of the Government can bleat for as long as they like, but that should have no impact on what should happen. It is what the law and the evidence are that should be brought to bear.

Clause passed.

Clause 50 passed.

Clause 51—'Failure by a council to exercise statutory powers.'

Mr GUNN: I move:

Page 23, lines 8-26—Strike out this clause and insert the following new clause:

51. (1) If, in the opinion of the board, a council fails to exercise or discharge any of its powers or functions under this Part, the board may, by notice in writing, require the council to take specified action to remedy the default within such time as may be specified in the notice.

(2) A council may appeal to the District Court against any such requirement.

(3) An appeal must be instituted within six weeks of the requirement being imposed unless the District Court, in its discretion, allows an extension of time for instituting the appeal.

(4) Subject to a determination of the District Court, where an appeal is instituted, the requirement being appealed against is suspended until the appeal is determined or withdrawn.

(5) On hearing an appeal, the District Court may—

(a) confirm, vary or cancel the requirement, and make any incidental or other order that may be appropriate in the circumstances;

(b) refer the matter back to the board for further consideration;

(c) make any order as to costs.

(6) A council must comply with a requirement made under this section (or with any such requirement as varied on an appeal) within such time as is stipulated in the requirement.

(7) If a council fails to comply with a requirement under this section, the board may proceed to carry out the requirement and may recover the expenses incurred, as a debt due to the CFS from the council.

This is a significant clause and the Opposition can greatly improve it through this amendment which brings the clause back to a reasonable and manageable provision. The amendment gives councils which have their authority removed by a decision of the board the opportunity to appeal to an independent umpire. An appeal to the Minister is really like an appeal from Caesar to Caesar. It is not only unfair and unreasonable but it is also contrary to all forms of fairness and justice. The clause provides:

(1) If, in the opinion of the board, a council fails to exercise or discharge any of its powers of functions under this Part, the board may take such action as appears necessary on account of that failure.

(2) Without limiting the generality of subsection (1), the board may recommend to the Minister that the powers and functions of the council under this Act be withdrawn.

It then says that if the Minister is satisfied that consultation has occurred he can appoint an officer. Surely we will not have a regional officer dressed up like Captain Mannering—

The Hon. D.J. Hopgood: Here we go again.

Mr GUNN: It is all right for the Minister to say, 'Here we go again'. Captain Mannering was dressed up in his flash uniform. This sort of nonsense is inappropriate for an officer going into a council office starting to discharge his obligations. That is not a fair or reasonable course of action. Let the people acting in the best interests and with the consent of the electors in that district be responsible so that, if the Government of the day agrees to the proposal, it has to allow people adequate appeal mechanisms. My amendment does that.

The Hon. D.J. HOPGOOD: I am not willing to accept the amendment. If the new clause is taken to its logical conclusion, it will allow the council eight weeks in which it could do nothing about fire prevention matters. That is unreasonable. It is important that people act quickly, particularly with the onset of the summer period. I can see the possibility of appeals in these matters simply frustrating the possibility of proper action being taken. It is not so much a matter of the courts being efficient or inefficient and so on—it is a matter of the game that can be played by solicitors representing their clients seeing that delay may be the best way of getting the outcome required. I urge the Committee to reject the amendment.

The Committee divided on the amendment:

Ayes (15)—Messrs Allison, P.B. Arnold, S.J. Baker, Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn (teller), Ingerson, Meier, Olsen, Oswald, and Wotton.

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

Pair—Aye—Mr Becker. No—Mr Payne.

Majority of 11 for the Noes.

Amendment thus negatived.

Mr M.J. EVANS: Regarding defaulting councils, the clause refers to a council that fails to perform a statutory duty, in this case fire protection or fire cover. This raises a more general question. The Local Government Act already contains a substantive provision empowering the Minister of Local Government to intervene in the affairs of a council that fails to undertake a statutory duty under that Act or any other Act. So, a scheme of arrangement is already laid down in the Local Government Act in respect of a council failing to perform statutory duties under any Act which, assuming that this Bill becomes law, would include this legislation.

Therefore, there is clearly the potential for the procedure under the Local Government Act and this set of procedures to be somewhat in conflict. Has the Minister considered the relationship which he and the board will have with the Minister of Local Government where a council defaults on its statutory responsibilities and both interested parties, so to speak, act on the matter?

The Hon. D.J. HOPGOOD: Obviously, this matter has been considered because a similar provision is in the Public and Environmental Health Act. Indeed, while the Tonkin Government was in office the then Minister of Local Government sacked a council, very properly in view of the evidence presented to me about that time. Other legislation contains similar powers. Obviously, any such action taken would be taken by Cabinet after it had determined which Act was to be used or appealed to in relation to this drastic action. So I do not see a conflict there. The two Acts will be complementary and the matter would be sorted out by Cabinet before such drastic action was taken.

Clause passed.

Clauses 52 to 55 passed.

Clause 56—'Power of entry and search.'

Mr GUNN: I move:

Page 25, after line 43—Insert new subclauses as follows:

(1a) A CFS officer, an authorised officer or a member of the Police Force may only act under subsection (1) under the authority of a warrant issued by a justice.

(1b) A justice may issue a warrant if satisfied (by evidence given by affidavit or otherwise) that there are reasonable grounds upon which to authorise the CFS officer, authorised officer or member of the Police Force to exercise the powers conferred by this section.

My amendment, which protects people whose property may have been damaged or otherwise affected by fire, is appropriate and reasonable. Investigating officers should at least have the force of a warrant behind them.

The Hon. D.J. HOPGOOD: It is not appropriate that a person may have to get such a warrant at 2 a.m., as might well be the case. I understand the philosophical approach of the honourable member—recourse to the courts to protect individuals against arbitrary action. However, that must be balanced against the problems that the community may experience when taking such action that may well place lives and property at risk. It seems to me that in these circumstances, while the action contemplated is not pure in terms of the honourable member's philosophy, nevertheless in terms of prudence and safety of life and property we should oppose the importation into the legislation of the principle being urged on us by the honourable member.

Amendment negatived: clause passed.

Clause 57—'Power of inspection.'

Mr GUNN: I move:

Page 26, line 6—After 'any reasonable time' insert, 'after giving reasonable notice to the occupier of the land or premises'.

This is a reasonable amendment. If the Government is so bloody minded as to reject such a commonsense amendment, the Minister obviously has problems. This clause gives the CFS officer, an authorised officer, a fire prevention officer, or a fire control officer the right of entry to any land or premises. We live in a democratic society, not under a facist dictatorship and, for an officer, whether Government or otherwise, to have the authority to walk into a person's bedroom and for the Government to reject a reasonable amendment requiring reasonable notice would be unfair, unreasonable and even outrageous.

This Committee has previously heard arguments on other legislation about people being given the right to enter business premises and private homes, and the right of entry to private homes has been taken out of certain legislation, as it should be taken out of this Bill which in its present form

would give an over enthusiastic Government officer the opportunity to enter a private home. It is a disgrace in a democratic society if a person can force his way into a private home. The clause provides:

A CFS officer, an authorised officer, a fire prevention officer of a fire control officer may at any reasonable time enter any land or premises for the purpose of determining what measures have been taken on that land or in those premises for the prevention, control or suppression of fire . . .

That is absolutely all-encompassing. My amendment provides for reasonable notice to be given to the occupier of the land or premises. Surely that is fair and reasonable. If this Committee does not agree to my amendment, I hope that commonsense will prevail elsewhere and the Government will then have to accept what is fair, reasonable and just.

The Hon. D.J. HOPGOOD: Parliament is not being asked to give powers to people in relation to this matter; it is being asked to retain the powers which people have exercised for the past 12 years under the old Act. That is what it is all about. If the honourable member is outraged about it, he had three years in Government to do something about it; and he has had 19 years in this Parliament to bring in private member's legislation to fix it up. He has done none of these things. It just seems to him that it is a good idea at this particular time.

We know why this provision is in the legislation—because one has to have a deterrent whereby at any time someone can drop in and inspect. If people know that they will be warned in advance before anybody comes, where is the deterrent effect? What is the point? An irresponsible person might say, 'We will not bother to get out and clear it off. We will wait until we get the phone call, and we will then get out there and do the clearing, mowing or whatever.' That is the wisdom that was imported into the legislation. when the old EFS became the CFS and what we then called the new Act was brought in.

As to the nonsense about officers being able to go into bedrooms and all that sort of thing, it is quite clear that, if an inspector in pursuance of these powers did anything like that, it would be possible for the householder to bring him (or maybe the Minister or the board) before a court on the grounds that the powers contained in the legislation had been exceeded. No complaint has been put to me or to my office since I have been Minister of Emergency Services where people have argued that these powers have operated unreasonably. All we are doing is importing into the new legislation that which has been in the old legislation for at least 12 years.

Mr GUNN: I am amazed that in the Minister's weak defence he reflects upon me for not bringing in a private member's Bill. He should look at the Notice Papers since I have been a member of this Chamber to see how much private member's business I have introduced. In fact, I think I am the only member in this current session of Parliament to have a private member's Bill pass this place. Now is the time to fix up the problem. We have new legislation and every clause is under scrutiny; and so they should be. It is all very well for the Minister to say, 'Someone wants to drop in.' Every law-abiding citizen has a right to protection. Over-enthusiastic officers racing around the country is the greatest threat to commonsense that I know of. I have talked about the Captain Mannerings, and I could talk about a few other people.

I know that officers do not like giving up their powers, because they make them feel warm and glowing, and they think they have it over people. The role of Parliament is not to give these people powers but to ensure that these people act responsibly. I know of officers operating under other legislation threatening unsuspecting members of the public, and I say to them, 'If you proceed, I look forward to seeing you in court.' We know that once a person is charged by a Government department it is virtually impossible, unless one has access to the best legal advice, to do anything about it.

In failing to accept a fair and just amendment the Minister has indicated that he is not a fair and reasonable person. To cast aspersions on me because I have not done something about it is not right. The Minister reflected on the previous Government. That Government had to clean up years of Labor maladministration, but, in three and a bit years, one cannot turn the clock back on every matter. We look forward to amending this Bill in the Upper House because I am confident that the majority of members there will not tolerate arbitrary decision-making powers.

Amendment negatived; clause passed.

Clauses 58 to 62 passed.

Clause 63—'Fire control officers.'

Mr GUNN: I move:

Page 27, after line 12—Insert new subclause as follows:

(1a) The ability to appoint a person as a fire control officer under subsection (1) is subject to the following qualifications:

(a) if the designated area in relation to which an appointment is proposed to be made is inside (or partially inside) a council area—the fire control officer must be a person nominated by the council after consultation with any brigade that operates in the designated area; and

(b) if the designated area is wholly outside a council area—the board must, before appointing a person as a fire control officer, consult with any brigade that operates in a designated area.

Contrary to what many people might think, this provision is important to the more isolated parts of the State where there are no active CFS brigades. In the large majority of cases the first person on the scene is the fire control officer, and he is normally a local person. In cases where I have had first-hand experience, the CFS officer who would have taken charge if there had been no responsible fire control officer present did not have the knowledge, understanding or experience and would have got into trouble.

I do not care what anyone says. If members want to see this legislation operate effectively and efficiently, they must agree to this type of amendment. Every region of the State must to be judged on its merits. A volunteer once jumped up and down about me. I thought that the way in which he carried on was irresponsible. He did not understand what we were talking about. The Adelaide Hills are quite different from the Upper North and Eyre Peninsula. This provision is very important to isolated parts of the State. I understand that in some areas far too many fire control officers have been appointed, but problems like that can be addressed in the transitional period. I hope that the Government will accede to what is a reasonable amendment.

The Hon. D.J. HOPGOOD: I am afraid that the honourable member is finding me less reasonable as time goes on. The acceptance of his amendment would tend to reinstate, in part, the system from which we are trying to move. It would tend to impede the development of a proper chain of command, and it would negate the whole principle that fire control is a matter for the board and for properly trained operational persons. It seems to me that, so far as fire suppression is concerned, councils generally do not have expertise.

With respect to the isolated areas problem, what we are talking about is a necessity. A council can apply to the board for fire control officers under the terms of the Bill as it stands—so they do not miss out. It enables the board to continue to exercise the control which we think is nec-

essary. So, reluctantly, I must urge the Committee to reject the amendment.

Mr GUNN: That is nonsense. I do not know who prepared that part of the Minister's brief, but it is obvious that they do not know what they are talking about. I am appalled at the Minister's response. I accept that that may be reasonable in the closer settled areas. The board would have no knowledge in some of the isolated areas whether the person is capable, has the experience or understands the local area. One cannot beat local knowledge.

For the Minister to say that the councils can still act is a nonsense. Why not give them the right to initiate this provision? Where a district may cover 80 or 90 kilometres, those few people who are active within the CFS brigade might not know a certain part of it. There will be areas where those officers are not actively involved. The fire control officer is the one who understands; he has the experience and knowledge. The council, with its local knowledge, would know whether those people have the attributes of leadership, commonsense and the ability to act under pressure. I have seen people who act foolishly under pressure and who do not have the experience. This amendment will allow councils to vet and ensure that responsible people are put in power.

Even though the Government may not agree with it, this provision will be put back into the Bill in the future, make no mistake. It is absolutely necessary. I am appalled that the Minister would simply read from a brief and not accept commonsense and logic. We will pursue this in the other place because it is a very important provision.

The Hon. D.J. HOPGOOD: Without being unnecessarily prolix, I point out that councils can initiate in this matter. It is simply that the control should remain with the board.

Mr GUNN: One of the things that some of us have learnt in this place is that all wisdom does not apply within a few kilometres of the GPO. One of the problems with this and many other Bills is that there is a tendency by those who want to administer to take all power upon themselves. Big is not beautiful, and Adelaide is not the only place where there is any semblance of commonsense or practical knowledge in many things, including firefighting. I do not accept what the Minister has said. I think he has made a particularly bad decision and he has been badly advised in this case.

Amendment negatived; clause passed.

Clause 64 passed.

Clause 65—'Immunity of officers, etc.'

Mr GUNN: Last night in the second reading debate I raised with the Minister concerns that have been expressed to me by local government about the actual immunity of councils. This relates to clauses 65 and 66. I have read a legal opinion which indicated that there was no doubt that an individual person was protected but there was some doubt as to whether councils themselves were protected. Will the Minister address that issue?

The Hon. D.J. HOPGOOD: The clause relates only to individuals. I am not sure that there is any scheme whereby you can ever adequately protect collective bodies such as local government or the State Government from the possibility of liability in these matters. Clearly the trend in the courts is to apportion blame in these sorts of circumstances and, even though people have regarded some decisions as somewhat unfortunate, that is the trend in the sorts of decisions that we see. That may be a little unsatisfactory. The most that Parliament seems to be able to do in these circumstances is pass legislation to limit the discretion of the courts in relation to the amount of payout that might be involved. I somewhat regret that, but there it is.

Clause passed.

Clause 66 passed.

Clause 67—'Unauthorised fire brigades.'

Mr GUNN: This clause has caused considerable concern, particularly to members on this side who have been approached by local government and groups who believe that their current arrangements may be altered. It provides:

(1) A person must not, without the approval of the board, be a member of a fire brigade in the country that is not a CFS organisation.

The Hon. H. Allison interjecting:

Mr GUNN: The member for Mount Gambier has a matter that he wants to raise in relation to CSR-Softwoods. A number of small organisations throughout the State are concerned, particularly where two or three farmers are grouped together or where there is an existing unit which may no longer be approved by the CFS and the community would want to keep it and maintain it. There is a problem during harvest time when all trucks are loaded with wheat because no vehicles are available to carry a water tank for use at the scene of a fire. This matter needs clear explanation. If it is not satisfactory, we will be forced to oppose the clause.

The Hon. H. ALLISON: I raised this matter with the Minister in relation to another clause and adverted to clause 67 while doing so last night. I refer to companies such as CSR-Softwoods and South-East Afforestation Services-Sapfor, which have experienced firefighting teams that do not wish to be registered as part of the CFS organisation unless compelled to do so. This is because they may have prior commitments to their own forests on private land and, if they register as a CFS unit, they can be instructed to attend fires elsewhere. A western Victorian town on the Melbourne-Adelaide route was in fact burned down a few years ago when the CFS unit from that town was quite unselfishly fighting a fire many miles away. They returned to find that their township had been destroyed. Had they stayed in their own township, they may have saved it. Will reputable firefighting units, such as those I have named, be given the automatic approval of the board to exist, or is there some other criterion that will be used?

The Hon. D.J. HOPGOOD: If they ask for it, it will be given. Apcell already has that recognition, SAS-Sapfor and CSR-Softwoods have discussed with the board or its officers the same sort of recognition. Let us get away from the trained brigades that deal with things in the forest areas. The intent here is not to prevent self help or for the honourable member and his next door neighbour, for example, to enter into some sort of informal arrangement about the sharing of perhaps a water truck or something like that in the case of fire danger. What we are out to stop here is a situation where there is a split in a local brigade, for instance, and half of them go across the street and decide to set up in business in opposition to their former mates. We think that there must be controls against that sort of thing. I can give absolute assurances to the member for Mount Gambier in relation to the matters that he has raised.

Mr S.G. EVANS: I do not disagree with what the Minister is saying. The Minister is telling the Committee what will happen at this time if he as the Minister has the decision, but that is not what the clause provides. It provides:

A person must not, without the approval of the board, be a member of a fire brigade in the country that is not a CFS organisation.

I refer to a situation where I set up a firefighting unit in a community like Scotts Creek and we choose not to apply to the board, for whatever reason, for recognition. We use a vehicle (although we do not travel on the road) to drive

across our own properties and fight a fire and save some old aged pensioner's home, yet we are acting illegally.

I do not think we could cover the Woodside Army situation—their law would be above us. They would belong to a brigade that is not recognised by the CFS, but I do not think that our law would override the Army even though it might override the individual. The clause does not cover what the Minister told us is the intent. The clause provides that any group that has a brigade that has not applied for recognition is illegal.

The Hon. D.J. Hopgood: Read clause 67 (2).

Mr S.G. EVANS: It is the same thing. It provides:

'Fire brigade' means a group of people equipped to deal with fires on behalf of a local community.

Nowhere in the Bill does it define 'local community'. Is a local community the whole of, say, Scotts Creek or is it 20 people or 10 people? I believe that that is where we make the error. If a group of people has a unit and they cover their local community of 10 farmers and something goes wrong and somebody gets injured or killed, they can be charged for acting outside the law. That is the way this reads.

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

Mr GUNN: This clause has caused a lot of concern. The Opposition believes that clear undertakings are necessary—the Minister has gone some of the way—because we do not want to see people who are carrying out a useful function disadvantaged.

Mr MEIER: The Minister indicated that, say, non-official brigades associated with the Woods and Forests Department and the like will be acceptable. However, he did not make clear whether the existing brigades could be terminated in the future or whether they would be allowed to continue as unofficial brigades. There is one brigade in my electorate which realises that the CFS authorities will probably close it down. I mentioned this in my second reading speech. The brigade said that that would not worry it unduly, that it would continue to service the unit. They have a truck and equipment which are performing very well. The volunteers in that area will continue to maintain that vehicle so that an extra truck is available at any time.

I know of one volunteer who is involved with the SES and the CFS and has dedicated himself and a lot of his time to this brigade. Because of the funding situation it would appear that this very small brigade will be disbanded in the foreseeable future. That will be a great tragedy. What guarantee does clause 67 give that organisation that it can continue to operate without fear of transgressing this provision?

The Hon. D.J. HOPGOOD: All I can do is repeat what I have said throughout this debate: the best guarantee available to volunteers is that in volunteer organisations people cannot be pushed around too much, because they have a readily available remedy. The board of the CFS knows very well that the whole future of the organisation rests on the volunteers and it takes into account their concerns. Obviously, this clause will be used with a good deal of sensitivity.

We do not allow people who are not registered as teachers to teach our children; we do not allow people who are not registered surgeons to take pieces that are causing problems out of our body. At the same time we do not expect a firefighter to go through the same degree of training as a school teacher or a surgeon. Everyone in this debate has conceded that we are talking about matters of life and death. It is not unreasonable that the board should have some form of control over those who hold themselves out as the guardians of members' properties and the properties of many others.

Mr MEIER: The Minister's last point is a totally fallacious argument in that he related this issue to registered teachers and the like. The Minister knows full well that hundreds of farmers have their own firefighting units. We are not saying that because one is not a member of a registered brigade one cannot use that equipment. Last night, in my second reading speech, I quoted from a newspaper article which stated that tens of farmers had attended at a particular fire. The same situation will occur, and it worries me. In fact, I do not think that the Opposition has received any assurance that some of these smaller groups who want to continue to operate will be allowed to do that. If the attitude expressed here prevails—namely, that if one is not a registered body, then it is too bad—it will be a sorry situation for the country areas of this State. It is not necessary in this Bill.

Clause passed.

Clause 68—'Offences by corporate bodies.'

Mr GUNN: I move:

Page 28, lines 11 and 12—leave out all words in these lines after 'proved' in line 11 and substitute:

—

(a) that the member exercised reasonable care in the exercise of his or her responsibilities as a member of the governing body; and

(b) that the offence is not attributable to any intentional act or omission on his or her part.

Amendment carried; clause as amended passed.

Clause 69—'Onus of proof.'

Mr GUNN: The Opposition will not support a reversal of the onus of proof. It is thoroughly bad in principle, draconian, unnecessary and a direct denial of the appropriate rights of any citizen of a democracy. It certainly makes it easier for those bodies that may be considering prosecuting people, but we are not here to make it easier for them: we are here to make sure that the welfare of the average citizen is protected. As I have said on a number of occasions, if one is taken to court by the Government or the bureaucracy, one is at a disadvantage. Therefore, my colleagues and I oppose this clause. It is unnecessary and, in fact, quite indecent.

The Hon. D.J. HOPGOOD: It may well be all of those things but it has also been a standard provision in legislation for the past 12 years. It is section 64 of the legislation which we are replacing and, as far as I am concerned, it has operated without any real infringement on individual rights. I oppose the amendment.

Mr GUNN: That is the answer one would expect from a tired Government. The Government has run out of steam. The Minister must resort to cliches. It is an attempt to say, 'We have had it, therefore it is all right.'

The CHAIRMAN: Order!

Mr GUNN: If that was the case we would not buy new motor cars; we would not have new technology. We would just maintain what we already have—the same tired old system.

An honourable member interjecting:

Mr GUNN: That is your mate in Canberra. Don't blame us. We agree with you. Surely the Government can do better than that. We know the Government will have its way. However, the Opposition believes it is a bad principle.

Clause passed.

Clauses 70 to 75 passed.

Clause 76—'Regulations.'

Mr GUNN: This clause gives the Government the power to make regulations. In view of the fact that there will be a considerable number of regulations affecting the admin-

istration of this new Act, can the Minister give an assurance that, prior to the regulations being formally proclaimed and coming into operation they will be widely circulated throughout those bodies and groups with an interest in the area so that there can be proper consultation and consideration before they have the force of law? It would appear that it is far better to adopt that course of action and curtail the necessity for lengthy hearings before the Subordinate Legislation Committee or for attempts to disallow regulations in either House of Parliament. I seek an assurance from the Minister that adequate consultation and discussion with those interested groups will take place prior to the formal introduction of the regulations.

The Hon. D.J. HOPGOOD: Yes.

Clause passsed.

Clause 77 and schedules passed.

Clause 16—'The command structure'—reconsidered.

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

Page 7.

Line 40—Leave out 'The following officers will be appointed by the board—' and substitute 'There will be the following Officers:'.

After line 43—Insert new subclause as follows:

(1aa) A regional officer will be appointed by the board.

These amendments had been made necessary because of my generosity last evening in accepting one of the many Opposition amendments that I have accepted in the course of this debate. They take on board the content of the amendment which the Committee accepted allowing for the election of these people but, at the same time, retain in line 43 the concept that the board can continue to appoint the regional officer. I commend the amendments to the Committee.

Amendments carried; clause as amended passed.

Title passed.

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

That this Bill be now read a third time.

Mr GUNN (Eyre): The Bill at this stage is somewhat of an improvement in comparison with when it entered the Committee stage. A number of areas in the proposal still need some refinement and the Opposition looks forward to that course of action as this matter proceeds through Parliament. Opposition members sincerely hope that this legislation will assist in controlling bushfires in this State. It will help to protect the public and those people who give their time freely in the service of the community. The Bill will assist and encourage them to continue the excellent work they do and the contribution they make on behalf of their community. Some 19 000 people are involved and I sincerely hope that, when this Bill has passed the various processes of Parliament, it will be a measure that will assist, not hinder, the community during the bushfire prone season and that it will stay in place for a long time. It is to be hoped that it will meet the objectives that the people want: to do everything possible to suppress and control bushfires; to encourage people to employ safe practices; and to make it reasonable for those people who, by their particular form of enterprise, need to use burning operations. I support the third reading.

Bill read a third time and passed.

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 March. Page 2511.)

The Hon. B.C. EASTICK (Light): The Opposition supports the measure that is currently before the House. It arises from a great deal of discussion between the Government and the police and is implemented as a result of changes that have been made to the police officers award. Through the years, there has been mainly bipartisan support in this area because of the appreciation extended by Parliament to members of the Police Force regarding the important role they play in the community. But for several recent onslaughts by the present Government upon the police—specifically, an upset in the wages situation which left some people in a rather disadvantaged state and, more particularly, the ensuing debate from the proposed increase to police in the cost of rentals, which I must admit was subsequently resolved satisfactorily—there have not been any major difficulties in providing police with the sort of structure and the type of regulations that are necessary.

As indicated, the changes are consequential upon the award restructuring and are to be achieved largely through amendments to the regulations. At the time we had our first discussions with officers of the South Australian Police Association, the association was still endeavouring to obtain a copy of the proposed or likely regulations. I am pleased to state that not only has the association been given a copy of the draft regulations, which gives it a better understanding of the Bill before the House, but the Minister's office was pleased to make a copy of the same document available to me earlier today. In overview, the Opposition, like the Police Association, has been able to review the totality of this package. The regulations that will eventually come into force may be slightly different from the draft form but at least the thrust and general direction of the regulations which support this Bill are known and acceptable.

The changes in the Bill fall into approximately five categories. First, an officer will hold a particular rank by virtue of attaining a position, not as is presently the case, where an officer of a particular rank is found a position commensurate with that rank. This is an advancement which has general support. As with any change it will take a little time to be totally understood within police ranks but I am led to believe from the discussions that I have had that the end result will be advantageous in the structuring of the Police Force.

Secondly, the Police Appeal Board will be established to hear appeals where the services of a member may have been terminated during the probation period because of physical or mental disability or illness. Any decision or finding on which such termination may be based will also be subject to appeal. More than natural justice, I suggest that the justice of Parliament should always be that appeal provisions are available in legislation so that no person is gravely disadvantaged. The Bill establishes the Promotion Appeal Board, which will hear appeals against the selection of a particular officer for a particular position up to and including the rank of Inspector. This is a new direction which may result in a few traumas, but time alone will tell. My understanding is that goodwill applies in the provisions which we are debating and that the best interests of the force in general and the individuals who make up that force are the basis of this measure.

The fourth change involves something that is somewhat more nostalgic, and probably of no great moment other than for the purists, and I refer to the fact that the term 'Chief Secretary' is to be taken out of the Act and replaced by 'Minister'. There is still a large number of people, and specifically in the area directly related to emergency services, and the police in particular, for whom the title of Chief Secretary is a more meaningful designation than just the

word 'Minister'. We appreciate that perhaps over the past 12 years the role of the Chief Secretary has been watered down, to the point where now I think only some three Acts refer to 'Chief Secretary', one involving the Auditor-General, another daylight saving, and the other involving standard time. Also, until now the term still appears in the Police Regulation Act.

The Hon. D.J. Hopgood: The Chief Secretary also signs the salary cheques for all members of the Parliament!

The Hon. B.C. EASTICK: I trust that that role is never taken from the Chief Secretary and that we will for years to come be able to trade on the virtues of that office for that particular purpose. The final matter that I want to refer to concerns the review of action by the Police Disciplinary Tribunal. New section 24a (1) provides that a person may appeal:

> If—*(a)* a member of the Police Force is transferred, or is to be transferred, to another position in the Police Force; and
> *(b)* the member of the Police Force believes that he or she is being punished for particular conduct, although he or she has not been charged with a breach of discipline under this Act . . .

Without going into the specifics of the matter, I have been led to believe that circumstances have arisen where the Police Association has had cause for considerable concern on behalf of its members where, for reasons which are not understood and which do not appear to be in the best interests of the individual affected, a person has been shifted without explanation. A person not only can suffer the indignity of being taken from a substantive role but also can be placed in the position of suffering a considerable reduction in their pay structure due to loss of access to overtime for weekend work, and so on, becoming office bound rather than foot loose. Such difficulties and circumstances can be quite disastrous for an individual.

The fact that the tribunal is to be structured in this way does not take away the right of the Commissioner or of the nominated officers to take evidence relative to any misdemeanour, real or imagined, that might apply to a person placed in the disadvantaged position to which I have referred. However, natural justice can be seen to be done, and that is important in the best spirit of public relations. The Opposition has no difficulty with that specific aim. It is extremely important that on all occasions those who are placed in a position of being the managers should be allowed to get on and manage. I would not like to see this structure inhibit the very important part that a senior officer, or those to whom he delegates authority, plays. They should not be harassed or hampered in undertaking work that they genuinely believe to be in the best interests of the force, and, in some circumstances, in the best interests of the person who is temporarily sidelined. I am speaking generally; I fully realise that it is right and proper for this issue to now come before Parliament. If an aggrieved person is in any way concerned as to the reasons for any action taken or the effect that it is having on them, they should have the opportunity to be heard, providing an opportunity for a correction to be made if subsequently circumstances are better understood by both sides.

I have it on the authority of the Secretary of the Police Association, speaking on behalf of the executive of that organisation, that the association is quite satisfied with the measures that are now before Parliament. The association has had the benefit of seeing the draft regulations, giving it the opportunity to understand the circumstances in which the various new procedures will be instituted. However, like all measures considered in this place, it can be appreciated that sometimes people's best interests are not served and that wording needs to be amended. I also note that, as is common with so much of the legislation we are considering at present, a number of statute law types of variation are to be made and, specifically, the penalties are to be brought under the new format, relating to the new Division 1 penalty through to Division 12 penalty, and so on. The wording changes associated with the statutes interpretation provisions are a common feature. This relates to a Bill that we will consider after this one, and on that Bill I have some comments to make on a particular principle involved.

It is noted that the police generally, and certainly the association on behalf of the police, have been particularly interested in the introduction of yet another Bill directly associated with police services, namely, the Police Pensions Act Amendment Bill. That Bill was introduced today and will be debated on another occasion. It will have quite important ramifications concerning police officers. I will not debate that issue any further now other than to perhaps flag that in some quarters that Bill might be the more controversial of the two pieces of police legislation presently being considered by Parliament. There are several issues that I will raise in Committee with the Minister which I believe need further clarification. At this stage, I reiterate that the Opposition supports the Bill.

The Hon. D.J. HOPGOOD (Minister of Emergency Services): Very briefly, I thank the member for Light and through him his colleagues, for their support for this important measure. I simply want to underline one of the very important points that the honourable member made, and that is the way in which the Bill attempts to strike a balance between the rights of individuals in the Police Department, on the one hand, and the importance of the ability of managers to be able to manage. Of course, whenever one enters any area of employment, one has to keep in mind that perhaps that balance is affected very much by the nature of the work that is being done and the sorts of emergency situations into which one can be placed. I suppose that the extreme example of that is in relation to the armed forces, particularly in war time, when perhaps the rights of individuals have to be considerably down-played in the interests of the ability of the general's instructions to be properly conveyed through the field.

The Hon. B.C. Eastick: They all see them differently under those circumstances.

The Hon. D.J. HOPGOOD: Of course they do, but during war time no-one would be silly enough to advocate things like drastic industrial action in the Army, or anything like that. So, our appreciation of the industrial areas in many of these cases is reflected by the nature of the work that has to be done. I think that people entering a particular service understand that. Of course, we have a fairly well developed system of industrial relations so far as police officers are concerned, and I do believe that we have struck somewhere near the right balance between the rights of these people, with natural justice and things being seen to be done properly, on the one hand, and the ability of the Commissioner, through his officers, to be able to, carry out his statutory responsibilities, on the other. I am glad that the member for Light saw fit to stress that point, because perhaps in many ways it is the core of the whole measure.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Appointment of officers.'

The Hon. B.C. EASTICK: My query covers not only this clause but also clauses 6 and 7 which appear to allow officers in a substantive position to be demoted when shifted from one position to another. This is one of the important indus-

trial features of the measure, and it is important to have clarification on this matter.

The Hon. D.J. HOPGOOD: The agreement is that where a person is transferred from band 1 to band 2 that is all right. It is also agreed that people who hold minimum rank will have that same rank in the band to which they are transferred. I hope that that clarifies the matter for the honourable member.

The Hon. B.C. EASTICK: This matter has been drawn to my attention by a colleague in another place and the reply at least gives him another starting point from which to seek detail.

Clause passed.

Clause 6—'Appointment of sergeants and constables.'

The Hon. B.C. EASTICK: The power to make appointments of sergeants and constables is given to the Commissioner or any other person nominated by the Governor for that purpose in this clause. It follows the form of existing section 11. It may be desirable to include a reference to the person being a member of the Police Force. It is not clear that it is necessarily a police person to whom the delegation can be given, or a person with police rank. Whilst that point would not go astray in normal practice, it is extremely important that it be quite clear that the power is given to the Commissioner or any other person nominated by the Govenor for the purpose. The provision should be expanded to include 'who is a member of the Police Force'. This matter arises later as well.

The Hon. D.J. HOPGOOD: That is certainly the intention of the clause. That would be made clear in the regulations under the Act.

The Hon. B.C. EASTICK: I will not pursue the matter now, but I hope that the Minister will look at this issue between now and when it is dealt with in another place. This is an important principle which ought to be clearly in the Act and not be subject to regulations that can be changed away from the scrutiny of Parliament for months on end: it ought to be in the Act.

The Hon. D.J. HOPGOOD: I am willing to take up that matter.

Clause passed.

Clauses 7 to 17 passed.

Clause 18—'Delegation.'

The Hon. B.C. EASTICK: This clause inserts a new section 53. The principle which I have just espoused about clause 6 is again evident here. The Commissioner's power to delegate in new section 53 is to a particular person, but it seems appropriate to require that that person is a member of the Police Force so that we do not have the circumstances that some administrative officer somewhere in the system is suddenly delegated, under some unusual circumstance, a role which should be held directly by the police.

The Hon. D.J. HOPGOOD: We will have a look at that. I fully accept the philosophy that the honourable member is putting. I wonder about the circumstances where it may be necessary for the Commissioner to delegate to a member of another Police Force, to the Federal Police or even to the NCA. We might want to consider that. However, I accept the principle and we will look at it in terms of a possible redraft.

The Hon. B.C. EASTICK: I raise the matter clearly in terms of the person being a member of the South Australian Police Force, to which these regulations apply. I am happy with the Minister's acknowledgment on the issue that it will be further considered before it is debated in another place.

Clause passed.

Clause 19—'Insertion of schedule.'

The Hon. B.C. EASTICK: This clause introduces the schedule for the establishment of the Police Appeal Board and the Promotion Appeal Board. In section 2 (2) of the schedule, a District Court judge is to preside over the Police Appeal Board but there is no indication as to who will make that appointment. Is the judge to be appointed by the Senior District Court Judge, by the Govenor on the advice of the Government, or by the Commissioner? Normally in the case of such an appointment there is an indication concerning who will be responsible for making the decision. I refer to the Electoral Act and its application to members of Parliament. Here it is the Chief Justice or the most senior puisne judge available. There is no indication of how the selection of the judge is to be made and the Opposition seeks clarification of the intention. If the issue needs further consideration, it can come forward in another place.

The Hon. D.J. HOPGOOD: The appointment will be made by the judiciary from within the judiciary. The present practice is that Judge Brebner makes the appointment and I would see that as continuing to be the case. Whether the honourable member feels that Judge Brebner's position needs to be written into the Bill or whether he is happy with my assurance that that practice will continue I am not sure, but that is my understanding.

The Hon. B.C. EASTICK: The course of action indicated by the Minister is the one that I would see as the norm. An element of regularity in all these Acts should be the general intention of the Parliament. Where the circumstances are changed from one Act to another, confusion will frequently result and where it can be demonstrated that the appointee is designated in other legislation, as my colleague in another place assures me is the case, the few extra words introduced into this Bill might more than satisfy the course of action that the Minister has indicated would be his intention.

Clause passed.

Clauses 20 and 21 passed.

Schedule.

The Hon. B.C. EASTICK: This is an extensive schedule of drafting amendments which I understand have been checked and which appear to be in order. Can I take it that the fact that this process has been effectively undertaken means that the Act will be consolidated as soon as this legislation has been assented to? Otherwise, this becomes a messy piece of legislation because the searcher will not only have to look at the general clauses of the amending Bill but also have to fossick through the four-page schedule.

The Hon. D.J. HOPGOOD: The answer is 'Yes'.

Schedule passed.

Title passed.

Bill read a third time and passed.

DOG CONTROL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 March. Page 2248.)

The Hon. B.C. EASTICK (Light): The Minister at the table (the Minister of Transport) probably did not think a few months ago that he and I would soon be talking about dogs once again. Indeed, he has been harassing me from the other side of the Chamber with his loud woofs.

The Hon. G.F. Keneally: Is my bark worse than my bite?

The Hon. B.C. EASTICK: No, but the bark means something. We have considered various amendments to this legislation over a period. I have regularly put a certain matter on record in *Hansard* and I shall not disappoint the Minister this evening but will say it again. Until the Gov-

ernment entices those with the direct responsibility for dogs and dog control to make certain that there is a positive means of identifying individual dogs, there will continue to be difficulties in the community. Honestly, only one current method is available to achieve that result: that is, a form of tattoo, whether on the ear, the neck, the flank, or elsewhere. I shall not belabour that point further other than to say that the provisions that we are considering this evening do not disturb the circumstances relating to the provision which has been in the Act for some time, albeit that we are providing for another form of identification which I believe will be no more effective than all the other methods (except tattooing) available at present.

Apart from that, the changes undertaken by the measure result from public outrage at the damage done by marauding or uncontrolled dogs, be it from attacks on livestock or human beings. This may be a follow through from the hysteria that whipped America about two years ago with a number of deaths associated with the pit bull terriers. From time to time we have had the same circumstances here in Australia and recently an Alsatian breed dog (I am not belittling the breed but it was a dog with some of that breed in it) was responsible for the death by mauling of a small child.

Such unfortunate circumstances will occur not infrequently. In fact, on most occasions the dog in question is not under the proper control of its owner. In many ways sufficient deterrents have not been levelled against a person failing to control the attacking dog. The circumstances of this Bill, though, markedly change that position. Probably the most important effect on the community of the measures presently before the House is that the penalty for urging a dog to attack is being increased to a fine not exceeding $8 000 or a term of imprisonment not exceeding two years. That measure gives due regard to the view of this Parliament that the ownership of a dog must be taken responsibly and that the consequences must be meaningful if people fail to do what is expected of them.

For example, people responsible for the control of a dog that attacks persons or animals are liable to a fine not exceeding $2 000. Whether or not that is sufficient deterrent (that is, in the case of the dog not being sooled) time alone will tell. In great measure it will be the role of the courts to determine how close to that $2 000 the sentencing authority may go when issuing the penalties associated with such a report, and it is to be hoped that the courts will take as seriously as many members of this Parliament, the importance of proper dog control.

I have indicated earlier that one of the major problems associated with dog ownership is that so many dogs are taken on as a family pet because of the big brown eyes syndrome. After all, the big brown eyes of a small puppy are captivating. Many people see the animal as a puppy, take a liking to it, and take it home, giving no thought whatever to the size to which it will grow, how they will control it, how it will be exercised, and whether from its very breeding it will be like a square peg in a round hole because of its limited scope for movement in a small cooped up area. So, the dog suffers frustration and barks to the annoyance of all the neighbours, and so on.

One important task that the dog control body still has to perform (and it is a difficult task which I do not suggest it has not attempted) is to try to educate the populace as to the various stages through which a dog will go and to give some regard to the importance of being able to look after the fully grown dog rather than the desire to take on the small puppy without thought of the end results.

The Opposition has no real argument with the provisions of this Bill. We understand that it has been brought to the House after close consultation with local government, the United Farmers and Stockowners, welfare organisations, the RSPCA, and those other individuals who have a part to play. I know that there is a concern in the ranks of some of the dog fraternity that some of the provisions might be a little harsh. Here we look at the views of people—young or old—who have a genuine love of the animal and who hope that any person who takes charge of a dog will look after it in precisely the same way they do. The fact of life is that they do not. It is important that we acknowledge the importance of these people as breeders and their genuine interest in dogs. However, we must take this quite drastic action to provide for better control.

There is some criticism that dogs will be put down after being in the control of the authority for only 72 hours. I hope that commonsense will prevail and that, if it is a long weekend or holiday weekend, the authority will take heed of the fact that some people may not be able to fulfil their commitment within that period and that an extra day or two is allowed.

Looking at it from the other side, those who read the regular bulletins of the RSPCA and the quite frequent statements in the public press by the Animal Welfare League will recognise the very grave problems that those organisations face with respect to the reckless abandonment of dogs, the very large number of animals that they have to control at any one time, and the fact that no matter where their heart is they must be quite callous and a dog, having been in their possession for the period designated by the legislation, must be put down.

It disturbs a lot of people to think that any animal will be put down at all, but the reality is that there is no other alternative when there are people in our community who fail to give proper and continuing support to an animal about which they become careless. I will refer to one vital principle during the Committee stage. I believe that there is need of one amendment so that principle which I will enunciate in respect of penalties is given proper regard by Parliament rather than in a statute amendment circumstance. I reiterate that, on behalf of the Opposition, I support the Bill.

The Hon. G.F. KENEALLY (Minister of Transport): I thank the member for Light, the spokesman for the Opposition, for his and his Party's support of this Bill. I acknowledge his particular expertise in this area. As he said, over the years we have debated this legislation on a number of occasions. We may not always have done what he wished us to do as a Government, but I assure him that his comments have always been very seriously considered. It was right for the honourable member to point to the fact that ownership of a dog brings with it a considerable community responsibility, and this legislation brings home those responsibilities in a way that has not occurred before.

Until now genuine loving owners of dogs have always controlled their animals and kept them in a condition that would not in any way require legislation of this nature. However, I suspect that a large minority does not adhere to those standards. Because of these people it is necessary that legislation be introduced to protect the rest of the community, both physically and in relation to property.

I suspect that during the Committee stage I may well be asked about identification (the possibility of microchips, and so on). The honourable member raised the question of the period that a dog will be kept in a pound before it is destroyed and pointed out that it has been reduced to 72

hours. It is only in times of stress, where the numbers of animals kept in a pound are such that action needs to be taken, that it is likely that that will be adhered to.

I understand that currently pounds keep dogs for up to seven days and it is very rare, if ever, that a dog is destroyed over a weekend or even a long weekend. So, the particular concerns of the honourable member, while relevant and appropriate, are not likely to be of concern. However, if that does occur, I think some counselling may be required by the individual councils. I thank the House for its support of this Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. B.C. EASTICK: The Opposition has received some representation about why the definition of 'dog' has been changed to delete any consideration of dingo or cross of a dingo. From time to time there is a break in the dog fence and in some communities this results in dingo crosses which tend to roam. They can become quite hungry and, therefore, are a nuisance in outback areas. The question also arises as to whether this reflects in any way upon a circumstance that applied to a particular case on Kangaroo Island some years ago which divided the community and was responsible for quite a lot of ill feeling and concern.

The Hon. G.F. KENEALLY: A dog is presently defined as an animal of the genus *Canis*, and I am sure that the member for Light is aware of that. This includes wolves and other animals not intended to be covered by this legislation. Domestic dogs are a species of that genus and are more appropriately known as *Canis familiaris*. The exclusion of dingoes assists in making this legislation sit with the Animal and Plant Control Act, which makes it an offence to keep a dingo in this State inside the dog fence. The Government is attempting to ensure that people are aware that it is an offence to bring a dingo inside the dog fence. Of course, if a dingo is detected inside the dog fence, it must be reported and destroyed. So, the definition was changed to clarify that point.

Mr M.J. EVANS: The definition of 'registration disc' provides the opportunity to which the Minister alluded earlier to discuss this question of the microchip technology implanted in dogs under the skin in order to act as a replacement for that registration disc and in order to more efficiently identify the dog and its ownership. As the member for Light said in his second reading speech, tattooing perhaps remains the only currently practically available technology in that respect. Under the skin implanted microchips which can then respond to a hand-held, external scanner may be available in the near future. It will probably be a much more acceptable technology than tattooing, which was widely proposed but subsequently largely abandoned. Could the Minister bring us up to date on prospects for this change?

The Hon. G.F. KENEALLY: The honourable member is correct in suggesting that the definition of 'registration disc' would allow the microchip identification method, if the Government decided to proceed with it. A committee has been established by the RSPCA (and the Dog Advisory Board is represented on that committee) to look at whether or not the microchip technology is an advisable method of identification. I understand that certainly nowhere else in Australia is that currently the case. New Zealand has adopted this technique and I have been advised that, in other animals, mainly cattle in Canada, this technique has been in place for some time, although I understand that it is losing favour.

The Government acknowledges the problems of identification but, if we had mandatory tattooing and also the microchip, we would need a central register. Moving animals from one local government authority to another without a central register could be difficult. There are also other problems. With microchip identification, councils would need to have an electronic scanner. This costs about $2 500 and it can read only the microchips at close range—that is, one or two inches from the dog. That makes it fairly difficult, if not impossible, to read the microchip implanted in a vicious dog. There are problems, but that is not to say that the concept has no validity. The Minister of Local Government is well aware of this and is strongly encouraging the committee's work. I understand that it should meet within the next two months, but I cannot say when it is likely to complete its investigations.

Members can be absolutely certain that this whole concept of appropriate identification, mentioned by the member for Light and the member for Elizabeth, will be looked at very carefully. The Government does not oppose the concept, but we need to know that it is the appropriate way to go and that it has the acceptance of the bodies involved—the RSPCA, local government, dog owner groups, etc. I feel confident that, if all of these questions are met, the Government will bring back another piece of legislation which on that occasion the member for Light and I will not be debating across the Chamber.

Clause passed.

Clauses 4 to 6 passed.

Clause 7—'Registration.'

The Hon. B.C. EASTICK: I refer to subclause *(d)* which deletes from the principal Act the three words 'for the blind'. This relates to a guide dog. This simple but important amendment recognises for the first time that not only do some dogs guide the blind but there are now dogs that play a vital role in relation to those who are deaf. Those dogs are now encompassed in the broader understanding of a guide dog.

Clause passed.

Clauses 8 and 9 passed.

Clause 10—'Seizure of dogs wandering at large.'

The Hon. B.C. EASTICK: It is important to recognise that the changes being made make provision for wardens of the National Parks and Wildlife Service. Under the present Act, they are classed as owners of protected wildlife and are given the same powers as owners of livestock to destroy a dog found attacking animals. It has been an anomalous situation that, when dogs create havoc in national parks, wardens have not been covered in the same way as owners elsewhere.

The Hon. G.F. KENEALLY: This is also covered in clause 15. The point the honourable member makes is valid and it is an opportune time to provide these powers to rangers in the national parks system who have had considerable difficulty over a number of years in controlling dogs on national parks property. Providing them with powers similar to those pertaining to local government in relation to dealing with dogs is a move that all members would support.

Clause passed.

Clauses 11 and 12 passed.

Clause 13—'Dogs attacking, etc., persons or animals.'

The Hon. B.C. EASTICK: I move:

Page 4, lines 25 to 29—Leave out all words in these lines after 'is amended' and insert:

(a) by striking out from subsection (2) 'shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars' and substituting 'is guilty of an offence';

(b) by inserting at the foot of subsection (2) 'Penalty: Division 5 fine or division 5 imprisonment';
and
(c) by inserting after subsection (4) the following subsection:
(5) Where a person is found guilty of an offence against this section, the court may order, in addition to any penalty, that the person pay compensation for injury or loss resulting from the actions of the dog.

I hope that the Government will accept this amendment, because it picks up a very vital principle. In these provisions we are looking at another aspect of the circumstances associated with the dog Act overall. In the schedule, there is an amendment which is almost identical to that which I am now proposing. The purpose of recognising that it appears in the schedule (but, in my view, it ought to appear in the Act proper) is simply that the extent of the penalty ranges from a direct fine as provided in the current Act to a provision in the schedule of not only a fine but also the possibility of imprisonment.

It is that extension of penalty to include imprisonment which I believe should be placed in the Act, not in the schedule, more specifically when we have a vehicle to do it in the passage of this measure. Changes to penalties are being undertaken almost on a daily basis in statute amendments. For example, regarding the Local Government Act, we recently had 163 pages of statute amendments being effected by the Commissioner for Statute Law Revision not under the direct scrutiny of Parliament.

There have been many other cases. But never have I seen a penalty transfer into a different form of penalty. I have no argument with an increase in the value of the penalty. But in this case we have not only increased the value of the penalty but increased another component, or element, that is, imprisonment. I believe that deserves the consideration of the Parliament; it should not be left to a simple statute amendment, whether it be a statute amendment associated with a Bill such as this, or whether it be a statute amendment presented to the Parliament in another form. I believe that the principle we are seeking to include in the Bill tonight is one which should be embracing for all statute amendments that are undertaken in the normal course of events by the Commissioner for Statute Law Revision. If it changes the effect other than the monetary value, then it should come before the Parliament for consideration, and I seek the concurrence of the Minister.

The Hon. G.F. KENEALLY: Without any acknowledgment of fault, of course, the Government will accept the amendment that the honourable member has moved for all the reasons that he has put to the Committee. There could be examples where we may have some argument, but on this occasion we do not.

Amendment carried; clause as amended passed.

Clause 14 passed.

Clause 15—'Powers to protect other animals from dogs.'

The Hon. B.C. EASTICK: I draw the attention of the Committee to paragrpah *(c)* of this clause, under which a person must notify that poisoning is taking place within two days instead of 21 days, but there is no clear indication of how notification is to be given in the 48 hours. When the limit was 21 days, notification would appear in daily or weekly newspapers; there were a number of opportunities to provide the information. Is it the intention of the Government that the only notification necessary will be a notice placed on the fence? How should a person who uses bait for a very good purpose (and we are not talking about wanton poisoning) make such notification? Do they telephone their neighbours and, if so, to what extent?

The Hon. G.F. KENEALLY: It is the Government's intention that farmers who are laying baits should provide information of their actions not only to their neighbours but also to the council. They should also place notices on the fences of their property. This will all be contained in the regulations. The UF&S has no difficulty with this.

The honourable member said that the period of notification was originally 21 days and that the amended period is 48 hours or two days. That is correct. It was originally proposed that the distance from public roads that baits could be laid would be changed from 20 metres to 100 metres. However, after discussions with the UF&S we left the distance at 20 metres. Therefore, the requirement for property owners to notify their neighbours, the council and those people who may be foolish enough to let their dogs wander onto property after this legislation is in place, is as I have recounted to the Committee.

Clause passed.

Clause 16—'Dogs creating nuisance.'

Mr PETERSON: I refer to the definition of 'nuisance'. Clause 16 provides:

Section 49 of the principal Act is amended by striking out subsection (4) and substituting the following subsections.

Section 49 of the Act provides:

(1) The occupier of any premises where a dog is kept or suffered or permitted to remain and who suffers or permits that dog, either of itself or together with other dogs (whether or not in the same ownership), to be or become a nuisance shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(2) A dog shall be taken to be a nuisance for the purposes of this section if—

(a) it is injurious or dangerous to the health of any person; or

(b) it creates a noise, by barking or otherwise, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.

I believe that this section should refer to the owner of any premises. The definition of 'nuisance' is clarified very precisely, but it is not broad enough and I would like to expand that definition. I refer to Fleming's *Torts,* the classic book on torts. Chapter 21 of that publication refers to public and private nuisance. The definition contained therein indicates that we are too restrictive in our definition. The nuisance caused by a dog can occur not only within one area. A dog can go onto someone else's premises and cause a problem by threatening, simply by being there when people who are frightened of dogs are present, by defeacating, by urinating on flowers and killing rose beds or whatever. We must look at the definition of nuisance. Fleming's *Torts* , a recognised authority, states:

Few words in the legal vocabulary are bedevilled with so much obscurity and confusion as 'nuisance'.

A footnote states:

Erle C.J. once said that the answer to the question, what is a nuisance? 'is immersed in undefined uncertainty'.

The definition of nuisance here is too precise. We have to extend it. Fleming's explanation goes on to say:

Once tolerably precise and well understood, the concept has eventually become so amorphous as well nigh to defy rational exposition.

The Hon. R.J. Gregory interjecting:

Mr PETERSON: Read Fleming's *Torts* and find out. It is a classic textbook. He continues:

Much of the difficulty and compliance surrounding the subject stems from the fact that the term 'nuisance' is today applied as a label for an exceedingly wide range of legal situations, many of which have little in common with one another.

Members interjecting:

Mr PETERSON: It is obvious from the comments in the Chamber that other members do not have problems with dogs in their area. I am pleased to hear that, because one of the greatest problems with the Dog Control Act is

the nuisance factor. It has nothing to do with putting dogs on a lead, taking them for a walk or looking after their health. Many people are troubled by the nuisance factor of dogs. I go on to quote Fleming further—

Mr Rann: Your bark is worse than your bite, Norm.

Mr PETERSON: Don't you go barking up the wrong tree, because there is more to come yet. Fleming continues:

Far from susceptible of exact definition, it has become a catch-all for a multitude of ill-assorted sins, linking offensive smells, crowing roosters—

another problem we have not dealt with yet—

obstructions of rights of way, defective cellar flaps, street queues, lotteries, houses of ill fame—

which we have dealt with in this place—

and a host of other rag-ends of the law.

Mr Ingerson: What is a rag-end?

Mr PETERSON: It just shows the quality of the debate here when interjections like that are allowed. Fleming continues:

Because of the large variety of situations encompassed by the term, the crucial point is easily obscured that nuisance is a field of tort liability rather than any particular type of tortious conduct. Its unifying element resides in the general kind of harm caused, not in any particular kind of conduct causing it. Aside from the complications arising from its association with 'public' nuisance, it refers to invasions of an occupier's interest in the beneficial use and enjoyment of land.

I am pleased that members are hanging onto every word. Fleming continues:

This branch of law is, therefore, primarily concerned with conflict over competing uses of land. It defines obligations of neighbourliness. It is also the common law's contribution to environmental protection, conceived as a property rather than a personal right. Another perplexing feature is that the word 'nuisance' is commonly used in several distinct senses. It is sometimes used in a factual sense to describe a human activity—

or in this case a dog's activity—

or physical condition which is harmful or annoying, as when it is said that a rubbish heap or pressure drilling is a nuisance.

As I said before, dogs create a nuisance with their natural functions or by acting in a threatening manner. Fleming continues:

At other times, it denotes the harm caused by such an activity or condition, emphasis being less on the cause than on the type of harm resulting from it. This usage is preferable because, as already indicated, the distinguishing aspect of nuisance, as compared with other heads of liability like negligence, is that it looks to the harmful result rather than to the kind of conduct causing it. In either of the abovementioned senses, the term does not connote legal liability, and the question remains whether the particular 'nuisance' is actionable.

The explanation goes on for another two pages, but I am sure that the Committee does not want to hear it.

Mr Hamilton: We do.

Mr PETERSON: All right. Fleming continues:

Often, however, it is used to signify both the fact situation and the legal liability arising therefrom, as when a court holds that the defendant has been guilty of maintaining a 'nuisance', meaning conduct involving liability. A marked disadvantage of this usage is that it encourages the deplorable tendency to assume that, once a given situation can be factually described as a nuisance, there is nothing more to be said. This ignores the necessity, which is present here as elsewhere in the law of torts, to inquire by what type of conduct—intentional, negligent or unavoidable—the harm has been occasioned. The mere tagging of a problem with the label of nuisance does not provide an easy shortcut to the allocation of responsibility.

My point is that the definition of 'nuisance' in the Act is not broad enough. The member for Light mentioned the problem of dogs creating nuisance and being threatening. At the weekend I was told of an instance in which a dog creates a nuisance by running at fences, although it does not necessarily bark. It acts in a way that is not defined within the Act or this amending Bill. In my opinion the definition is too restrictive.

I refer members to Fleming's definition, which is more extensive than I read to the Committee. The definition of 'nuisance' should be expanded so that people can go about their normal way of life without threat from dogs. Under the original Act, reference is made to the owner of the premises. A dog does not need to be on the premises; it can be on a public road or on public land and create a nuisance. I ask the Minister to take on board that the definition of 'nuisance' is not broad enough even though the Act provides capital punishment, in effect, for a dog if it commits two offences within two years. However, the Act defines 'nuisance' to refer to the health of people or noise. It should go a little further. Anyone who has mown the front lawn after a stray dog has defecated on it knows how offensive that is and what a nuisance it proves to be. Dog owners should be reponsible and the definition of 'nuisance' should be expanded.

The Hon. G.F. KENEALLY: The honourable member's point is that the definition of 'nuisance' is not wide enough. The honourable member has been somewhat disingenuous. We knew that, if anyone were to bring Fleming's *Torts* to the attention of the Committee it would be the member for Semaphore, so I have been properly briefed, waiting for such a contribution. We will look at the breadth of the definition and the Minister will look at the honourable member's comments, although he may be surprised to hear that. If there is any reason to change the definition, it will be changed.

No doubt the honourable member is familiar with regulation 51 (2) of the Dog Control Act, which states:

Except as expressly provided by this Act, this Act does not affect any civil remedy under any other Act or law.

Some of the concerns expressed by the honourable member are covered by that regulation. More particularly, one of the reasons why the definition is not as wide as the honourable member suggests it could be is that most if not all of the offences that he has listed are covered in other parts of the Act. The honourable member has made an impassioned plea and, because of the nature of the Parliament, the Government and the Minister, we will consider carefully the points that he has raised and, if the Minister believes that any amendments to the Bill or the Act should ensue, she will take action. In any event, I thank the honourable member for the entertainment value of his contribution, even if I am not fully in agreement with its content.

Mr PETERSON: I am pleased that I have been entertaining and fruitful in this debate. It is always a pleasure to participate and to be helpful to Ministers here. The Minister said in his response that the removal of dog faeces was not covered under 'public place'. For instance, it might be a dog down the street and one would not know whose dog it is. How does this apply to private property, if a dog comes on to private property, or if a dog is menacing on one's property and no-one else's? It seems to me that the occupier of a property is entitled to quiet possession of one's own premises—which I believe is the definition. What is the situation in relation to a dog coming onto one's premises, perhaps in a threatening manner or polluting one's property? What are the rights there?

The Hon. G.F. KENEALLY: That is probably the most pertinent point that the honourable member has made. Certainly, the Bill covers dogs that might offend in a public place. Whether the front lawn of a private place would come under that interpretation is doubtful. Certainly, an animal on one's front lawn is an animal that is wandering at large and it will be in breach of the Act. In those circum-

stances, the householder is able to contact the council and an authorised dog officer should come and take control of the dog. As to the honourable member's question about whether or not they would come and take control of the faeces, I am not sure. However, I will refer this matter to my colleague the Minister of Local Government, and in due course she will be able to provide the honourable member with the legal and practical interpretations of the point that he has raised.

Mr PETERSON: The Minister's saying that one can contact the dog catcher is, of course, the classic answer. However, I draw the Minister's attention to the fact that it is very hard, especially after hours, and in many instances during office hours, to make this contact. We put the responsibility for application of the Dog Control Act provisions in the hands of local government, but it is very difficult for local government to provide the required service seven days a week, 24 hours a day. I believe that a major problem in the application of the Dog Control Act is that we cannot get an overall service. In many council areas the service is minimal, and it is not adequate at all. It is a really haphazard system.

The Hon. G.F. KENEALLY: Once again the honourable member has raised a valid point. One of the reasons why the Government has been required to strengthen the penalties is that the community—and this includes councils—needs to understand that in the Government's view these offences are very serious indeed. There will be a period of education and encouragement of local government to strictly enforce the provisions of this legislation. Certainly, the Department of Local Government will take every opportunity to advise the community, particularly the dog owning community, of the contents of this legislation. Some councils do provide the capacity seven days a week to assist ratepayers who are having problems with dogs. Other councils, I suspect, do not enforce the Act or the regulations so strenuously, and that could cause a problem.

It is the Government's view that, with the penalties that are involved and with the consultation and encouragement that will accompany these amendments to the Act, the local government instrumentalities that are not already doing so will be more likely to provide the necessary level of service although I cannot give an undertaking to the Committee that all local governments will do that. One would hope that all local government bodies will see that as being their role and that they will enforce these provisions, agreed to unanimously by the members of Parliament in South Australia who have the responsibility for writing legislation and setting the law.

Clause passed.

Clauses 17 to 23 passed.

Clause 24—'Expiation of offences.'

Mr M.J. EVANS: I move:

Page 8, line 34—Leave out '21' and insert '60'.

The effect of this amendment is to bring the expiation notice issued under this Act into line with the majority of expiation offence notices issued under the Acts of this Parliament. Because legislation involving local government offences generally, and I would include the Dog Control Act in this category, was enacted some time before expiation of offences became as broadly popular with the legislature as it would appear to be now, the days and periods fixed under those provisions are not consistent with those adopted in more recent times. Of course, quite clearly the standard 60 days has become a more universally recognised time span in recent times. The Government, of course, is progressively recognising the importance of standardising expiation notice clauses. For example, the Minister of Lands has recently agreed to look at this matter in relation to the pastoral legislation, which is presently before another place. I know that the Government is looking seriously at this area. I urge this amendment on the Committee to ensure that the public is not confused by differing provisions and that the Parliament moves to a more standardised situation in relation to expiation notices.

The Hon. G.F. KENEALLY: It is proper for the member for Elizabeth to draw this matter to the attention of the Committee, and the Government will accept the amendment.

Amendment carried; clause as amended passed.

Clause 25 passed.

Schedule.

The Hon. B.C. EASTICK: I move:

Page 14—Leave out the items relating to section 44 (2).

The purpose of the amendment is to delete the material which has been taken from the schedule and inserted into clause 14, as a result of Government approval.

Amendment carried.

The Hon. G.F. KENEALLY: I move:

Page 16—After the item relating to section 54 (1) *(b)* insert:
Section 54 (1) Strike out 'Two hundred dollars' and substitute 'Division 10 fine'.

This is a drafting amendment. It is to bring the wording of the Act into line with present policy in relation to the fine interpretation provision.

Amendment carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 16 March. Page 2517.)

Mr INGERSON (Bragg): The Liberal Party supports in principle the changes being made in this area. We recognise that the incidence of driving accidents involving people aged between 16 and 25 years is a serious problem with which the community needs to come to grips, and we support extending the overall principle of L and P plates. Having said that, we believe that the actual breakdown in time for L and P plates should be varied, and I will come back to that towards the end of my contribution.

We believe that the three year concept for L and P plates is excellent. If the L plate is to be effective and used by people in the community for a reasonable period, its term should be shortened. In discussions on this matter we spent much time with the Royal Automobile Association, which recently wrote to me and requested that I read part of its letter into *Hansard*, as follows:

I have set out below the association's opposition to the proposed increase in the minimum probationary licence age, based on the lower accident involvement of 16-year-old drivers compared with other young drivers.

In submissions to the Minister of Transport and the Road Safety Division, the association has pointed out that in absolute terms 16-year-old drivers do not constitute a major part of the accident problem involving young drivers. This assertion was based on the latest figures available at the time (1986 Road Safety Division statistics) which indicated that in 1986, 17 and 18-year-olds were each involved in approximately twice as many accidents as 16-year-olds. Further, the figures showed that 16-year-olds were involved in only 6.6 per cent of total accidents for the 16-24-year-old age group.

I seek leave to have a table inserted in *Hansard* without my reading it.

The DEPUTY SPEAKER: Can you give the usual assurance that it is purely of a statistical nature?

Mr INGERSON: Yes, Sir.

Leave granted.

ACCIDENTS INVOLVING DRIVERS AGED 16-24 YEARS

Driver Age	Accidents		Accidents as Percentage of 16-24 age group	
	1986	1987	1986	1987
16	1 329	1 123	6.6	6.0
17	2 357	2 170	11.7	11.6
18	2 735	2 615	13.6	14.0
19	2 555	2 473	12.7	13.3
20	2 538	2 299	12.6	12.3
21	2 392	2 181	11.9	11.7
22	2 183	2 028	10.9	10.9
23	2 119	2 009	10.5	10.8
24	1 896	1 769	9.4	9.5
Total 16-24	20 104	18 667		

Road accidents in South Australia in 1986 and 1987 prepared by the Road Safety Division of the Department of Transport, South Australia.

Mr INGERSON: The table illustrates the position of 16-year-old drivers who, compared to drivers aged between 17 and 23 years, are involved in half the number of accidents, and that supports the argument that we hope to put in support of an amendment later. The letter continues:

Since this time, statistics for 1987 have become available. The conclusions drawn for 1986 have been maintained, as the table shows.

Our statistical debate also centred the Road Safety Division's 'Report on Graduated Driver Licensing and Other Road Accident Countermeasures Focusing on Young Drivers'. The report indicates, in the discussion and table 2 . . . that 16-year-old drivers in South Australia are, based on distance travelled, three times more likely to be involved in an accident than 17-year-olds.

Part of the data used by the division for this calculation was included in the 1982 ABS Survey of Motor Vehicle Usage. However, when the association used the same data from the most recent ABS survey at the time (year ended 30 September 1985) an entirely different result was obtained. In particular, the accident rate for 16-year-old drivers in South Australia was seen to be approximately half that of 17-year-olds, again based on distance travelled. We then submitted to the Minister of Transport that, in view of the wide disparity between the data sets, and the high statistical standard errors in the ABS figures, at the very least the data should not be used as the basis for changing the minimum probationary licence age. The Minister subsequently acknowledged that the ABS data used by the Road Safety Division was an unreliable indicator of relative accident risk among 16 and 17-year-old drivers.

The reason for referring to the letter is obvious: the RAA and the Liberal Party suspect, as statistics clearly show, that people under 17 years of age have a low accident rate compared to people aged 17 years and upwards. I received another letter from the Institute of Professional Drivers. The institute talks principally about the same matter, as follows:

The Institute of Professional Driving Instructors is concerned that the graduated drivers licence proposals appear to be designed to achieve only one objective, which is to discourage young people from obtaining a driver's licence. From a road safety viewpoint, this approach seems to reveal a relunctance by those in authority to tackle the real problem of educating drivers in a formal controlled manner. It is not the drivers who are at fault but the system which fails to appreciate that there is a responsibility on the authorities to provide positive and objective initiatives in an attempt to reduce the road toll. The negative approach advocated in the Report on Graduated Driver Licensing . . . offers no remedial or educational initiatives and will adversely affect families in general and our industry in particular.

The institute goes on to talk about the increase in road accidents involving the 17 to 18 year age group. The letter continues:

The recommendation to raise the licence age to 17 is based on the principle that age alone is a predictor of accident involvement when, in fact, it is the number of years of driving experience which is the greater predictor of accident involvement. Many licensing authorities in the United States of America and New Zealand have novice drivers gaining on-road experience under minimum risk conditions at the age of 15. Licensing at age 16 would seem to correspond more logically with education and training programs at school. The time gap between theoretical learning and practical experience should be kept to an absolute minimum . . . It is clearly demonstrated that the downward trend commences not at a predetermined age but at a predetermined number of years of driving experience.

In conclusion, the institute states:

Age alone is not the dominant factor in road crash involvement and the raising of the licensing age to 17 will not reduce the death rate of drivers in the 16 to 20 age groups. We strongly feel the proper training of all drivers is of the utmost importance, instilling a sense of responsibility and a proper attitude into the driver, if we are going to look seriously at reducing the road toll in the years ahead.

The RAA has a significant involvement in road safety programs in our State, and it is obviously concerned that young people are trained to avoid accidents. As it pointed out in its letter, it is concerned about this change from 16 to 17-year-old drivers.

The Professional Drivers Institute, comprising the people who teach our children to drive, advances almost the same argument. Its members have found from practical experience that young drivers, especially those aged 16 and 17 years, are far more capable and drive better (if the word 'better' can be used) than those in the 18-20 years group.

The United Farmers and Stockowners organisation has requested that its point of view be put, as follows:

Dear Mr Keneally,

I am responding to your recent announcement proposing to change the conditions related to L and P plate drivers. As we have pointed out in earlier submissions, we believe the move to effectively restrict young people from driving on their own until they are 17 will seriously disadvantage people in country areas. As you would be aware, particularly in some areas of the State, country people increasingly face more and more disadvantages and this move will exacerbate that situation. We are particularly concerned about those young people who are required to drive themselves to school, further education or employment.

While we can understand your concerns to reduce the accident statistics in this State, we ask you to give serious consideration to some form of permit system so that young country people can be independent in terms of education and employment. We are aware of some precedents for this type of system in the United States. Obviously, in considering this, you will take account of the fact that while metropolitan based young people can utilise public transport, no similar options are available for their country cousins. While young people are tending to stay at school longer, even to the age of 17, declining rural community services, such as school buses being withdrawn, make it necessary, in some cases, for students to drive themselves. I think it is also necessary to keep in mind that, in the main, South Australian school students are younger (I believe by 10 months on average than their counterparts in other States).

While Governments are now recognising the need to improve the education and skill levels of rural people, that often involves considerable travel . . .

Obviously, the UF&S is concerned about the change in age from 16 to 17 years at which a person can get a driving licence. One of my constituents has furnished me with what I believe to be an important comment on the age change, as follows:

As this Bill is aimed at effectively increasing the age from 16 to 17 years before a young person can be granted a licence to operate a motor vehicle in a solo position, I think it would be far more appropriate to have statistics of the accident involvement of this particular group of drivers. I am led to believe such statistics do not support the concept of this Bill. Denying the solo use of motor vehicles to the 16 to 17-year-old will create considerable hardship in some areas, particularly so in the country and outer metropolitan areas where there is no or inadequate public transport. Quite a high percentage of the age group are employed—how are they to get to and from their place of employment if they are unable to drive? Others attend secondary education institutions often out of normal working hours—how are their

travel requirements to be catered for if and when this Bill becomes law. P Drivers have been licensed at age 16 years in SA for at least the last 50 years and I understand that the death and injury rate for the 16 to 19 year age group compares quite favourably with other States where the age is 17 except Victoria where it is 18. Incidentally in New Zealand the age is 15 recognising the 'rural nature' of the county generally and the particular travel requirements of the school leavers.

As I said earlier, four major contributors are concerned about the change from 16 to 17 years; three of them are significant organisations with large memberships, two of them involving country people and the other two involving a significant number of metropolitan members. That is really an area of major concern: that we seem to have developed a Bill and a concept that are in fact out of step with reality. We have a significant number of young people in the 16 to 17 years age group who are good drivers and who will be penalised by this Bill. I believe that the Government should consider this area and recognise that these 16 and 17-year-olds are good drivers who deserve better treatment than they are getting in this Bill.

Opposition members support the overall package of three years, because it recognises that there are difficulties in young people growing up that come to the fore in the 16 to 19 years age group. We also recognise that at the age of 18 years young people may visit hotels and participate in that dreaded thing called alcohol—the thing that most of us enjoy in minor quantities and some of us in more than minor quantities. It is in that age group that the accident level suddenly takes off. The Opposition strongly supports the social point requiring the driver under 19 years of age to have a zero alcohol level while driving.

Another change is to increase the maximum probationary speed limit from 80 to 100 km/h. All road safety experience and research will show that, if all drivers can be kept in a stream effect, the accident level will be reduced considerably. If we pass this Bill, I hope that we shall be able to reduce considerably the number of road accidents involving young people in country areas. As the country is the only part of the State where the speed limit of 110 km/h applies, it is the only section of our roads where this new provision will take effect.

The Opposition supports the overall concept of the Bill. In Committee I will move an amendment that virtually specifies the duration of the L plate period to be three months, but only as a minimum. Opposition members believe that that would more closely affect community desires and that it also reflects closely what is happening in the community at present. The requirement that the L plate driver have a passenger could be adequately covered by a period of three months.

The Opposition has another concern about the period of 12 months for the L plate driver. If young people can get a motorcycle licence earlier than they can get a licence to drive a motor car, there could be a gradual shift from young people driving small motor cars to their driving motorcycles, and Opposition members believe that that would be a retrograde step. As there is no connection here between the two, I understand that the provision concerning the minimum age for riding a motorcycle will continue and that a young person will be able to pass an examination and then obtain a P plate licence. That is, in fact, different from the position where a person applies for a licence to drive a motor car.

Opposition members are concerned that the changes to which I have just referred may force many young people, especially those working in the country and in the outer metropolitan area, onto motorcycles. Although we are not opposed to any person having the right to ride a motorcycle, there is no doubt that the motorcycle accident rate is significantly higher than is the motor vehicle accident rate in respect of young people. In Committee, I shall move my amendment, but in principle the Opposition supports the Bill.

Mr S.J. BAKER (Mitcham): I join with my colleague the member for Bragg in generally supporting the Bill, although I have the same area of contention as that raised by my colleague. It is useful to reflect how road safety figures have changed over the past 20 years. If we extrapolate the trend that was apparent until the early 1970s, we will see that the number of fatalities on the road today per kilometre travelled would be about three times greater.

That point should be appreciated. Obviously, safety has improved over the years, but it still needs further improvement. From memory, Australia is currently about four times as accident prone (in relation to injury accidents) as the best driving country in the world. The best driving country in the world that I looked at was Sweden, and its injury rate per kilometre travelled was about one-quarter of ours.

The Bill is predicated on the basis that if we change the rules we will suddenly have more safety on the roads, fewer people will be killed and everyone will drive better. I question why this Bill was introduced. I have no reservations about the end of the probationary period being 19 years. Every member here is aware that currently when young drivers finish their probationary period it coincides with the attainment of the legal drinking age. That has been a problem for some time. I have mentioned it previously, and I believe that that matter needed to be addressed. It is quite properly addressed in this Bill. The fact is that we had to take the end of the probationary period past the legal drinking age.

As everyone is aware, a blood alcohol content has serious ramifications for probationary drivers. So, those people who wish to continue to hold a licence must be aware that alcohol in the blood could mean the loss of the licence. Youngsters in my area have brought to my attention cases where their loss of licence has meant a loss of livelihood, so it resulted in a very serious penalty. I am in favour of the probationary period ending at 19 years of age.

In 1984 I analysed the driving experiences of South Australians and came up with some very interesting observations. The Minister suggests that 40 per cent of injury accidents are attributable to 16 to 19-year-olds. When I compared that statistic with those in other States I found that it was exactly the same—not in relation to age but in relation to interpreting the first four years of driving. When I looked at overseas statistics there was the same result.

It was uncanny the way in which the first four years of driving was significant in relation to people's ability to either be involved in, or avoid, accidents. I do not care whether or not one goes to the best or worst driving country in the world, from the moment a young person obtains a licence the first four years are critical. That is what world statistics show.

The next question we must ask ourselves is: if we accept that fact (and remembering the changes we are making today), how can we alter that experience, given that many conditions are imposed on drivers throughout the world in their first few years of driving? Whilst I have said it is important to take the probationary limit past the drinking age of 18 years, I do not believe it is appropriate for a 16-year-old to be on a learner's permit for a full year. There are a number of reasons for that. As the member for Bragg rightly pointed out—and I did not have the statistics available at the time—16-year-olds have a better driving experience than 17 or 18-year-olds.

Mr Ingerson: It is 100 per cent better.

Mr S.J. BAKER: Indeed, it is 100 per cent better, as the member for Bragg just pointed out. There are some very sound and simple reasons for this, which I am sure the road safety people could attest to. First, for part of that period young drivers have a learner's permit and are therefore under severe restrictions. Secondly, they are still generally within the control of the family unit, and the guidance available is far greater than as one grows older when parental guidance is replaced by peer group pressure. I think that all road safety agencies would agree with that.

The only way to ensure that young people improve their driving experience is to make them stay at home for those four years, but obviously that is an impractical solution. For a 16-year-old to have a learner's permit for one year is a burden on those who must supervise their driving. At present I have a daughter who is learning to drive, and I can say quite candidly that either she or I would probably leave home if I had to supervise her driving for a whole year. It is impractical that someone can reach a point where they can adequately drive but are then not allowed to drive by themselves. That causes much frustration. The member for Bragg has already pointed out that in rural areas children are driving at 14 or 15 years of age. In fact, I have cousins who were driving on a farm at eight or nine years of age. We are applying conditions that are quite draconian and impractical.

We all know that people will have accidents. While young drivers might be able to do things technically correct, as my daughter proves time and time again, they lack anticipation and judgment of distance and speed. The only way they obtain that is by driving by themselves and experiencing those things. If anyone believes that by making a young person hold a learner's permit for a year it will improve those aspects they are wrong. It will only ensure family breakdowns, because no parent has the ability to continuously take their son or daughter on driving lessons after that young adult has reached a stage where he or she can drive quite adequately on a road.

As the road safety people point out, speed and alcohol are the killers. They are the two major ingredients of death and injury accidents. Of course, the most horrific accidents occur on country roads where there are wide open spaces. Whoever said that greater driving ability will result from 16-year-olds holding a learner's permit for one year has not assisted a young person to drive. It is not practical. It will result in youngsters breaking the law. They will want to go to the beach or church in the car. They have been given the chance to learn to drive but they are told that they cannot obtain a probationary licence until they are 17 years of age. If the Government wants to be fair dinkum, it could raise the age of obtaining a learner's permit to 17 years and then those young people can sit for their driving licence on their merits. Let us not muck up the system, households, parents and driving instructors with this ludicrous provision.

It serves no useful purpose whatsoever and all it will do is create antagonism and frustration. Surely the point of contention is, given the history and statistics that we now have available on road accidents, when is a person technically capable of handling a car? A person may be technically capable of handling a car at the age of 12, while others are technically incapable of ever handling a car in their lifetime. The critical point simply must be the test.

We have deemed that 16 years of age is the start of the driving process. Why do we then deem that 17 shall be the age at which people shall be capable of having a probationary licence? It lacks scrutiny. In fact, it goes against the statistics which have been collected over a period. It interests me how someone could come up with a proposition such as this. I cannot believe that people who are deemed to be capable of passing a test (and the testing is far more stringent these days) are not allowed to drive on the road alone. What probably started as a genuine concern about safety has developed into a proposition which I believe is, in practical terms, unworkable.

I commend to the House the amendment which will be discussed later. I believe that it is a competent and important amendment. We believe that a certain period—a minimum period—is appropriate for the learning experience. After that, if a driver is capable of passing the test, that shall be the determining point. I know that those responsible for taking youngsters for their driving tests at Mitcham always make a point of failing them the first time around just to give them a taste of the medicine. I cannot recall anyone telling me that they passed on their first attempt at Mitcham, even though some of them were probably very adequate drivers. There are some other well-known places where I know that students book into because the test is a little less stringent.

The general proposition that we should be addressing safety in young drivers is important. Let us not mess it up by some convoluted idea that by keeping kids on a learner's permit for one year will suddenly create a new driving elite or a group of people who suddenly have greater experience and professional skill on the road. I suggest that the Minister actually has a look at the incidence of accidents with our 21-year-olds and compare it to that in Victoria. He will find quite clearly that, on the roads, our 21-year-olds are about 30 per cent safer than Victorian 21-year-olds. It goes right back to that fundamental principle that we talked about originally: it is the length of driving experience which determines whether or not people can adequately handle themselves. I commend to the House the excellent contribution by the member for Bragg and ask members to consider the amendment that we will be placing before the Committee.

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

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

Motion carried.

The Hon. P.B. ARNOLD (Chaffey): I refer to the matter just raised by the member for Mitcham, being the requirement of a person turning 16 years of age and obtaining a learner's permit to continue with that learner's permit until attaining the age of 17 years. The member for Mitcham and the member for Bragg both referred to the fact that, if a 16-year old is competent and can pass the test, they ought to be able to go on to the provisional licence. One effect of this provision will be that those students who leave school at the age of 16 and take up the opportunity of an apprenticeship will be forced to obtain motorcycles, and that thought horrifies me.

I have raised this matter previously with the Minister. There will be children, particularly in the country where there is no public transport, at the age of 16 and able to obtain employment in another town, requiring a means of transport from their home to their place of employment. Quite obviously there is no way that they could have a licensed driver sitting beside them every morning and afternoon while they travel to and from work. The obvious answer is that the vast majority of these 16-year-olds will obtain motorcycles to transport them to their place of employment. It would be absolutely disastrous if young people were forced in that direction.

Motorcycles certainly have an enormously high accident rate compared with motor cars, and the Government and the Minister have acknowledged that fact. If the amendment proposed by the member for Bragg on behalf of the Opposition is successful, that will mean that a learner driver must have a licensed driver sitting next to him or her for only three months. So, instead of being forced in the direction of a motorcycle, they will be able to use a small car which, in my view, is many times safer than a motorcycle.

Mr Oswald interjecting:

The Hon. P.B. ARNOLD: The member for Morphett suggests that a licensed driver would be sitting next to the rider of a motorcycle. Quite obviously the type of motorcycles in the metropolitan area are quite different from the motorcycles we have out in the country, and that is absolute rubbish. In discussions with the Minister on other occasions, he has acknowledged that what I am saying is correct. A person can obtain a learner's permit for a motorcycle and within a few days have a provisional licence and therefore be able to travel to and from work on that motorcycle.

In relation to a motor car, at 16 years of age a learner driver would be required to have a licensed driver sitting alongside for 12 months. There is no way on earth that any person would be able to find someone who could travel with them to and from work for that period. I bring that issue to the attention of the Minister. Many people in the community are quite convinced that this is the outcome, and certainly many parents of teenage children are horrified at the thought of that occurring.

The Hon. JENNIFER CASHMORE (Coles): I am sure that I speak for every member of this Parliament when I say that each one of us would gladly adopt any measure which we believed would increase road safety, particularly for young people between the ages of 16 to 25 years. As the Minister has indicated, that is a vulnerable age group and one which has a tendency to a higher accident rate than any other.

However, simply because we all have that commitment does not mean that we necessarily endorse any action that is allegedly supposed to bring about a beneficial effect. My concern with this Bill is based on the aspect that has been referred to by my colleagues namely, the requirement for a learner's permit to be extended for one year, with the requirement that a licensed driver be in the company of the learner driver for a period of one year. The Liberal Party supports the other aspects of this Bill. However, that is one issue that we believe, on a practical basis, cannot and should not be supported.

The member for Bragg has pointed out that 16 to 17-year-olds have an accident rate that is half the rate of their counterparts in the other age groups when one looks at distances travelled. Therefore, we can assume that the 12 month period from the attainment of a licence at the age of 16 is likely, on a relative basis, to be the safest driving period between the ages of 16 and 25.

The members for Chaffey, Bragg and Mitcham have all highlighted the grave concern that my colleagues and I share about the likelihood of this provision encouraging learner drivers to opt for a motor cycle rather than a motor car during their early licensed years. We believe that this would be a retrograde step and one that could lead to even greater loss of life and disability.

I want to highlight one aspect of this proposal for a 12 month probationary period. This point has been referred to briefly by my colleagues in terms of the inconvenience it will cause to members of families in being required to accompany a learner driver. I would like to go one step further and say that I believe that the requirement for a licensed driver to accompany a learner driver for that 12 month period could actually be counterproductive in terms of safety. I believe that the tension that can build up with an adult supervising a newly licensed driver, particularly an adult who, in effect, is there under sufferance, on a regular basis for up to a year as a requirement of the law, can lead to a situation in a vehicle where the driver is under considerable tension and stress.

Tension and stress are far from ideal conditions for a driver of any age and experience, let alone a learner driver. There would hardly be a member in this House who has not accompanied a son or daughter and experienced that stress and tension that can result from the need to supervise a learner driver. To have that situation forced upon the learner driver on what might be a daily or weekly basis or, at least, a frequent basis for 12 months is, I believe, to impose an intolerable situation on a learner driver. It could well lead to an increase rather than a decrease in the number of accidents, loss of concentration, irritability and, indeed, poor driving practice.

If it was demonstrated that the proposal was feasible and sensible and had obvious benefits, the Opposition would support it. However, there is nothing in what the Minister said in his second reading explanation or in the evidence from the expert organisations that we have consulted that leads us to believe that there will be a beneficial effect. Perhaps it is obvious to state that there are very few young people, if any, who are in the least bit enthusiastic about this proposition. I have had strong representations from year 10 students at Rostrevor College—boys who have just attained or will soon attain their driving licences.

Mr Robertson interjecting:

The Hon. JENNIFER CASHMORE: I think that for the sake of the member for Bright I will not repeat his interjection, which was highly insulting and offensive to not only Rostrevor College students but any student of that age group. I am talking about young men whom I consider to be responsible, sensible, interested in public affairs and certainly interested in their participation as safe and responsible drivers. I have spoken at length with them as part of their legal studies course and during their visit to Parliament House. They have shown an intense interest in this legislation and they have put forward a number of arguments, which have largely been mirrored in the points made by my colleagues, as to why this proposal is not sensible and why it should not go ahead.

I want to put on the record the opinions of one group of young people who will be affected by the legislation unless the Minister sees reason and agrees to its amendment. I stress that I believe that these views represent the views of a vast number of young people in the age group who will be affected by this legislation. If the proposal had any chance of saving lives or improving the quality of life through preventing accidents and disability, the Liberal Party would be the first to support it. However, there is no evidence whatsoever that that will be the case and, on that basis, we oppose it.

Mr BLACKER (Flinders): I support the legislation in broad principle. I believe that any move aimed at reducing deaths on the road should be supported and applauded. However, I do not agree that this legislation will necessarily bring about the result that we in this House are hoping for; that is, to reduce the number of fatalities and the statistics that seem to be plaguing this nation and all nations in which motor vehicles are widely used. I do not disagree with the concept of tightening up in relation to a driver's

licence because I believe that a driver's licence should be a privilege and not a right.

Many people in society believe that everyone has the right to hold a driver's licence, but I believe that a driver's licence should not be handed out automatically or granted too easily. However, as a country member I have some problems with the requirement for a qualified driver to accompany a learner driver for a period of time. I question that requirement in the interests of those persons who must drive any distance in their gainful employment. I hope that the Minister might be able to find some way around that.

I know it has been suggested that granting an exemption is not an easy thing to do. However, courts were able to do that in relation to DUI. offences where, even though that person had lost his or her licence, a permit could be granted to allow them to drive to and from work. If such an arrangement could be arrived at for young persons who are required to have a motor vehicle to get to their place of employment and home—and that should be the full extent of that exemption—the Government would be doing itself and all those concerned a good turn.

My fear is that those persons, rather than using a motor vehicle will go to a motorcycle and I would much prefer to have a young person in a motor vehicle than on a motorcycle. The accident statistics indicate clearly that the risk on a motorcycle is considerably greater than it is in a motor vehicle. In the case of a farmer's son or daughter going to work, the vehicle they would use most often would be the farm ute. However, under this provision they would be obliged to use a motorcycle and every parent would be happier for their children to go to work in a motor vehicle rather than on a motorcycle.

Has the Government considered those people who have been overseas or temporarily incapacitated in an accident, and I cite my own experience where I could not drive a vehicle for 18 months after an accident and spent considerable time in the Royal Adelaide Hospital? To regain my licence at that stage, all I had to do was demonstrate that I could physically handle a vehicle. I did a test and the policeman was satisfied that I could handle all of the mechanical functions of the vehicle. I did not have to go through the psychological test of the learner and probationary period before gaining a full licence.

The Minister has quoted the statistics concerning road fatalities, but a greater number of people are injured in road accidents. Once people have recovered from their injuries and can handle a vehicle, they will be further penalised, through no fault of their own, if they have to go back through the probationary qualifying period. I hope that the Government will consider this further because it adds insult to injury for people who are injured through no fault of their own but who have to pay what they see as an additional penalty in this way. I do not make any excuses for people who are injured and cannot handle a vehicle properly but, if they can, the Minister should give consideration to their plight.

The legislation heads in the right direction. I trust that the Minister will consider a permit system or a system similar to that used in the courts when allowing drink driving offenders to be able to drive to work. I am not sure that the courts still use that provision, but it proved to be acceptable. If a young person looks like losing a job because of his or her inability to drive a vehicle alone, that person should be granted a permit to enable him or her to drive. People who leave the country for an overseas trip of 12 or 18 months may find on returning that, because their driver's licence has lapsed, they have to go through the system. Consideration should also be given to that situation. I support the Bill.

Mr MEIER (Goyder): On a previous occasion when the number of road fatalities increased drastically, the Government responded with a knee-jerk reaction in deciding to increase fines for various traffic offences. It is a great shame when a Government resorts to that sort of tactic in an endeavour to overcome a problem, because I do not believe that it can ever succeed. It may be successful for the ensuing few weeks or months but it is not successful in the long term. Although people were subject to transportation from England to Australia for wrongdoings, history certainly shows that it did not have any effect on the crime rate. In the same way increased fines do not have any effect on the road toll.

One of the reasons is that drivers are not sufficiently educated; they are not aware of the dangers of driving, and that problem must be addressed. Equally important is the total lack of concern shown by the Federal Government, in the first instance, and by the State Government about the state of our roads. I compliment the RAA and other motoring bodies for the excellent campaign that they have been waging, which is similar to that pursued by the Opposition for a number of years. I hope that their vigorous action will lead to a change of heart by the Government.

The Government has decided that 16-year-olds will have to be accompanied by a licensed driver for 12 months. Given the amount of discussion on this subject, it could be said that this provision has been coming for some time. The tragedy is that the Government seems to treat all people in this State equally. Whilst in many respects I do not disagree with that, in this particular instance people who live in the city have a great advantage over rural people because 16-year-olds in the city can commute by public transport or taxis. Such conveniences are not available in the country. I was very surprised at the number of constituents who approached me when this measure was first mooted by the Government. They were very concerned at the effect the provision will have on their sons and daughters. They want the proposal dropped.

Many farmers are worried about their sons and daughters, who invariably leave school at 16. If they cannot drive themselves to work, their parents will have to travel many miles with them to get them to work and to get them home from work at the end of the day. It will become a financial burden, let alone time consuming. In many cases it will mean that a young person will not be able to take up a position. I hope that the Minister will address this problem and provide an option for people in rural areas, providing exemptions for the full 12 months.

I do not consider it a problem that a licensed driver should travel with a learner for the first two or three months. That does not really extend the existing provision. If a permit is to be issued, the Minister or the issuing authority must be certain that the driver has reached an appropriate standard. In this respect, the obvious answer is for an education system and a series of tests. Whilst that training might be an imposition for young people, nevertheless it would help them for the rest of their life. I am sure that could be arranged in rural areas. At worst, young people might have to attend classes in the city. From speaking with them, I know that my constituents are happy for their sons and daughters to attend such a course as long as they can drive alone for the majority of their 16th year.

It has been mentioned before that in many cases young people will think that they can get away by having a motor bike. Parents might be pushed into allowing the young 16-

year-old to purchase a motor bike or to have a motor bike. On some of our country roads it is hard enough to keep a motor vehicle on the road at any speed, let alone a two-wheel vehicle such as a motor bike. That is really asking for even more problems than currently exist. The situation would be improved if these people were travelling on bitumen roads at all times, but they are not: in many instances they travel on atrocious roads.

I urge the Minister to give consideration to the differing conditions that exist in South Australia. I fully appreciate the fact that a State like Victoria has for many years had a higher licence age, but Victoria is a much smaller State and does not cover the area that South Australia does or experience the same conditions. The majority of its roads are much better than ours, at least from the point of view that they have some bitumen on them. Therefore, that presents a slightly better situation for motor bikes.

As to the matter of P plates, I think the member for Flinders, and others, mentioned in debate that consideration should be given in respect of P plates for people who have driven before, perhaps a person who might have been injured and then reissued with a licence. These types of things need to be taken into account rather than having a blanket provision. It seems to me that perhaps this legislation was drawn up somewhat hurriedly and that we will have to fix up certain things as time goes on. That is not the way it should be.

There are several positive things involved in this, and one that I would like to emphasise is that it is good to see that P plate drivers can drive at 100 km/h. I use the highways reasonably frequently, and there is nothing worse than having a great variety of speed limits. Since heavy transport vehicles have been able to travel at 100 km/h the movement of traffic has been a lot better. I often felt sorry for P plate drivers when they had to stick to the 80 km/h law. They held up traffic and caused many drivers great frustration. So, the increase in the speed limit for P plate drivers is a step in the right direction. I have made these remarks on behalf of many constituents, and I hope that the Minister will address the real problem that this Bill will cause country people if it is passed in its current form.

The Hon. G.F. KENEALLY (Minister of Transport): I thank the members who have participated in the debate for their support in general terms for the legislation. I note that an amendment will be moved and that all members of the Opposition who have spoken have indicated their support for that amendment. I shall make one or two comments now and, undoubtedly, we will canvass most of the ground again in Committee. The first comment I want to make is that the Government has given considerable consideration to this legislation. It is not a knee jerk response to accident data but the result of a very long and carefully researched program of road safety in South Australia.

The second point concerns comments made by members that young people are opposed to this legislation. I am not surprised at that. I might say that as Minister I have had young people express both opposition and support for the legislation. But, on balance, I would say that most 15 and 16-year-olds in South Australia who do not as yet have L plates are not in favour of our changing the law. However, this Parliament should not be influenced by that: the Parliament has the responsibility to legislate to protect young people. When these young people become more mature citizens in South Australia they will, in turn, exercise that responsibility for their children and other young members of the community.

So, I think that, whilst one must be conscious of young people's feelings in matters like this, nevertheless this Parliament should make the appropriate decisions. My experience is that in South Australia the parents of children who are in the age group of those who will be seeking to obtain a licence are, in the main, supportive of this legislation. In introducing the Bill, I said in my second reading explanation that it will cause some inconvenience to some young people, and, I suspect, to some parents in areas in South Australia where there is no public transport. I remind the House that I live in a country city and I grew up in a country town.

What surprises me is the absolute rejection by the Opposition of any concept of road safety in this measure. It is supported by the Road Safety Advisory Council, which includes representatives of the police, the Road Safety Division and the Road Accident Research Unit at Adelaide University. It is supported by local government representatives and College of Surgeons representatives on the Road Safety Advisory Council. There was unanimous support from the Road Safety Advisory Council. The measure was also supported by the Office of Road Safety in Canberra.

I point out to members—if they do not already know, and I suspect that they do but that they did not feel inclined to refer to it in debate—the ages at which young people are able to obtain their first P plate licence in other States in Australia. In New South Wales one has to be 17 years of age before one can obtain a P plate; in Victoria, it is 18 years of age; in Queensland, it is 17 years of age, but one has to be 17 years old before obtaining an L plate in Queensland, as is the case in Victoria; in Western Australia, young people have to be 17 years of age before obtaining a P plate; in Tasmania, it is 17 years of age; and in the ACT, it is 17 years of age. There are currently only two jurisdictions in Australia where young people can get a P plate earlier than the age of 17—one is South Australia and the other is the Northern Territory. So, road safety experts throughout Australia are quite unanimous (with the exception of those in the Northern Territory) about the need to introduce this provision to provide the greatest possible protection to young drivers and other road users.

The arguments about how people in the country areas will be adversely affected, with the requirement for a learner driver to be 17 years of age before that person can achieve P plate status, seem rather strange to me. I acknowledge that there might be some inconvenience. However, if it is okay in Western Australia, Tasmania, New South Wales, and Queensland—and in Victoria one has to be 18 years of age before one can get a P plate—I wonder what is so dramatically different about South Australia to make all members opposite feel that this is an imposition, that it has no road safety benefit at all, and that the Government is reacting to events which, in the view of members opposite, do not exist.

All the other States in Australia have already taken this action. With the exception of the Northern Territory, we are the last jurisdiction in Australia to act responsibly in this way. In Victoria and Queensland, a person has to be 17 years of age before they can get an L plate. The conditions that apply to L plates in other jurisdictions are exactly the same as those that apply in relation to an L plate here. With this legislation, the South Australian Government is bringing the provisions into line with those in the other States of Australia—based on road safety criteria. I am prepared to accept that there is nothing magic in uniformity, except that uniformity is very convenient. In a place like Australia it is better to have uniform road laws than a mix of road laws. However, in terms of road safety, uniformity is not necessarily magic, except that all the authorities agree

that 17 years is an appropriate age for a learner driver to first achieve the status of a P plate holder.

It was the member for Bragg, the shadow spokesman for transport who pointed out that the data used by the Road Safety Division, or the Government in its discussion paper, was incorrect. We do not dispute that there is some question about the data provided to us and used as the basis of that work. The RAA put out another set of data which is no more correct than the data provided by the Government. However, the Road Safety Division has subsequently, because of the lack of appropriate and accurate data in South Australia, done its own research on the involvement of young people in accidents in terms of kilometres travelled.

The data shows that at age 16 the rate of involvement in accidents per million kilometres travelled is 59; at age 17 it is 28; at 18 it is 26; and at age 19 it is 18. It is absolutely clear that 16-year-old drivers are involved in twice the rate of accidents per million kilometres travelled than are 17-year-olds. Members opposite have said, 'Give us evidence that these young people are more likely to be involved in accidents than 17 or 18-year-old drivers. If you give us the evidence, we'll support it.' They say they are above all else committed to road safety, particularly for young people. I accept that. I believe that they are honourable people and that the challenge thrown out to the Government will be honoured by members opposite now that they have the latest data and information about accidents involving young people. The best available details involving accidents per million kilometres travelled are as follows:

Age	Number of drivers involved	Millions of kilometres travelled	Accident involvement rate
16	1 123	19	59
17	2 170	77	28
18	2 615	101	26
19	2 473	134	18

It is clear that the statistics justify and support the Government's action. Justifiably, members expressed concern that by introducing this graduated driver's licence it will encourage some young drivers, because they cannot achieve a P plate until they are 17, to move to motor cycles. My first response is that this Government has made the achievement of a motor cycle licence more difficult because training programs are now compulsory.

In any event, the requirement to be 17 before one can get a P plate will apply to motor cycles as well as motor vehicles. There is no evidence of which I am aware in any other State that because one has to be 17 to get a P plate has caused a movement away from motor vehicles to motor cycles. No evidence available to me suggests that that is an inevitable movement. When the matter was mentioned to me by some members I accepted that that needed to be looked at. On the face of it it seemed a valid argument, but I have checked it out and there is no evidence to suggest that that will be the case.

As I pointed out earlier, there is now a strong training program for young people seeking to move to motor cycles. In fact, there is a considerable reduction in the number of young people under the age of 17 seeking motor cycle licences. That has occurred.

Members interjecting:

The Hon. G.F. KENEALLY: If members want to take up this matter, they will be able to do so in Committee, and I will complete my remarks now. The simple fact of life is that this Bill has been introduced because the evidence is there to show that young people are more likely to be involved in accidents than old people, that accidents are more related to age than to skill.

An honourable member interjecting:

The Hon. G.F. KENEALLY: The honourable member claims that he is not arguing that. I have just given to the House statistics showing clearly that, in a fair comparison between drivers aged 16, 17, 18 and 19 years, 16-year-old drivers are more involved in road accidents than others. In fact, they are involved to twice the extent of 17-year-olds; more than twice the extent of 18-year-olds; and more than three times the extent of 19-year-olds. If those statistics do not worry members opposite, then I am afraid that nothing can be said that will do so. I thank members for their support of the second reading, and I look forward to their support for the next stage of the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Duty to hold licence or learner's permit.'

Mr INGERSON: Can the Minister advise what is the difference between the $200 and the Division 8 fine?

The Hon. G.F. KENEALLY: I can provide that information later for the honourable member.

Clause passed.

Clause 4—'Graduated licences.'

Mr INGERSON: I move:

Page 1, line 22—Leave out '17' and insert '16'.

We have just listened to the old story of statistics, lies and damned lies.

The Hon. G.F. KENEALLY: Mr Acting Chairman, I rise on a point of order. I just draw to the attention of the Committee—

Members interjecting:

The ACTING CHAIRMAN (Mr Duigan): Order! A point of order has been taken.

The Hon. G.F. KENEALLY: The honourable member just said that he listened to 'statistics, lies and damned lies'. If he is not referring to my contribution in the second reading debate, he can make that clear now. If he is, then I ask him for a withdrawal, because that is totally unparliamentary language.

Members interjecting:

The ACTING CHAIRMAN: Order! The honourable Minister has asked that, if the honourable member for Bragg's remarks referred to him, the honourable member withdraw those words. If the honourable member was referring to the general debate, I simply ask him to be mindful of the previous procedures of the House and to be careful as to the way he is commenting on the issue before us.

Mr INGERSON: I was discussing directly the comments made by the Minister and I withdraw my statement.

The ACTING CHAIRMAN: The member for Mitcham has a point of order.

Mr S.J. BAKER: Purely on the grounds that certain remarks are unparliamentary.

The Hon. G.F. KENEALLY: Mr Acting Chairman, I took a point of order. The member for Bragg has now told the Committee that he was referring directly to my comment when he referred to statistics, lies, and damned lies, and I want an unconditional withdrawal.

The ACTING CHAIRMAN: Has the honourable member for Bragg withdrawn his remarks?

Mr INGERSON: Yes.

The ACTING CHAIRMAN: The honourable member has withdrawn his remarks. Has the honourable member for Mitcham a point of order?

Mr S.J. BAKER: Not any more, Sir.

The ACTING CHAIRMAN: The honourable member for Bragg.

Mr INGERSON: I will produce some statistics showing that some of the statements made by the Minister can be questioned: that is probably a better way to put it. The purpose of my amendment is that the total package should be available in the graduated licence area. The Opposition is not arguing with the Government about the totality of the package. We say that the workings within the package could and should be varied on the evidence and comments made by professional drivers, professional associations, and many other people in the community.

We merely say that commonsense should prevail. In our speeches on second reading we have said that we support the need for an extended graduated licence period. Beyond any doubt, we believe that all the arguments for extending the three-year period should be supported. We strongly support arguments for the zero blood alcohol level, maximum speed limits and speed requirements. We have said that commonsense should prevail during this initial period when young persons driving on a learner's permit are required to have a passenger.

The statistics to which I refer were produced by the Road Safety Division of the Department of Transport, so there is no question as to their authority and I assume that they are available to the Minister. Those statistics show the accident rates for drivers in each of the yearly age groups between 16 and 24. In 1986, drivers aged 16 years were involved in 1 329 accidents, whereas drivers aged 17 years were involved in 2 357 accidents. I do not have to be very smart to know that the second figure is almost 50 per cent more than the first. Again, in 1986, drivers aged 18 years were involved in 2 735 accidents—a figure far exceeding the 1 329 accidents in which drivers aged 16 were involved.

Those figures clearly show that the 16-year-old drivers had fewer accidents in 1986 than the 17 and 18-year-old drivers. That is all that we are saying in terms of the number of accidents. Of all yearly age groups between 16 and 24, the 16-year-old drivers have the fewest accidents.

In 1987, 16-year-old drivers were involved in 1 123 accidents—about 200 fewer than the previous year. Drivers aged 17 years were involved in 2 170 accidents and those aged 18 years in 2 615 accidents. So, there is no doubt that the 16-year-olds have fewer accidents than do the 17 and 18-year-olds. As a percentage of the total number of accidents in which drivers between the ages of 16 and 24 years were involved in 1986, 17-year-old drivers were involved in 11.7 per cent, 18-year-old drivers in 13.6 per cent, and 16-year-old drivers in only 6.6 per cent.

In 1987, as a percentage of the total number of accidents involving drivers between the ages of 16 and 24 years, 17-year-old drivers were involved in 11.6 per cent, 18-year-old drivers in 14 per cent, and 16-year-old drivers in only 6 per cent. The 14 per cent of accidents involving 18-year-old drivers was the highest percentage of any age group between 16 and 24 years in 1987. Although the figures since 1987 are not yet available, I suspect that they would reflect the same result as I have shown in 1986 and 1987.

One can take any group of statistics to tell any story. I am telling the story of accidents, and those figures are clear in that respect. The Minister has selected statistics that support his case, but the figures I have quoted show that in terms of the number of accidents the 16-year-old drivers are less involved than young people in other age groups. The professional driving instructors are telling us that they have known that for some time. Indeed, talk to anyone in the community and one will be told that the person driving in the first 12 months is the best driver on our roads and that the longer people drive the more they become complacent and fall into the traps into which I and all other members of Parliament have fallen. I ask members to support my amendment.

The ACTING CHAIRMAN: I take it that the honourable member is moving the first part of his amendment to clause 4.

Mr INGERSON: I apologise Mr Chairman. I move:

Page 1, line 22—leave out '17' and insert '16'.

The Hon. G.F. KENEALLY: The Government does not support the amendment and I ask the Committee to vote against it. The member for Bragg has challenged my statistics, but those statistics are the criteria used by all road safety authorities in Australia and elsewhere—accidents per kilometre travelled.

Mr S.J. Baker: Give us the information.

The Hon. G.F. KENEALLY: If the honourable member had been interested in this debate, he would have been in this place earlier when I read out those statistics for the benefit of members. Now he comes into the Chamber with his smarmy ways saying, 'Give us the information.' Either he is interested or he is not. If he is interested, he will be in here and participate in the debate. If he is not, he will wander in and out and try to take these little political points as he sees fit. The second of those propositions is correct as far as the honourable member is concerned on this occasion and on every other occasion when he has entered into a debate in this place. The picture is clear from the latest statistics available to us. The member for Bragg has referred to some of those statistics but has failed to make the appropriate comparison. I shall read them out again.

In South Australia, for 16-year-olds, the number involved was 1 123, with 19 million kilometres travelled per year at a rate of involvement per million kilometres travelled of 59 per cent. For 17-year-olds, the number involved was 2 170, with 77 million kilometres travelled per year at a rate of involvement per million kilometres travelled of 28 per cent—half the rate for 16-year-olds. For 18-year-olds, the number involved was 2 615, with 101 million kilometres travelled per year at a rate of involvement per million kilometres travelled of 26 per cent (so it reduces again). For 19-year-olds, the number involved was 2 473, with 134 million kilometres travelled per year at a rate of involvement per million kilometres travelled of 18 per cent—one-third the rate of 16-year-olds.

That is the criteria we should use. It shows that for any distance travelled a 16-year-old is twice as likely to be involved in an accident than a 17-year-old, and three times more likely to be involved in an accident than a 19-year-old. They are the statistics. We do not need these absolute numbers. The absolute numbers must be related to the number of kilometres that have been travelled by particular age groups, and it is quite clear—

Mr Ingerson interjecting:

The Hon. G.F. KENEALLY: I know the member for Bragg is intelligent, no matter how hard he tries to convince us on this particular argument that he is not. He knows that the statistics are quite correct and that 16-year-olds are twice as likely to be involved in an accident over the same distance travelled as 17-year-olds, and three times more likely as 19-year-olds to be involved in an accident over the same distance travelled. They are the statistics that Parliament should be concerned about. If members are not concerned about them, they are turning their face against the real dangers that confront our young drivers in South Australia.

I will again take this opportunity (because some members who were not previously in the Chamber now are) to read statistical data that relates to the age that one is able to receive a learner's permit and when one is able to obtain a

first licence (that is, a P plate) in all the States and Territories of Australia. At present, in South Australia one is able to obtain L and P plates at the age of 16 years. In New South Wales one is able to obtain an L plate at 16 years and a P plate at 17 years. In Victoria one is able to obtain an L plate at 17 years and a P plate at 18 years. In Queensland one is able to obtain L and P plates at 17 years. In Western Australia one is able to obtain an L plate at 16 years and 9 months and a P plate at 17 years. In Tasmania one is able to obtain an L plate at 16 years and a P plate at 17 years. In the ACT one is able to obtain an L plate at 16 years and 9 months and a P plate at 17 years. In the Northern Territory one is able to obtain L and P plates at 16 years.

In two jurisdictions in Australia—South Australia and the Northern Territory—one can obtain an L plate and a P plate at 16 years. Members opposite argue that they are solely the holders of road safety standards in relation to learner drivers and P plate drivers. Will members opposite tell me that the conservative Parties in Queensland, New South Wales and Tasmania are wrong with respect to their L and P plate legislation?

I am telling this Parliament, and through Parliament the people of South Australia, that we are bringing our road safety laws—the age at which one is able to obtain L and P plates—into line with what applies in all other States and Territories of Australia, except the Northern Territory. When we move, as I hope this Parliament will decide to do, to 16 and 17 years for L and P plates, the only jurisdiction in Australia that will not have that standard will be the Northern Territory. Yet, members opposite are trying to suggest that we are doing something radical and new here. We are not. We are giving the young people of South Australia the same protection that every other State in Australia has already provided to their young people.

The Government is committed to ensuring that young South Australians are protected. If the Opposition is not convinced that it should go along with that, that is a debate it will need to continue. I have already conceded that this will cause some inconvenience to some people in the community, largely those in the country.

The Hon. P.B. Arnold interjecting:

The Hon. G.F. KENEALLY: The member for Chaffey should look at what occurs in New South Wales and Victoria. The difficulties that people in South Australia will face are no different from what people face in other States. But, those States have made the judgment that road safety and the protection of young drivers is the most important criteria that the legislature should concern itself with. That is what other State legislatures in Australia have decided to do, including legislatures of the political persuasion to which the honourable member belongs. That is what this Government is attempting to do. Frankly, I am surprised that, in light of the information that is provided, members opposite still hold that point of view.

The Hon. P.B. Arnold interjecting:

The Hon. G.F. KENEALLY: I have had the absolute and utmost support of parents on this measure.

The Hon. P.B. Arnold interjecting:

The Hon. G.F. KENEALLY: It may not be different in some groups in the honourable member's electorate. I get out amongst the community. The honourable member is kidding himself if he thinks that a member of Parliament, who has a particular electorate constituency responsibility, is more likely to be canvassed on this subject than the Minister who introduced the Bill, who widely canvassed the discussion paper and who has the responsibility to bring it into Parliament. I say to the honourable member, with all respect, that I have had contact with people all over South Australia from all electorates, including the honourable member's, and the overwhelming majority of parents support what the Government is trying to do. There are groups of people and their representatives who have opposed what we are trying to do.

The Hon. P.B. Arnold interjecting:

The Hon. G.F. KENEALLY: The parents of 15 and 16-year-olds overwhelmingly support what the Government is doing, and I ask that this Committee do the same.

Mr S.J. BAKER: When I did my fairly thorough study in 1984 there was some problem with statistics on kilometres travelled. Will the Minister tell me how the kilometres travelled was measured, because the ABS has always said that the standard error is too large to enable one to define the kilometres travelled by particular age groups, and I presume that that is still the case? Secondly, are we talking about accident reports or injury accidents? I based my study on fatalities and accidents which resulted in injury. I think that every member of this Committee is aware that youngsters have a few dings, particularly when they are learning to drive. My study found that the opposite numbers came out for 16-year-olds. I tried to extrapolate kilometres travelled for young drivers, but could not obtain the figures.

The Hon. G.F. KENEALLY: The criteria used was recommended to the Road Safety Division by the Australian Bureau of Statistics, that is, to take random samples and follow up with individual drivers of 16, 17, 18 and 19 years of age to work out how many kilometres they travelled. This was extrapolated over 12 months to come up with the statistical data. This formula was recommended and approved by the Federal Bureau of Statistics.

What the member for Mitcham has said is basically correct in terms of accidents causing injury. Those statistics are greater particularly in the 17 to 19 years age group. It occurs for a number of reasons, especially with respect to the length and type of travel that they are involved in. One does not deny that. In terms of accidents, 16-year-olds are still involved in twice the number of accidents compared with 17-year-olds. I do not have the statistics at hand to distinguish between accidents and accidents in which there is an injury or fatality. We do have accident data with respect to fatalities. What I am using and what is relevant is the number of accidents that 16-year-olds are involved in. I make the point that members opposite are suggesting that somehow or other young South Australian drivers are a discreet group from the rest of young drivers throughout Australia.

All of the road safety advice available to the various State Governments and the Federal Government recommends that people need to be 17 years of age before they can obtain a provisional licence. We are the last State in Australia to adopt the recommendations of road safety authorities, apart from the Northern Territory, which, quite frankly, has its own rules in terms of road safety. In fact it has the worst road safety record in Australia, although its accidents occur amongst a smaller number of drivers so it is not fair to compare them with New South Wales (and when you get small gross figures the statistical variations can be quite severe). If the Government was to be condemned for anything, I would have thought that it should be condemned for being the last one to move in this direction.

Mr S.J. BAKER: I thank the Minister for his response. Once the heat has gone out of the argument, we are all interested in one thing, that is, saving lives and trying to understand why lives are lost and why we have serious injuries. The Minister got heated because I became a little heated about the statistics. I was very sure in my own mind

that the injury proneness of drivers actually escalates per kilometre travelled when kids get a bit older and a bit bloody smarter and travel faster with a bit more alcohol in their blood.

My contention was—and it is still valid—that the dings that kids have at 16 are less likely to lead to an accident causing injury. The difficulty I had at the time was actually getting some statistics. I do not know what size sample the Minister would be operating on. I used to sample populations to obtain information, but I guess he would have to be dealing with at least 800 in each of those groups and would need a journal filled out by the drivers concerned to do that. I doubt whether that has actually happened to get that result. On the basis that I have a fair understanding of the relativities, and that they are not as far out as perhaps was first suggested, I accept his statistics.

My interest is really in the fact that when youngsters drive they do have an accident experience. I will not tell the Committee how many accidents I had when I was a young driver, but I was in an era when the accident rate was probably four times greater, in real terms, per kilometre travelled, than it is today. We have made some extraordinary leaps forward in terms of road safety, even though we still have a long way to go, as the Minister would recognise. However, we are still better off than Italy or France. We are about equal to the United States in terms of accident experience.

I do not know what the situation is in New Zealand with the 15-year-old driving age. Each country has a different age specification. The Minister might be able to tell us how our accident rate compares with the rest of Australia and whether overall South Australia is far worse. The last time I looked at the comparison, Victoria was better than most States, but then I saw that its statistics had a bit of an aberration. I really do not know where we lie now on the scale.

The Hon. G.F. Keneally: We are second lowest to Western Australia.

Mr S.J. BAKER: That is excellent. It may well be that our 16-year-old driving age and the way we have done it a little better has caused that improvement. We may see a move the other way because of this measure. That might be a long bow as far as the Minister is concerned—

The Hon. G.F. Keneally interjecting:

Mr S.J. BAKER: Sure, but when I was studying it, Victoria was well in front of us. I compliment the Government on the measures taken in South Australia. I believe that our road safety record is really improving despite what I believe are underlying pressures on some of our youngsters to speed and drink and drive. Some compliments should be given to the Government. I am purely concerned with the way in which the 16 to 17-year-old situation will be managed. It has some difficulties and I do not believe it will achieve the result that we need. We can probably meet in the middle with respect to the statistics.

Mr INGERSON: I would like to put some heat back into the debate. When I read the RAA statistics in my second reading contribution, they included a statement which the Minister ought to listen to and comment on. The letter from Mr Fotheringham states:

> Our statistical debate also centred the Road Safety Division's 'Report on Graduated Driver Licensing and Other Road Accident Countermeasures Focusing on Young Drivers'. The report indicates, in the discussion and table 2 in section 5.2, that 16 year-old drivers in South Australia are, based on distance travelled, three times more likely to be involved in an accident than 17 year-olds.
>
> Part of the data used by the division for this calculation was included in the 1982 ABS Survey of Motor Vehicle Usage. However, when the Association used the same data from the most recent ABS survey at the time (year ended 30 September 1985) an entirely different result was obtained. In particular, the accident rate for 16 year-old drivers in South Australia was seen to be approximately half that of 17 year-olds, again based on distance travelled.
>
> We then submitted to the Minister of Transport that in view of the wide disparity between the data sets, and the high statistical 'standard errors' in the ABS figures, at the very least the data should not be used as the basis for changing the minimum probationary licence age.

This is the most important statement:

> The Minister subsequently acknowledged that the ABS data used by the Road Safety Division was an unreliable indicator of relative accident risk among 16 and 17-year-old drivers.

Are these the same statistics that the Minister is now quoting to us? If they are different, what are they?

The Hon. G.F. KENEALLY: The exposure data that I read to the Committee was collected in November 1988. Therefore, it is not the same set of figures that I agreed with the RAA were unreliable. It was because of unreliability of the data that we had used, and some of the information that the RAA used, that the Road Safety Division collected new, more accurate and relevant data. It is that more relevant data that I read to the Committee.

Mr ROBERTSON: I find some of the comments made by members opposite a bit incomprehensible because I understand that at least all of the anecdotal evidence suggests that country kids in the age group we are talking about—namely, 16 and 17-year-olds—are at most risk when they drive and drink. Indeed, country kids drive further and faster; they drive more often and they drink more often, and when they have accidents they have them properly and kill themselves. I understand that that is the reality because when they have accidents in the country they do it properly and not merely knock over a guide post.

To continue in an anecdotal vein, I cite the case of my contemporaries at Inverell High School. Of the 72 people who did the Leaving Certificate in 1964, six did not survive to the age of 21. They died on country roads because they drank and drove. Interestingly, that compares with only one who died in Vietnam and one who lost a limb. However, the fatalities on the road had six dead and two who had lost limbs.

Presumably, the same story is repeated in South Australia. Notwithstanding the tragedies of the kind that saw six young Glenunga kids die at the Goodwood subway in 1978, the reality is that in country towns the mortality rate is much higher than that. A colleague of mine from Daws Road High School tells a story of how of her Matriculation group at Mount Gambier High School, consisting of about 30 kids, seven or eight had died by the time the rest of the group had reached 21. The reality is that traditionally kids in the country die much more frequently than city kids. I ask the Minister what statistical evidence is available to reinforce what I suspect is a truth, and to reinforce the view expressed by the Minister that members opposite should be looking after their own constituents a bit better by supporting this Bill.

The Hon. P.B. ARNOLD: I have heard some rubbish in this place, but what we have just heard from the other side is absolutely disgraceful. The parents who come to me and express concern about this issue are parents who have 16-year-old children who are about to go out into the work force and who are concerned that there is no alternative for them but to use a motorcycle to get to and from work. We do not have the luxury of a public transport system in the country. The member for Bright is fortunate—all of the young people in his electorate have a beautiful transport system provided at the taxpayers' expense.

Mr Robertson: That's a great compliment.

The Hon. P.B. ARNOLD: Yes, it is. It is at the taxpayers' expense of $100 million per annum and country people and students see nothing of that. The fact is that this amendment is trying to keep as many 16-year-olds off motorcycles as possible. I know the accident rate and the likelihood of survival on a motorcycle, and I would be horrified to have a 16-year-old pushed onto a motorcycle in order to get to and from a place of work. That is exactly what this measure will achieve. We are not here to increase the accident rate: we are here to reduce it. The Opposition supports the Government in any effort to achieve that. We are expressing the concerns of parents of 16-year-olds who will be pushed on to motorcycles, and it is the parents who are saying that there is no alternative for them. They will have to get a motorcycle to get to work because they will not be allowed to drive a car.

The Hon. G.F. KENEALLY: First, I advise the member for Bragg that the division 8 fine is $1 000. Secondly, I advise the member for Bright that I do not have the statistics for which he is asking about the split between fatalities on country and city roads. It will take some effort to get those statistics. Here again, bald statistics do not always distinguish between the country and the city. Other accident statistics may do that. It will take some work, but I will try to provide that information for the honourable member.

I acknowledge the genuine concern expressed by the member for Chaffey. He has expressed before, and again this evening, his fear that young people, who would otherwise be driving motor cars, will be forced to ride motorcycles. The evidence is that all States, except South Australia and the Northern Territory, require a person to be 17 before they can get a P plate. In Victoria, one has to be 18 before obtaining a P plate. There is no evidence to prove that the concerns of the member for Chaffey can be sustained.

Members opposite will use any description they can regarding public transport to suit their argument. The honourable member for Chaffey says that people in his electorate do not have the benefit of a beautiful public transport system like that in the city. The Deputy Leader of the Opposition says that the problem is that other States probably have a better public transport system than South Australia. The Federal Grants Commission does not agree with him, nor does any other independent observer who looks at the South Australian public transport system. We have an excellent public transport system. However, that is another argument.

I recognise the fears which have been expressed. All these things will be monitored. The evidence does not indicate that those fears, which the honourable member justifiably has from his point of view, can be sustained. When he first mentioned the matter to me, I thought it a reasonable proposition to consider, and I have had people look into it for me. On the face of it, whereas it seems a reasonable proposition, the evidence does not support it. However, the matter will be monitored.

The Hon. E.R. GOLDSWORTHY: I should like to give two examples which have been brought to my attention by parents. One lives at Gumeracha. The son is an apprentice who works at Mount Barker. The solution suggested by the son was to get a motor bike, because it was impossible for his mother to accompany him to work at Mount Barker every day. There is no public transport system to serve these people in the Hills. I am talking not about the standard of public transport in the city, but about my electorate and people moving from place to place.

The other example comes from Birdwood where people have to come to the city for further education. The alternative is to board in the city, but they cannot afford that. In that case, a student will have to be accompanied to the city for a year. It is just impossible. There are real problems with transport provision in the country. These approaches have been made to us. We are not making them up. We are voicing the genuine worries of our constituents about young people having to travel every day either for education or for work. I have cited two cases of people who have approached me in that part of the Adelaide Hills.

Mr S.J. BAKER: I want to ask the Minister about motorcycle statistics, because this is a serious matter for country people. When I carried out a study some time ago, I found that the chance of surviving a motorcycle accident—that is, free of serious injury or death—was about 40 per cent by the age of 21. Has the Minister any current statistics? A motorcycle accident can be a fatal occurrence, as the Minister will appreciate. I visited a school the day after I carried out the study and told the little girls there not to get on a motor bike because, in the event of an accident, their chances of survival were not good. Has the Minister any statistics that he can reveal to the Committee? If he has, I think that the Committee will be quite horrified. Can he tell us what sample size was used for 16, 17 and 18-year-olds when calculating the kilometres travelled on motorcycles?

The Hon. G.F. KENEALLY: I do not have the detailed information that the honourable member seeks, but I can provide it for him. There is no doubt that riding motorcycles is considerably more dangerous than driving motor cars. That is the reason for the Government's introducing the off-road motorcycle training system, which has been effective. It has been effective in discouraging young people from obtaining a motorcycle licence at the age of 16. Only about 159 young South Australians are going through motorcycle training at the moment. There has been a considerable reduction in the number of people seeking to buy and ride motorcycles as a result of that decision. We are aware of the situation and we have taken action in relation to motorcycles.

Secondly, the sample size used was that recommended by the Australia Bureau of Statistics, and I can obtain that information for the honourable member. The bureau believed the sample size to be sufficient to obtain accurate information. One can do no more than follow the advice of those people who are supposed to be the authorities in the area. The Division of Road Safety is thorough in undertaking research into any area of road safety. If there are any questions about the reliability of the information they provide, we are happy to have that information rechecked if necessary. This information, I suggest to the Committee, is reliable.

The Committee divided on the amendment:

Ayes (15)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Ingerson (teller), Lewis, Meier, Oswald, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Blevins, Crafter, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Rann, Robertson, Trainer, and Tyler.

Pairs—Ayes—Messrs Becker, Gunn, and Olsen. Noes—Messrs Payne, Peterson, and Slater.

Majority of 7 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (5 to 7) and title passed.

Bill read a third time and passed.

RACING ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 16 March. Page 2520.)

Mr INGERSON (Bragg): This is the worst presented piece of legislation that has been put before this House since I became a member of Parliament.

The DEPUTY SPEAKER: I ask the House to come to order. Too many members are still standing.

Mr INGERSON: It involves the most unbelievable second reading speech that I have seen since I have been in this place on what has to be one of the most important changes in direction of the Totalizator Agency Board and of betting in this State. The Minister in his second reading explanation referred to TAB functions; cash outlets; telephone betting and when it will be introduced; having selected races initially and full meetings in 12 months; testing off-course before it is considered to be on-course; the allocation of profits to be the same as at present; the distribution by the Racecourse Development Board of unclaimed dividends; and employee protection. The second reading explanation does not talk about how the system will work; the controls; the concerns that racing codes have about this system; the bookmakers and the effect of this Bill on them; or about anything that really matters in relation to the introduction of this fixed-odds betting system.

What we have in relation to this fixed-odds betting system is the Government becoming a bookmaker. This is the first time in the history of this State that we have a Government that is setting itself up to be a gambler. As I said, we have a Government that has decided to become a bookmaker. The Miniser's second reading speech contains nothing about the purpose of this exercise. One wonders who knows about this fixed-odds betting system. The TAB knows about it because it is its brainchild—or is it? The Racing Division obviously knows about it, as does the Wright committee. We suspect that the Minister knows about it, as would Cabinet and a few others, but is that where it ends.

On Monday afternoon most of the South Australian Jockey Club committee members had not seen the Wright report on this piece of legislation. Most of the trotting committee, almost every trotting club in the country, and most of the greyhound committee had not seen a report and virtually no clubs in any of the codes had seen any detail about this system. They had all heard about it in bits and pieces. They had heard about this fixed-odds betting system—or bookmaking by the Government—in general discussion, but virtually nobody in the industry who had to make decisions had seen or heard anything about what was really going on.

Why the secrecy? Why was the Wright report held up until last Monday afternoon? Surely it was not because Ian Thomas or Dennis Markham of the *Advertiser* wrote an article about it and therefore a little bit of pressure might have been put on the Government. If it was because of that, it would be the most scandalous thing that has happened in the racing industry. When a significant change such as this is to take place, the information on which this whole system is to be based (the Wright report) was released only because a little bit of pressure was put on by the *Advertiser* and perhaps the *Sunday Mail*. Why do we not have the Wright report before Parliament? Why do we have only the pieces which the Government wants us to see? Why do we not have the addenda? Why are the real facts of the Wright report not published?

An honourable member interjecting:

Mr INGERSON: I am not concerned about everyone else in the community, I am concerned about the racing industry and this Parliament. Why has this Parliament not had put before it all the basic information that was supposedly available to the industry? I know that that information is not even available to the industry. If one was not on that committee one has not seen the full report and that is a disgrace. How come the South Australian Jockey Club, which is the controlling body, has not seen the total report? Why has the Trotting Control Board and the Greyhound Control Board not seen the total report? Why has not every person on the Bookmakers' League Board seen the total report? All these groups were represented on that committee on the grounds of confidentiality, but the members were silenced.

I do not believe it is good enough for Parliament to not to have this information and to have to consider significant changes in the direction of the racing industry. We should have it. What did we get—eight pages of the report. I will spend some time going through those eight pages. As no-one else in the community seems to know about it I will put it on record so that everyone can know. I wonder why people are so concerned!

It seems to me that we need to talk about two major issues. We need to talk about Monday's release of the Wright report, and we need to look at what was said in it, particularly the comment about its being so widely distributed for consultation. It is important to place on the record the Minister's statement in that release, which was as follows:

> Mr Mayes said the Wright report made a whole series of recommendations to Cabinet. It therefore required wide consultation with the racing industry before the report was made public.

That has to be the biggest joke I have heard since I have been in this place. The Minister is saying that he could not release the report until there had been wide consultation in the industry. No-one on the committee of the Jockey Club, other than the person representing the three codes, has seen the complete report, and that committee was not able to have it because it was a confidential document.

No-one on the other controlling boards has seen the total report. No country or metropolitan clubs in any of the codes have seen the report. Yet, the Minister made a public statement that he could not release it until there was wide consultation. That is absolute nonsense. The report was not distributed, but it should have been. I find the Minister's statement in relation to consultation quite unbelievable. If one talks to people in the racing industry one will find that they cannot understand it either.

I will now talk about a few of the things that people are concerned about. They are concerned about the workings of the whole exercise. Let us look at the findings of the Wright report and a few of the things that have been eliminated, such as why the appendices of the report were eliminated. We have been told, now that the document is public, that there is virtually nothing in the appendices that we should not have a look at. Why were they excluded?

Let us look at a couple of the comments in the report itself. What about the many assumptions that are made in it? Why are they only assumptions and why has the public not been told that that is the case? What about the uniqueness of the system, when the whole concept of the report is based on estimates? It is based not on fact but on estimates. What about the question of the TAB estimate of $200 million for this system in its first year and the fact that $80 million was to come from the existing system and $120 million was to be provided by way of new money? It is interesting that that statement should be made. I ask the Minister where he will get that new money from.

Why has this magic fixed odds system been based on figures which nobody can substantiate—or can they sub-

stantiate them? I believe that the Minister should provide answers to those sort of questions. The Wright report states:

> The system should be confined off-course where the possibility of manipulation by professional punters and the impact of bookmakers would be minimised.

I have been informed by the trotting and greyhound clubs that one particular person is currently betting up to 40 per cent of their total take at some country and metropolitan meetings. In view of that advice, how can this system not be manipulated by professional punters? If one person in two on-course situations is currently able to invest up to 40 per cent of the total take, why would he not spend that same amount of money off-course and get involved in the fixed odds system? These sorts of statements are really quite amazing.

Why was each-way betting proposed at a quarter of the odds when anybody in the racing industry knows that such a percentage cannot work? Mathematics prove that such a percentage would lead to the TAB, going broke. Somebody did not sit down and look at those calculations. Item 2.8 on page 4 of the Wright report states:

> Fixed odds betting as disclosed by the TAB would involve an element of risk or gambling.

Has the Government decided that we will now enter into a gambling system and that it will take risks? If that is the case, why was that fact not mentioned in the second reading explanation? Why was it not made public so that everybody in the racing community knew what was going on? The report continues:

> Projected TAB estimates of profitability associated with fixed odds betting may be difficult to achieve considering the gross and net margins historically achieved by bookmakers. However, the TAB would have an advantage over bookmakers in that all runners would be supported, as their client base is significantly larger.

There is no question that that is the case. At the moment the TAB system is guaranteeing profitability on every single race that we run. It is guaranteeing a take to the Government, to the clubs and to the respective controlling bodies, so should we look at a fixed odds system which is a risk? Surely this information should be provided to the public and to the industry so that they may comment on it. Why was this not done? Why was this sort of information not circulated to the public before it was introduced in this place? The report continues:

> The projected transfer of investments from the pari-mutuel pools to fixed odds may be greater than estimated.

All these factors are part and parcel of the fixed odds system upon which we have been asked to make a decision but about which there has been no explanation. If pressure had not been applied earlier this week, none of this information would have surfaced. Surely this Parliament deserves better treatment than that.

This legislation envisages a totally different system which has been questioned by a significant number of people in the industry who have an interest on both sides of the political fence. They realise the problems inherent in this system, but none of this information has been circulated in the racing community. The report continues:

> A further effect could be that, if the transfer is greater than estimated, the extent of the 'new-money' component of fixed odds investments may be reduced, thereby inhibiting estimated additional profits.

For months people have expressed their concern about this matter. Why wait until the last Monday night to release this sort of information? The report continues:

> In the absence of any other initiatives being taken, it is most likely that fixed odds betting will have an adverse effect on on-course attendances. This is likely to happen as one of the advantages of going on-course (viz., fixed odds betting with bookmakers) will clearly be affected.

That statement suggests that this system will affect the bookmakers in this State.

What has this Government done about the bookmakers? What attempt has been made in this presentation to the Parliament to put their position in a very clear focus? Yet this report very clearly sets out the possible problems. The report continues:

> The procedure for laying-off investments, or bet-backs . . . may create difficulties . . . Members requested that consideration be given by the TAB to laying-off with on-course bookmakers, providing that appropriate facilities are available.

For the first time in the history of TAB in this country, we are talking about individuals being involved in laying off money out of a public system, yet that has not been discussed at great length with any one of the codes. It has been discussed, but it has not been discussed at great length. When I refer to the comments of the SAJC, I will put that position a little clearer. The report continues:

> Since the fixed odds system does involve certain elements of risk, the distribution of profits should be such that the Government, in protecting public moneys, receives a fixed allocation of turnover.

That has not happened. That decision has been overlooked, but it is interesting that, because there is a risk to the Government, the taxpayers of South Australia and the industry, there was a suggestion that perhaps there should be a fixed allocation to the Government off the top. Perhaps the risk is a bit bigger than this Parliament has been told. Perhaps we should have a bit more information about what is going on. It continues:

> The consideration of the Codes in terms of net financial impact is that the estimated additional TAB profit from fixed odds betting will more than compensate for reduced on-course revenues.

A figure of approximately $5.2 million is suggested in the report. That figure is totally relevant to this pool of $200 million, but nobody knows where the $120 million of this pool will come from. Perhaps the Minister could tell us tonight what this $200 million is based on. What is this $120 million of new money all about and where will it come from? It is surprising that, given the excellent system that the TAB has at the moment—and I understand it is about 35 per cent over budget this year after being 25 per cent over budget last year—and its excellent current operation, the Government still believes there is $120 million of new money out there.

I am very surprised about that and I am quite sure a lot of people are very surprised that all that new money is out there when the TAB is doing so well. We congratulate it on that. We support it, and it is doing very well with its pari-mutuel system, but now we are talking about $120 million of new money in this new fixed odds pool. That is an important question which we would like the Minister to answer. It is all in the report, and these estimates are what this report is based on. All of the facts in this report are based on $200 million estimated turnover, $120 million of which is new money. That is what this report and this Bill are all about. We need justification on that. Nobody in the industry has any justification. We want to know in Parliament before we do anything about passing this legislation. The report further states:

> The impact of the introduction of fixed odds betting on bookmakers is expected to be significant.

There was not a single word about that in the Minister's second reading explanation—not one single word about the effect on bookmakers.

Mr Lewis: I wonder why.

Mr INGERSON: That is quite interesting. Not a single word has been said about the bookmakers. Yet smack in the middle this report states:

The impact of the introduction of fixed odds betting on bookmakers is expected to be significant.

Quite amazing, is it not? The review of the bookmakers' problems recommended here. That report is also secret, and we cannot have the report brought out because it tells everyone that we should have telephone betting, which is exactly what we as a Party have been promoting for a long time.

Members interjecting:

The DEPUTY SPEAKER: Order! I hope that the member for Fisher is not interjecting out of his seat, and I ask the House to come to order. The honourable member for Bragg.

Mr INGERSON: In this clause dealing with the impact on bookmakers it is interesting that the codes themselves put forward the estimate that they expect there to be a reduction in bookmakers' turnover of the order of $9.2 million, yet the Betting Control Board and the Bookmakers League have provided estimates that that reduction may be of the order of $15 million. It is a very good system that we will be going over to, where we will make less money than we are making now under the pari-mutuel system and will put a group of small businessmen out of business.

It is all in the Wright report, all based on estimates with nothing based on fact. The real truth is that it is all based on guesstimates. I can see now why this did not come out until late the other day because, if the industry had got hold of this report all hell would have broken loose. The report continues:

As a further refinement, it was considered by some members that the Government should receive a fixed percentage allocation of turnover, or 50 per cent of the net profit, whichever is greater.

I wonder why they said that? Perhaps they were frightened that if they did not take the money out of the system there would not be any money left. All this gets back to two major factors: that of the guesstimate of $120 million in new money, and a 12.5 per cent profit factor, to which I will refer in a minute. The report goes on:

In subsequent calculations of revenue to both the Government and to the Codes, a 12.5 per cent gross profit from off-course fixed odds betting has been assumed. It is the view of the Betting Control Board that a gross profit of between 8 or 9 per cent would be more likely.

In other words, the experts, the people involved in bookmaking on a daily basis, are saying that the 12.5 per cent gross profit margin estimated is invalid. The people who are bookmaking day after day, week after week on every single race at every meeting on which they are asked to bookmake say that 12.5 per cent is not achievable, that 8 to 9 per cent is the most logical. If this is true the basis of argument in the Wright report is invalid. The report goes on:

The table attached as appendix III (provided by the TAB) summarises the achievable net profit at varying percentage levels of gross profit.

I wonder why this table is not available to us all. Perhaps it is not available because we would very quickly find out the break-even points and all the percentages that are required to run the system. It is interesting to note that we are talking about 8 per cent and 9 per cent when the actual take on win and place out of the pari-mutuel system is of the order of 14 per cent. We are going from an existing system that guarantees a return of the order of 14 per cent to a system that may not even be guaranteeing a return to us 8 per cent or 9 per cent.

It is quite interesting that that appendix is not available. If there is one appendix that should be made available to Parliament, it is that one, because that document is the key to the whole exercise. That appendix will tell us what sort of variation and profit we can expect if we adopt this fixed odds system. Very importantly, it continues:

Attention is drawn specifically to the minutes of the meeting held on 15 September wherein the Bookmakers League representative offered only qualified support to the proposal.

I wonder why the bookmakers' representative gave only qualified support. I guess that the reason was very simple: because he questioned all of those break-even points. That is the reason for the qualification: an expert bookmaker has questioned these percentage margins and profits. Why is that appendix not available to this Parliament? It is the Parliament that decides whether or not we have fixed-odds betting in this State, not the Wright report, and not a few people who sat down in cloak and dagger conditions and wrote a report that only appeared on Monday night after some pressure. That group does not make the decisions; it only makes recommendations, and it is Parliament's decision that counts.

As a Parliament, we do not have before us all the facts that we should have and we will be asked at the end of this debate whether or not we support fixed-odds betting in the TAB. We do not even have the facts before us that were available to the Wright committee and, I assume, the Minister. Yet, we are expected to commit this Parliament and State to gambling by the TAB on the races for the first time. I believe that that is scandalous and, if there is one single document that should be put before the Parliament, it is appendix III. It does not affect running the new fixed odds betting system. However it will show us, once and for all, whether or not the system can work within a profit regime. Statistics have been put forward by the TAB to justify the scheme.

The bookmakers' representive has made qualified comments about appendix III. We should see that document because it is a key to the whole proposal. The Wright report continues:

The impact on the Racing Codes of the introduction of fixed-odds betting, off-course only, is difficult to quantify.

We have been told, and I have heard from many sources, that this will be one of the future saviours of racing. However, this report states that it will be difficult to quantify the impact. Yet, earlier in the report it is stated that $120 million worth of new money will come into the system but here it states that it will be difficult to quantify any success in this off-course system. It is a quite amazing group of comments.

The thrust of the Wright report's recommendations is basically taken up in the Bill. There are a couple of comments here that need to be further explained or commented upon: The report states:

Following the release of the TAB proposal document, and the witnessing of a computer demonstration model, the working party is unanimous in the view that such an off-course betting system is viable.

What does that mean? Does it mean that it will be very profitable? Does it mean that it will work, or what does it mean? I believe that that sort of comment needs to be fully explained by the Minister. The recommendations also state that:

Firstly, should each way betting be introduced, then it is to be done so on the basis of place odds being one-fifth of the win odds, not one-quarter.

Most of us who go to the races know that bookmakers bet a quarter of the odds each way, but that they bet only at 4/1 or better, or win only. They do that for a specific reason: they know they cannot win at betting each way at a quarter odds. Why, then, was the original proposal put forward at a quarter odds? Why has it now been changed to one-fifth odds and where is that explanation? Why did not the second reading explanation explain the system? Of course, it talks about guidelines for lay-off and bets and we have already

discussed that. It is recommended that the system be tested off-course in preference to on-course. I do not disagree with that because when I look at the concerns that have been expressed, I would want to test it for a long time off-course before deciding to compete with bookmakers on-course.

The report also recommends that we have a committee to look at it in 12 months. That is in the Bill. It recommends that there should be 0.2 per cent of fixed odds put in to cover the fact that we do not have any fractions income. That is in the Bill. It recommends that a separate working party be established to investigate the profitability of bookmakers. We know that has been done and we know that is also a secret report. When will it be released? It seems to me that all the comments in the bookmakers' report directly affect the bookmakers and the racing industry. I believe that any system introduced that is an improvement in betting in this State should be in the best interests of the racing industry as a whole, not purely and simply in the best interests of any particular group.

The Wright report goes on to say that this working party has identified that the fixed odds betting system may have a significant negative impact on the operation of bookmakers, and we know that bookmakers are already experiencing considerable financial difficulties. No-one will disagree with that. We recognise that there are some problems in bookmaking. The report has clearly said that, but nothing is said about what will be done for bookmakers. However, I understand that the Barnes report is saying that telephone betting should be introduced. I wonder whether it will be done. Has the Government got the industry at heart, or is it playing around with systems like we have here?

Other questions need to be asked. Who will set the opening odds? How will they be set? How many people are involved? We no longer have a system under which the Government and the Codes are guaranteed an income. We have a private sector bookmaking system in which an individual chooses to put up his plate, set his odds and take the risks. We now have a recommendation that the Government should put up its plate and set the odds through somebody else—an independent person. It is important that we know how that is done. None of the information is mentioned in the second reading speech. It is a fairly significant break away from the system that we have.

Who sets the size and limits of the bets? What are the parameters for the pool? Who controls laying off of overcommitments? How will it be done? Those matters are not explained in the Bill. Yet, as a Parliament and as an Opposition, we are asked to accept these things at face value. Not one of these issues has been explained in the second reading speech.

I suspect that many people in the industry have not had explained how the market price will be adjusted. The Opposition has had the privilege of seeing a demonstration system, and we were very impressed. However, all these questions need to be answered in this Parliament. They need to be answered not just to Graham Ingerson, the member for Bragg, shadow Minister of Sport, but to this Parliament so that everybody in South Australia will know what the legislation is all about. It is not about changing the direction for the TAB. It is talking about putting on an extra bit of business—$200 million—of which we guess $120 million is new money. It is about making a profit. The bookmakers say that the estimates in the Wright report cannot be sustained. If that is correct, that is what this questioning is all about. This Parliament needs to have those answers and explanations.

Every member of Parliament would have received a letter from Robert Gunn. He is a bookmaker who wrote to me and to all other members, I am advised. He makes a couple of very important comments as follows:

> What this State is about to be presented with is a betting shop service as is operated in Port Pirie and the United Kingdom, but with one monopoly licence holder—Totalizator Agency Board, which is being given the opportunity to operate under most advantageous conditions, which are currently denied to licensed bookmakers who already provide a fixed odds service. The Port Pirie betting shops must provide a service on all races at all venues and are subject to the Government imposed turnover tax of 2.07 per cent on local events and 2.67 per cent on interstate events.
>
> The Totalizator Agency Board wish to open in competition with local bookmakers and these bookmaker-operated betting shops, but be allowed to operate only on those races selected as most likely to return a profit and to be subjected to no tax on turnover whatsoever. This is grossly unfair to licensed bookmakers and their businesses. If the Government has been convinced that reintroduction of betting shops has a potential for a multi-million dollar benefit for South Australia, then let the already competent fixed odds bettors—that is, bookmakers—operate the betting shops. All South Australian bookmakers would welcome the opportunity to operate such shops and would be prepared to operate fully from the onset with a complete service on all meetings, with no phasing in procedure as is required by the Totalizator Agency Board.
>
> It is time that the Government recognised that competent fixed odds operators already successfully run businesses in this State and should be allowed to provide the extended service which the Totalizator Agency Board wishes to monopolise.

A couple of comments are worth taking up. No turnover tax is being paid by the TAB under the fixed odds system. Does that mean that the Government is prepared to say to bookmakers that it will let the TAB have a start against it? That is what it is saying. It is saying that it has a 2 per cent start on every race that it bets on. Is that really what the Government is saying? If it is, let it come out and say so. On interstate betting it is significantly more.

One statement by the member for Eyre is not accurate because the TAB has said through the legislation that it intends to operate fully at race meetings in the future. The comment that it may be betting on selected races applies only at this time. I suspect that it will not operate on all races and in fact it will probably operate only on selected markets. Anyone involved in betting would know that the two-year-old races are probably the most difficult on which to make a quid. Some bookmakers by choice would not bet on such races. I suspect that that may occur and only time will tell.

Yesterday in the *News* an interesting statement was made by the Chairman of the Bookmakers' League. The article headed 'Bookie slams fixed odds bid' also ran a photograph of Mr Webster. That is a typical newspaper push, because the person referred to in the article was Mr Gunn and not Mr Webster as suggested by the photograph. What Mr Webster said in the article was very interesting.

The DEPUTY SPEAKER: Order! As it is now midnight, the House stands adjourned.

ADJOURNMENT

At 12 midnight the House adjourned until Thursday 6 April at 11 a.m.