LEGISLATIVE COUNCIL

Thursday 3 June 1982

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

STATE LIBRARY

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before directing a question to the Minister of Local Government on the subject of the State Library.

Leave granted.

The Hon. C. J. SUMNER: A crisis situation has developed in the State Library that I believe requires the Government to act immediately to outline its policies and attempt to solve the problems. The problems are, first, the inadequacy of the new computer. There has been another computer bungle. This has led to industrial action which has been temporarily resolved but which is still threatened. This staff dissatisfaction and unrest is only the tip of the iceberg as far as the library's problems are concerned. The computer is not working properly and the service to borrowers is slower now than under the previous system. It is doubtful whether it is adequate to cope with future demands. It was originally supposed to cope with 7 000 transactions a day but can properly manage only 5 000. Yet recently, following a long weekend, on a Tuesday there were already 5 000 transactions to deal with at the library. Demand for lending services is growing, and it is expected that two other libraries are to be added to the computer system. This will further exacerbate the problem.

Staff training was inadequate prior to the computer's introduction. The position of co-ordinator, the person in charge of the computer at the circulation desk, had not been filled. The computer is now able to cope only if it is not used at peak periods in sections of the library other than the circulation desk. This is inefficient. It will also be difficult to up-date the programming of the computer, because when it is reprogrammed it will be the only one like this in Australia. A further service has been cut, as there is now no indication on borrowed books as to the date on which they are to be returned.

Staff morale is at an all-time low. There have been staff cuts, and consequently services have been run down. The library is already closed on Monday evening and it is expected that it will be closed down for another day to cope with cut-backs. There has been a reduction in staff at the public desks (especially in the adult section) resulting in long queues and delays in answering queries. This is particularly so on Sunday and in lunch hours.

The extension service to country people, hospitals, the aged and house-bound, Aboriginal missions, and jails has already been adversely affected. There is a large back-log in posting out books to the country. Country people and particularly those in country hospitals are the most affected. No new applications for the extension service (for example, from the invalid, the blind or the sick) can be accepted.

Senior staff positions in the lending service have not been permanently filled and there is a lack of authority to make decisions, resulting in low morale.

A surveillance system 'tattletape' which was to curb losses from pilfering was discontinued about a month ago. Losses from this source will now increase.

The reference library will not be available for loan from 1 July 1982. This is desirable but will result in extra demand on the adult lending services. There is an inadequate supply of technical books and staff to cope with this extra demand.

The Youth Lending Service may be axed. This is a backward step in times of such high youth unemployment.

The proposed amalgamation of the adult and children's services will result in a loss of services especially to children.

The proposal to transfer the lending service to the Adelaide City Council, should be reviewed. If the lending service is transferred to the Adelaide City Council there is likely to be a further run down in services.

The State Library (including the lending service) provides a service for the whole State, not just the metropolitan area. To assume that it should just cover the Adelaide City Council area is unrealistic. The State Library fills in gaps for the suburban libraries, many of which are 'read out' within a short time; it offers an extension service to country borrowers, hospitals, Aboriginal missions and jails and suburbs without libraries; it has a collection of books in ethnic minority languages which is much larger than offered in the suburbs; and at the moment it provides a Youth Lending Service. The city council would not have the funds to maintain a library of high standard with all these services.

In view of this quite disturbing situation, will the Minister investigate, as a matter of urgency, the serious situation in the State Library and, in particular, outline Government policy in relation to the Youth Lending Service, the amalgamation of the adult and children's lending service and the transfer of the lending service to the Adelaide City Council?

The Hon. C. M. HILL: There have been some problems at the library, but the position is not nearly as serious as the honourable gentleman has indicated. In the past few weeks there have been difficulties in the library, as honourable members know, because they have been brought out in the press. There have been some industrial problems, too. However, as I understand the situation, the industrial situation is in the process of being ironed out and, at the moment, that seems to be going quite well. Four contract extra staff were allocated to work there, and some of the workload did undoubtedly indicate some understaffing. I understand that the problems that arose from that understaffing situation are being ironed out well.

There certainly was consultation with staff over the selection of and approach to the computer system. True, there were some detailed matters concerning the implementation of the system which had been overlooked by management, and obviously for a period some inadequacies arose. As a result of the Director of my department and another senior officer from my department giving much time at the library to overcome these difficulties, a wide range of changes has been made, rosters have been improved, and the staff to which I have referred came from within our own staff ceiling. That was a unit equivalent to six full-time officers on a temporary basis to try to correct that problem.

There is now better rotation of staff through the front counter, and a definite improvement to desks and adjustments to the computer to give priority to the issue and discharge function. The appointment has been made of a well regarded officer to be temporarily in charge of clerical staff until a permanent appointment can be completed. The result of the moves by departmental officers and my Director is, I believe, a positive step in improving the working conditions of staff at the library.

At the same time it will hopefully improve staff attitudes whilst, at the same time, making it clear that we certainly do not want to widen any industrial dispute down there. The department has done and will do all it possibly can to avoid the library being closed because of industrial difficulty. However, the Leader has indicated several detailed questions upon which he has sought a full report. I will be pleased to

get that for him as soon as possible and bring it back to the Council.

The Hon. ANNE LEVY: By way of supplementary question, will the Minister give a categorical denial to any suggestion that the State Library will follow the disgraceful example set by the Unley council in charging for borrowing of books?

The Hon. C. M HILL: The board has no intention at this stage to introduce any policy of charging for book borrowing.

WINE GRAPE PRICES

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Attorney-General a question on wine grape prices.

Leave granted.

The Hon. B. A. CHATTERTON: Honourable members will be aware that I have been very concerned for a long time about companies which have been undermining wine grape prices in this State. I have asked the Attorney-General questions on a number of occasions relating to the Vindana company in the Riverland. Unfortunately other companies in this State are also involved in undermining the system of minimum wine grape prices. Some are doing it in open breach of the Act and others have developed various legal arrangements which, in effect, achieve the same end. Grape growers have been in touch with me and are concerned about the fact that the Government has not taken very positive action against people who have been involved in these schemes to undermine the minimum wine grape prices.

Recently I was informed by a grapegrower of a matter which concerns me very much. He said that a senior member of the South Australian Cabinet held shares in one of the companies involved in undermining the minimum wine grape price scheme. Is the Attorney-General prepared to disclose the pecuniary interests of members of the South Australian Cabinet in regard to the wine industry to enable this rumour to be put to rest?

The Hon. K. T. GRIFFIN: I certainly have no knowledge of that. It is really a matter for each member of Cabinet.

MEDICAL ETHICS

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question on medical ethics.

Leave granted.

The Hon. J. R. CORNWALL: On 8 March 1982 Mr Peter Buckby of Ingle Farm injured his knee while playing basketball. He was taken by his wife to the casualty department of the Modbury Hospital. His details were taken at the desk, including the fact that he was fully insured for both medical and hospital benefits. He was X-rayed and doctors diagnosed sprained ligaments. They also noted a shadow, explained to him as a 'bone cyst', on the upper end of his tibia. He was told to go home, rest and use ice packs. A senior radiologist was to examine the X-rays the following morning.

The next morning the hospital phoned Mr Buckby and asked him to return for further X-rays. After the X-rays an appointment was made for him to see Mr Robert Atkinson, an orthopaedic surgeon, in outpatients the next day. Mr Atkinson examined Mr Buckby and told him he suspected cartilage and ligament trouble in the knee. Mr Buckby was told that the so-called bone cyst was probably benign but Mr Atkinson would seek other expert opinions on the X-rays.

At a subsequent appointment at the outpatients department eight days later, Mr Buckby saw another doctor who said that he had conferred with Mr Atkinson, who said that surgery was required on the knee and the bone cyst. An appointment was made for admission on 18 April for surgery on 19 April. Mr Buckby was told that Mr Atkinson would perform the surgery.

At no time to this point was Mr Buckby's insurance status raised by the attending doctors or anyone else after the initial attendance at the casualty department on the very first occasion he came to the hospital. He was admitted as a public hospital patient under Mr Atkinson's care. Mr Buckby was taken to surgery on the morning of 19 April and given an epidural (which is a spinal anaesthetic) for the surgical procedures. Surgery on the knee was performed and completed.

At this time Peter Buckby was still on the operating table under a spinal anaesthetic, conscious but naturally distressed and drowsy from gas which had been administered to him. As Mr Atkinson was poised with the scalpel about to commence the second operation, he raised the question of insurance status with his patient. He said that he would like Mr Buckby to transfer to private hospital status. To put it mildly, Peter Buckby was in no position to argue the ethics of this action or to engage in any sort of lengthy debate on medical insurance. However, his recollection of the conversation is quite clear.

If this matter was not so serious, it would really be shades of Basil Fawlty. Naturally, in the circumstances, with Mr Atkinson poised with instruments in hand, Mr Buckby agreed. Mr Atkinson's actions would appear to any reasonable person to be callous, totally insensitive and grossly unethical. However, the story does not stop there.

The next day when Mr Atkinson visited the patient he again raised the question of transferring Peter Buckby to private patient status so that he could collect a full fee for his services. Mr Atkinson said public patient status was usually reserved for pensioners and the unemployed. Later he said he could arrange a retrospective referral from another doctor in order to fix up the private patient status. On a further visit he told Mr Buckby (and Mr Buckby's recollection of this is clear) 'You are covered by medical benefits and it won't cost you anything.' He mentioned that the fee was to help cover the cost of his instruments.

Subsequently a finance officer brought a form to Mr Buckby. At this time his wife was present. Mrs Buckby queried the accounting procedures and asked whether her husband had to change from public to private patient status. She was told that he did not.

After discussion, both Peter and Mrs Buckby made an informed and considered decision that he should stay as a public patient. One of the major reasons for this decision was that they would save the health fund in particular and other taxpayers money in general. The decision at that time was based on a matter of principle. The story does not stop there.

At a subsequent ward visit Mr Atkinson was told of the Buckby's decision. He said, 'Thank you very much. I have just done that operation for nothing.' He apparently overlooked the $5 500 per year he is paid for each half day session with public patients.

As he was preparing to leave the hospital Peter Buckby was approached by the revenue officer who was most helpful and inquired whether the arrangements as a public hospital patient had been finalised. At that stage they were approached by a resident medical officer who lectured Mr Buckby. From Mr Buckby's recollection that officer said, 'Mr Atkinson did a good job, believing you were going to be a private patient.'

That is yet another extraordinary statement. I presume we are not to infer from that that Mr Atkinson or any of his colleagues will do a second-rate job if one is a public patient. The story does not finish there. The revenue officer who had assisted the Buckbys in the course of her normal duties was subsequently approached by Mr Atkinson who gave her a very stern dressing down about the role she had played in explaining the available options to Mr and Mrs Buckby. As I have said, that was part of her normal duties. Mr Atkinson was subsequently forced to apologise to the finance officer following actions by the Public Service Association. Two weeks after Mr Buckby's discharge the hospital Administrator rang the Buckbys and apologised for the manner in which they had been treated.

I am happy to say that Peter Buckby is very satisfied with the surgery. I make it clear that there are no complaints whatsoever about the competence of the surgeon: the operations are apparently first class. I must also point out that the standards of care and nursing he received at Modbury Hospital were excellent. I regret very much that I have had to raise this matter under Parliamentary privilege. It is something which would have been better dealt with by the Medical Board of South Australia. However, in the past 15 months I have recommended to many former patients who have approached me that they report serious incidents to the board. In every instance they have been denied satisfaction and justice. This is no reflection on the board or its members, who are highly concerned, diligent and senior members of the medical profession. However, the legislation under which they work is almost completely useless and the Minister of Health and the Government know that it is almost completely useless. Will the Minister have the matters that I have raised investigated and will she ensure that they are given the priority which they deserve?

The Hon. J. C. BURDETT: I will refer the question to my colleague and bring down a reply.

DISTRICT COUNCIL OF VICTOR HARBOR

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the report of the inspection of accounts and other records and procedures of the District Council of Victor Harbor, which was laid on the table of this Chamber on 1 June.

Leave granted.

The Hon. C. J. SUMNER: On Tuesday the Minister tabled the report on the District Council of Victor Harbor. The report, which seems to be thorough, was prepared for the Minister of Local Government. However, there does appear to be an omission, which I draw to the Minister's attention. On the bottom of page 15 of the report the following statement appears:

> However, we [that is, the investigators] are duty bound to draw your attention [that is, the attention of the Minister] to correspondence in the council records from the Chairman, State Planning Authority, dated 16 December 1981 and the Ombudsman, dated 19 January 1982 which, in our opinion, casts some doubt on the way in which the council has considered some Planning and Development Act matters. The State Planning Authority letter sets out reasons for partial withdrawal of delegated powers interim development control. The Ombudsman's letter dealing with one application in particular, you already have, by virtue of section 50 of the Ombudsman Act.

That statement was not elaborated on in the report. The correspondence referred to in the report seems to form part of the report, but it has not been made available to Parliament and was not tabled along with the report. Will the Minister table the correspondence to which I have referred?

The Hon. C. M. HILL: Yes, I will be quite prepared to table in the Council the correspondence from both the Ombudsman and the State Planning Authority. I may say that I considered tabling it with the actual report and, in fact, discussion took place in my office as to the most advisable course to adopt. I took into account finally, when I did not table it, the fact that the correspondence did not form part of the report, although there was some reference to it.

The other point I took into account was that both reports have undoubtedly gone to the council. They would be in the council's hands or at least in the administrator's hands and I thought it was basically a matter between the Ombudsman, the State Planning Authority on the one hand and the council and/or the administrator on the other. Now that the Leader has asked me to table it, I will do so next Tuesday.

INSURANCE COMPANIES

The Hon. N. K. FOSTER: I seek leave to make a statement before directing a question to the Attorney-General on the subject of insurance companies.

Leave granted.

The Hon. N. K. FOSTER: This morning I had a rather extraordinary experience when I submitted a claim on behalf of a constituent to A.I.M. Insurance, Malvern Village Centre, Unley Road. It was a simple claim involving a road traffic accident, and a very senior person who I thought would perhaps be at senior management level refused the right of the constituent to designate the crash repair company to which the vehicle was to be directed and both that person and his staff, after looking at a map, said that it had to go to a particular crash repairer at Holden Hill.

I said on behalf of the constituent that that was not good enough, that he had a right to take the vehicle where he wished, and that the insurance policy was quite clear. The constituent has never been given a copy of the insurance policy. The policy was held by United Brokers, which company the constituent had approached in respect of having this type of cover taken out on the motor vehicle, and all that the person received was a receipt that he had paid the sum of money and a statement that the insurance company was A.I.M., whereas the previous insurance company had been another company, and the constituent was not consulted about the change nor was the constituent aware that such a limitation was in the policy. During the course of pointing out the position to the particular person in management, he somewhat shattered me by saying I was as bad as a particular member of Federal Parliament whom I will not name.

The Hon. L. H. Davis: Why not?

The Hon. D. H. Laidlaw: Do it.

The Hon. N. K. FOSTER: Thank you, I will. It was Ralph Jacobi. I was astounded. I said, 'Whatever has that to do with this claim that I have before you?' He said, 'You are all alike,' so he recognised us. It is terrible to be recognised by such fellows in the community. Then he said, 'Give the man his money back.' In other words, he was saying, 'Take the money back.' After receiving about $300 from the person he said, 'Looking at my files, the brokers hold the insurance policy and it is a widespread practice within the industry.'

To that I told him that he had contravened the Trade Practices Act, and he went on about Jacobi and said that he had voted the wrong way. I do not want to go on about this particular matter. The constituent happens to be a member of my family, anyway. The firm is the A.I.M. Insurance company, which is conning the people of this State on television, and that is not the only insurance company that plays it rough.

The crash repairer that we had chosen is acknowledged in the industry and is an R.A.A. contractor. That is where the vehicle will be repaired and the company will meet its obligations, even though there is no legislation in this State. We will go to the Trade Practices Commission if the company wants to play it that way. Will the Attorney-General investigate the apparent widespread practice of some insurance companies which deny the right of policy holders to have a free choice in respect of motor crash repair companies following vehicular accidents? Further, will the Attorney also have inquiries made by his department in respect of the same illegal practice regarding household cover and personal property cover, particularly jewellery? They aim at the women. Finally, does not this unethical practice contravene the principle of the Trade Practices Act?

The Hon. K. T. GRIFFIN: So far as the third question is concerned, I would be surprised if what the member has suggested did contravene the Trade Practices Act. I would refer him to the Trade Practices Commission, which is a Commonwealth instrumentality. I see no need to investigate the two questions that the member has asked. The question of an insurance policy is a matter of contract between the insurer and the insured and it is quite common for the insurance policy to provide that the insurer will have some control over who shall or shall not repair a vehicle or whatever has been damaged. One has to remember that the insurance company provides an indemnity for damage in the circumstances of an accident, a break-in, or some other difficulty that causes damages, so I do not really see any need to pursue the first two questions.

TISSUE TRANSPLANTS

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation prior to directing a question to the Attorney-General, representing the Minister of Transport, on the subject of information on drivers licences.

Leave granted.

The Hon. FRANK BLEVINS: On 4 March and 30 March I asked questions of the Minister of Transport regarding making provision on drivers licences where people could indicate whether, in the event of their death, any tissue required, such as a kidney, could be used as the medical profession thought fit. I received an answer on 1 April to this question. It would be, without doubt, the worst answer I have received or heard since I have been in Parliament. It totally ignored the question. It took the first four paragraphs to state the present position. I had already stated that in the question, anyway, and I did not require that sort of information. It was a puerile, stupid answer.

The basis of the question is that there is a severe shortage of tissue, particularly of kidneys, for use as transplants in this State. There are about 70 people in South Australia waiting for kidney implants and today we bury kidneys that could be used to help these people who require transplants and the possibility is that those people waiting will die. It seems to be a totally stupid situation. I have been attempting in my six or seven years in Parliament to do something about the matter, with a singular lack of success. Whilst my suggestion about making space available on drivers licences would not necessarily solve the problem, it would assist in making more kidneys available. It seemed to be a reasonable and sensible request, and one that a member of Parliament should be able to achieve in seven years—or at least one would have thought so, but that has not been the case.

I now discover that such a provision is made in Victoria and New South Wales and has been for some time. If one is a holder of a drivers licence in New South Wales or Victoria, a space is made available on the licence for the licenceholder to indicate that, in the event of death, the licenceholder's kidneys are available for the use of people who are alive and suffering. It is not even as if we have to set some precedent. Given that this change would help (although it would not solve the problem totally), I wonder at the callousness of Governments that will not provide such a simple facility.

It is not as if Governments have not been aware of it, because they know about it. I and many others have continually brought it to their attention. Somehow priority is given to casinos and the like, yet people die because Governments cannot get around to making this simple provision.

The Hon. J. A. Carnie: Did you try bringing it to the attention of the former Government?

The Hon. FRANK BLEVINS: I have tried for six years and have met with a total lack of success. We were probably too concerned with Monarto and Windy Point, as the Hon. Mr Cameron has pointed out repeatedly, yet I am now talking about a small measure designed to save people's lives. Where are people's priorities? Hopefully, now that the casino seems to have fallen into somewhat of a black hole and may never be heard of again, perhaps the Government can exercise its mind on matters which are important.

I thank you, Mr President, for your tolerance to this point. My question is simple and does not require in response a full page stating what the present position is—we all know it, and it is disastrous. I merely require a simple answer. Is it a fact that Victoria and New South Wales provide space on drivers licences that can be used as a means of communicating the licenceholder's wish to donate a kidney or other tissue? If the answer is 'Yes', why will not the Minister immediately make a similar provision available on South Australian drivers licences?

The Hon. K. T. GRIFFIN: I will refer the question to the Minister of Transport and bring down a reply.

WATER CHARGES

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to my question of 30 March about water charges?

The Hon. C. M. HILL: Accounts for additional water rates are issued to all consumers who exceed their allowance, irrespective of the amount, to serve both as an advice of excess consumption and an account for payment. Past experience has shown that failure to notify a consumer that his allowance has been exceeded even by only a small amount results in disputation in future years when greater excesses occur. Where an acccount is $1 or less, a notice is enclosed with the account suggesting that payment may be deferred to the next account. An investigation is currently being undertaken to determine whether the amount of $1 should be increased.

ETHNIC AFFAIRS

The Hon. M. S. FELEPPA: Has the Minister Assisting the Premier in Ethnic Affairs a reply to the question I asked yesterday concerning the overseas trip of the Chairman of the South Australian Ethnic Affairs Commission?

The Hon. C. M. HILL: I have answers to the several questions that were asked yesterday. The first question is answered as follows: The Chairman of the South Australian Ethnic Affairs Commission went overseas recently because he was chosen by the Government to accompany me during that part of my overseas visit that involved Italy and Greece. He was the only South Australian officer accompanying me on that section of my trip. The main objective in choosing

Mr Krumins was that, as Chairman of the Ethnic Affairs Commission, he would gain first-hand experience of the lifestyle and culture of non-English speaking migrants from two of the State's largest migrant communities.

The answer to the second question is that the Chairman visited the following organisations in Italy and Greece: the regional and local government and community authorities in the regions of Campania, Puglia and Veneto in Italy; and and in northern Greece, Thessaloniki, and the Prefectures of Pella, Florina and Kastoria.

The Hon. C. J. Sumner: Were you with him during all of this?

The Hon. C. M. HILL: Yes. He also visited the Italian Earthquake Consultative Committee, and the Australian Embassy representatives dealing with migration issues and earthquake appeal projects in Italy. The third question concerns the persons who were met in Italy and Greece, and the answer is as follows:

Mr John Lander of Australian Embassy in Rome—Australian representative on the Italian Earthquake Consultative Committee
Mr Edmondo Schmidt (Rome)—the Engineer of the Italian Earthquake Consultative Committee
Mr Sergio Ferrari (Naples) Regional Government representative
Mr R. Massi (Campania) Architect of the Australian Project in Campania
Mother Superior Guiseppina Carbone (Campania)
Mr C. Pisacane (Cava Dei Tirreni) Engineer in charge of the Australian Project
Professor R. Poppalardo (Baronissi) Town Mayor
Professor Antonio Pietrantonio—Mayor of Benevento
Doctor Guido Cataldo (Benevento)
Mr Sergio Moleti (Benevento)
Mr Domenico Catapano (Benevento)
Mr Luigi Cimmine (Benevento)

The Hon. Anne Levy: There are lots of women!

The Hon. C. M. HILL: Most of those gentlemen were members of the town council, as the honourable member may know. The list continues:

Doctor Antonio Calandrelli (Benevento) Administrator of the province
Padre Sarafino Zeppa (Benevento)
Mr Silvio Ocone (Benevento)
Mr Giuseppe Afatato (Bari)
Mr Tommaso Biscardi (Bari)
Mr Eduardo Abbruzzese (Bari)

The Hon. C. J. Sumner: Did you see all these people, too?

The Hon. C. M. HILL: Yes.

The Hon. C. J. Sumner: Did you have an interpreter?

The Hon. C. M. HILL: Just a moment, I am answering a question.

The PRESIDENT: Order! The honourable Minister is doing a good job.

The Hon. C. M. HILL: The list continues:

Mrs Grazia Intonti (Bari) Youth and Labour Department
Mrs Rosalba Carallo (Bari)
Professor Bernini (Venice) The President of Junta
Doctor Aldo Lorigiolo (Venice) The President of A.N.E.A.
Mr Sullivan—Australian Embassy, Athens
Mr N. Intzes—The Minister of Northern Greece
Mr George Adamopoulos—The Prefect of the province of Pella
Mr Stefanidis—Member of Parliament, Florina
Mr Costas Kritsinis, the Prefect of Florina
The Mayor of Florina
The Director of Cultural Activities of Florina
The Chief of Police of Florina
Mr Konstantinos Liakos—The Director of Cultural Affairs in Kastoria
Mr Costas Siganidis—The Prefect of Kastoria
Doctor Evangelos Kofos—Expert in Balkan History, Greek Foreign Affairs
Mrs Siganidis—Director in charge of the excavations at Pella (archeologist)

In answer to the fourth question, I point out that the South Australian Ethnic Affairs Commission was established to serve the migrants of South Australia as well as the broader South Australian public in all areas relating to ethnic affairs. The two largest groups of its clients are the Italian and Greek migrants. To find out the needs of these settlers and in order to serve the public effectively, the commission maintains a close liaison with the Italian and Greek consulates and the community leaders of all major ethnic organisations but, because of the size of these communities and the diversity of their cultural and educational background, it was considered desirable for the Chairman to visit these countries to obtain grass roots level information about the different lifestyles, traditions, history and culture of these people. Through this experience, the Chairman gained a better appreciation of the reasons for migration, and an ability to evaluate for himself what sort of values and aspirations these migrants bring to their new homeland for the benefit of themselves and that of Australia. In answer to the fifth question, a report will be compiled and will be made available.

In the answer to the sixth question, the chairman will be in a position to pass on all the useful experience he gained during his journey to the other officers of the Ethnic Affairs Commission, and consequently the migrants of Italy and Greece will benefit from the improved service the commission can provide for them. As a direct use of the contacts made by the Italian and Greek authorities, cultural and teacher exchange programmes are envisaged in order to support the cultural and educational activities of migrant organisations, so that these communities can further enrich the cultural and linguistic diversity of South Australia.

The answer to the last two questions, is that the cost of the visit was borne by the Department of Local Government. In addition, the Ethnic Affairs Commission provided the sum of up to $1 300 towards the costs of internal travel in Greece and Italy for the Chairman. All the accounts are not to hand, so the exact figure is not known at this stage. I have a copy of the Chairman's preliminary report to the Ethnic Affairs Commission and, if the honourable member would like to peruse this document, I shall make it available to him.

VIRGINIA BY-PASS ROAD

The Hon. G. L. BRUCE: Has the Attorney-General an answer to my question of 24 March on the Virginia by-pass road?

The Hon. K. T. GRIFFIN: In all cases where the Highways Department has been involved in the provision of a by-pass of a town, the appropriate local government authority has had considerable involvement in the planning process. By involving the local government authority in this manner, it is expected that councils will consult the local commuity and business interests on proposals as they affect them. This is considered to be the most appropriate way in which to handle this matter.

ROAD ACCIDENTS

The Hon. G. L. BRUCE: Has the Attorney-General an answer to my question of 31 March in regard to road accidents?

The Hon. K. T. GRIFFIN: During the period 1 January 1982 to 31 March 1982, 68 persons were killed on roads in South Australia in 63 separate vehicular accidents. I seek leave to have the purely statistical appendices inserted in *Hansard* without my reading them.

Leave granted.

Appendix 'A'

ACCIDENT CAUSES IN RELATION TO ROAD USERS KILLED FOR PERIOD 1.1.82-31.3.82

Accident Causes	Road Users Killed						
	Driver	Passenger	Pedestrian	Motor Cyclists	Pillion Passenger	Cyclists	Totals
Speed and Alcohol	12	4	—	3	—	—	19
Speed	3	6	—	4	—	—	13
Asleep at wheel	1	1	—	—	—	—	2
Disobey Rail Signal	2	—	—	—	—	—	2
Disobey Stop Signal	—	—	—	1	—	—	1
Fail to Keep Left	1	1	—	—	—	—	2
Change lanes to danger	1	—	—	—	—	—	1
Fail to Give Way	3	3	—	—	—	—	6
Fell from rear of moving vehicle	—	1	—	—	—	—	1
Inattention	—	2	2	—	—	4	8
Windscreen shattered lost control	—	1	—	—	—	—	1
Drove without due care	—	1	—	—	—	—	1
Rode without due care	—	—	—	1	—	2	3
Failed to stand	—	—	—	—	1	—	1
Tyre blow out	—	1	—	—	—	—	1
Pedestrian lying on roadway	—	—	1	—	—	—	1
Walk without due care	—	—	3	—	—	—	3
Overtook without due care	—	—	—	1	—	—	1
Road conditions inexperience driver	—	1	—	—	—	—	1
	23	22	6	10	1	6	68

Appendix 'B'

ROAD USERS KILLED IN RELATION TO BLOOD ALCOHOL CONTENT FOR PERIOD 1.1.82-31.3.82

Blood Alcohol Content	Road Users Killed						
	Driver	Passenger	Pedestrian	Motor Cyclists	Pillion Passenger	Cyclists	Totals
Nil.	7	13	1	4	1	3	29
.01-.079	1	3	—	1	—	—	5
.08-.149	4	—	1	1	—	—	6
.15-.249	9	2	—	1	—	—	12
.25 +	1	2	2	1	—	—	6
No Sample Taken	—	2	2	1	—	3	8
Blood Denatured (unsuitable for analysis)	1	—	—	1	—	—	2
	23	22	6	10	1	6	68

AIDS FOR DISABLED

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about aids for the disabled.

Leave granted.

The Hon. BARBARA WIESE: I understand that last year the Government made available $500 000 for a scheme to provide funds for disabled people who require aids of one kind or another. The scheme is known as the PAD Scheme or programme of aid for disabled people. I believe that many have taken advantage of the scheme and have welcomed the assistance that has been provided. The problem is that the scheme is due to end on 30 June or when the money runs out, whichever comes first. I also understand that the Government has not yet given any indication whether the funding will be continued beyond the end of June. Will the Government continue to fund the PAD scheme beyond 30 June—

The Hon. K. T. Griffin: It's a Federal Government funded project.

The Hon. J. R. Cornwall interjecting:

The PRESIDENT: Order! There will be a reply in a moment.

The Hon. BARBARA WIESE: —or has its concern for disabled people dissipated since the conclusion of the International Year of the Disabled Person?

The Hon. J. C. BURDETT: I understand that it is a Federally funded project, but I shall refer the question to the Minister of Health and bring back a reply.

OVERSEAS TRIP

The Hon. C. J. SUMNER: Will the Minister of Local Government, when producing information on the cost of

the ethnic affairs section of his overseas trip, also provide the Council with the total cost of his trip, including its other sections and the names of and costs associated with the officers who accompanied him?

The Hon. C. M. HILL: Yes.

SUPERANNUATION FUND

The Hon. C. W. CREEDON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question on the South Australian Superannuation Fund.

Leave granted.

The Hon. C. W. CREEDON: In March this year, I asked a number of questions relating to the Superannuation Fund. It seems that a great number of superannuants are unaware of their rights and, consequently, when they hear that their entitlement in cash pay-out is to be reduced, they begin to worry about it. They know they have paid in what has been asked of them. However, from time to time they hear or read that the Superannuation Fund, which belongs to them, has contributed to some large programme, for example, the Charles Moore project, which has swallowed millions of dollars of their money. The Charles Moore building is to be converted to a courts building and the Government will pay big rental to the Superannuation Fund for the use of those facilities. The Government pays nothing to the Superannuation Fund until the superannuated person retires and begins to draw his superannuation.

The major cause for dissention seems to be the lack of information. I have a report which I have found within the Parliament House precincts. Ordinary people do not know about such reports. It is entitled 'Report of the Actuarial Investigation of the South Australian Superannuation Fund'. It is a report which many people should have readily available. The information it contains is so detailed that many people would not read it. They need to have relevant pieces picked out for them.

Only people employed in Government circles can belong to the superannuation scheme. It seems that it should be a simple matter to keep all contributors informed of the state of the fund, commutation requirements, and so on. A pamphlet would not have to be of excessive length but could contain pertinent information. It should be issued to all new contributors and, when there is any change in terms and conditions, a pamphlet could be issued, possibly through the pay office with the pay cheques. Will the Government examine the ramifications of making such information regularly available to contributors?

The Hon. K. T. GRIFFIN: I will have some inquiries made about the matter. I certainly was not aware of any dissatisfaction with the superannuation fund, nor was I aware of any concern about the policy of the investment trust to invest in major projects. I understood that contributors would undoubtedly be happy with that investment initiative because it provides an opportunity for higher returns from the funds of the trust, and that would automatically benefit contributors. I will have some inquiries made of the Treasurer and bring back a reply.

ADELAIDE CITY COUNCIL

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the Adelaide City Council.

Leave granted.

The Hon. FRANK BLEVINS: My attention has been drawn to an article appearing in the Adelaide *News* on Wednesday 24 March, which states that the Adelaide City Council is apparently attempting to have the voting system for its elections more heavily weighted in favour of commercial interests. The article states:

> The local government voting system should be weighted more heavily in favour of property owners, according to Adelaide City Council. The council has urged a voting system where a property owner has a vote for each property owned . . . The city council is to have talks with the Local Government Minister, Mr Hill, on the proposal.

All members will be aware that there is a limit on the number of votes that commercial interests can have in local government elections. Already the system is very generous towards property owners in the provision of votes at local government elections, far more generous than my Party and I would be, as we believe that votes should be allocated not to property but to people.

However, the fact is that the Adelaide City Council wishes to weight the voting system more heavily in favour or property owners. This gives me cause for concern, although not surprise. Has the Adelaide City Council approached the Minister of Local Government about its proposal, as stated in the *News* of Wednesday 24 March? If so, what discussions have taken place, and have any assurances been given to the Adelaide City Council? What is the Minister's present thinking regarding the relevant weighting to be given to property owners in local council elections?

The Hon. C. M. HILL: As the honourable member would know, the Local Government Act is in the course of being rewritten, and that procedure includes the proposal that five separate Bills will be brought into Parliament in due course. The first of these Bills is in the course of preparation and consultation is taking place with local government and other interested parties. The first such Bill includes the quesiotn of voting rights and, in its original form, did not alter the present system as it applied to the Adelaide City Council in regard to property votes or votes by citizens. There was no original proposal to alter that. There was one slight variation in regard to voting rights, but it did not apply to the Adelaide City Council.

Each council is encouraged to put its own views to my department and those views are discussed by a joint committee made up of representatives of the Local Government Asssociation and my department, so that a final Bill in draft form which is as nearly as possible acceptable to everyone can be achieved, finally approved by Government, and brought into Parliament for consideration.

As a result of that press report, I would think that the Adelaide City Council has contacted my office and has had discussions with my Director on the matter. The council has not discussed it with me, but that would probably be because I was away for a period of four to five weeks and the council therefore would have found it difficult to contact me. If the council put a case for change, that is its affair and its representations will be considered before the Government finally agrees to a new Bill involving this aspect of local government.

I do not think that it is up to me to express any personal views on the matter now, when I am waiting for opinions to come in to be evaluated. However, I will go as far as to say that, in my original concept for change in local government as it will be achieved in this first Bill, there was not any proposal for an alteration to the present system.

STATUTORY AUTHORITIES REVIEW BILL

Read a third time and passed.

DRIED FRUITS ACT AMENDMENT BILL

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

The Dried Fruits Board is an industry funded authority charged with responsibility for the orderly marketing of specified dried vine and tree fruits through the regulation of producers, dealers and packing houses.

All dried fruit produced for marketing is inspected to ensure that it is of export quality. This inspection function is carried out by the Commonwealth Department of Primary Industry for the reason that, at the time of packing, it is not generally known whether the fruit will be sold on the domestic or export market.

Under a longstanding industry agreement, State boards have reimbursed the Federal Government a proportion of these inspection costs on a basis which is acknowledged by industry to have been most favourable. The basis of reimbursement was 50 per cent of the average of the previous ten years on actual costs apportioned between home consumption and export sales.

In February last year the Commonwealth Government advised all State Dried Fruit Authorities that fees for Department of Primary Industry inspection services would be fully recouped and that the increased fees would be phased in over a three-year period commencing retrospectively in 1980. This decision will increase inspection costs to the industry by 300 per cent by 1982. For example, in 1980 inspection fees were calculated to be $13 616, but under the new formula would increase to $37 015 (at 1980 costs) for 1982.

Given the intention of the Federal Government to levy the increased charges, the South Australian board has anticipated a need to raise revenue to finance these additional inspection charges. This revenue will be sought by raising the levy on packing houses. The level of the expected levy, however, exceeds the ceiling amount presently provided under the Act.

Section 18 (2) of the Act authorises the board to strike a levy against all registered packing houses, but the levy is restricted to an upper limit of $3 per tonne of vine fruits and $6 per tonne of all other dried fruit packed. Basing estimates on 1980 prices and the Commonwealth Government's inspection costs recovering formula, the board expects to be required to pay the Commonwealth fees of $27 761 for 1981 and $37 015 for 1982. However, these funds simply cannot be raised by the board, given the limitation of section 18 (2) of the Act. The board's financial reserves will be adequate to meet the increased charges for the 1981-82 financial year, but not beyond.

It is proposed therefore to amend section 18 (2) of the Act to replace the upper limit of the packing house levy with a new limit which will initially be $8 per tonne for vine fruits and $16 per tonne for other dried fruits. These limits will be capable of adjustment by regulation. This will allow the board to declare a levy consistent with expected expenditure.

Some four years ago the industry, represented by all packers and the board, agreed to establish a quality grade standard for a retail package of 'dried tree fruit salad'. The industry thought it necessary to maintain a quality standard and provide minimum standards for all tree fruit varieties included in the pack. The grade standard adopted proved effective in maintaining the quality product. But 'dried apples' should be included within the ambit of the Act so that standards for that fruit can be formally included within regulations. The Bill therefore makes an appropriate amendment to the Act to achieve this purpose.

The provisions of the Bill are as follows: clause 1 is formal. Clause 2 adds 'dried apples' to the definition of dried fruits. Clause 3 amends the limitations on the amount of the contribution that a packer may be required to pay towards the board's estimated expenditure in the manner outlined above.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

FISHERIES BILL

Adjourned debate on second reading.

(Continued from 1 June. Page 4175.)

The Hon. C. M. HILL (Minister of Local Government): In his second reading speech yesterday on this Bill, the Hon. Mr Chatterton raised a number of matters regarding certain provisions within the Bill, and also made a number of comments regarding Government policy. I would like to deal in the first instance with the Commonwealth-State arrangements, and in particular the provisions relating to the establishment of a joint authority.

I should stress from the outset that the Government will be seeking to approach negotiations with respect to fisheries which may be managed by a joint authority on the basis that such fisheries are managed in accordance with the policies of the Government, and consistent with the provisions for schemes of management as provided for in this Bill.

In the first instance, the management of fisheries which occur off the coast of South Australia will be the subject of negotiation between the Commonwealth and the State. Of course, it must be remembered that there are in fact three alternatives to entering into a joint authority arrangement, namely:

(1) Retention of the *status quo*;

(2) A single State fishery managed by State law;

(3) A Commonwealth fishery managed by Commonwealth law.

To expand on this further, if the State so chooses, it does not have to be party to an arrangement whereby a fishery is managed by a joint authority.

The Government firmly believes that there should be a simple division of responsibility for fisheries management as far as is possible. Our objective will be to ensure that the major inshore fisheries (marine scale, rock lobster, abalone and prawn) are managed under State law. We will also be seeking negotiations with the Commonwealth whereby the Investigator Strait prawn fishery and the West Coast prawn fishery will in future be placed under the control of the State and managed under State law.

Of the major fisheries, this leaves the tuna, salmon, trawl and shark fisheries. These may be subject to management by the Commonwealth, or alternatively by joint authority. Either way, the management of these particular fisheries will be the subject of negotiation between the Commonwealth and State or States. To put it simply, the Government will be seeking to have all but those fisheries which occur mainly outside territorial waters and which extend beyond the boundaries of a single State managed under one law, namely, the law of South Australia.

To be able to negotiate effectively in those fisheries which may come under the auspices of a joint authority, the State law will have to be broad enough to accommodate sets of rules agreed by the joint authority for application to a particular fishery under State law. Where a fishery is to be managed by a joint authority in accordance with the laws of the State, the joint authority will be responsible for the

issue of licences, etc., and regulations will have to be made so that such licences can be issued.

With respect to reporting requirements, clause 12 of the Bill provides for a copy of a report of a joint authority to be laid before each House of Parliament as soon as practicable after preparation of the report. Section 12(G) of the Commonwealth Act provides that, as soon as possible after 31 December each year, a joint authority must prepare a report of its activities during that year and the Commonwealth Minister must cause a copy of that report to be laid before each House as soon as possible after the completion of that report. In addition, section 12(F) provides that written records are to be kept of the decisions of the joint authority. The Commonwealth Act also provides that any arrangements agreed to must be published in the Commonwealth *Gazette*, and would come into force at the same time regulations proclaimed in the South Australian *Gazette* come into operation. While the arrangement for the management of a particular fishery is not subject to disallowance by the South Australian Parliament, the regulations would be. The process of termination requires the approval of the Governor and approval of all other parties to the arrangement.

Further, the Commonwealth Statute provides in section 12(F) (4) and (5) that, in the event of a decision to be made of a matter not being agreed to by the members present at a meeting of a joint authority, the Commonwealth Minister may decide that matter, but only after referring it to the Australian Fisheries Council.

With respect to meetings of the Australian Fisheries Council, I should inform the honourable member that the resolutions of council are clearly set out and tabled in Federal Parliament and made available to the State Parliaments to table if they so wish.

The Hon. B. A. Chatterton: But not the agendas.

The Hon. C. M. HILL: Maybe not the agendas. The honourable member also made mention of what he saw as the implications of transferability of licences. I find his approach to this matter somewhat amusing, as the *de facto* transferability of licences commenced with the previous Labor Government in the rock lobster and prawn fisheries, so it is nothing new.

The Hon. B. A. Chatterton: Why do you find it amusing?

The Hon. C. M. HILL: The Hon. Mr Chatterton's Party was waving the banner and criticising the South Australian policy, but they commenced it. If the honourable member regarded transferability as such a bad development, one would have expected that he would act to prevent the development of transferability in both the prawn and rock lobster fisheries during his time as Minister. The fact that he did not do so seems to indicate that the Labor Government accepted the inevitability of transferability of licences.

I should point out to the honourable member that the Government has set the following policy objectives as a basis for sound fisheries management:

(1) Maintain and if possible improve fish stocks through proper management;

(2) Ensure a fair and reasonable access of the fish resources between the various sectors of the community;

(3) Optimise the economic return from each fishery through licence limitation and controls on effort;

(4) Achieve an equitable distribution of the benefits of management to the community.

The overall aim will be to ensure that the economic performance of each fishery is improved through policies designed to increase yield, whilst at the same time seeking to reduce overall costs and unnecessary effort in each fishery.

The Government's policy on transferability states that full professional licences and authorities will be transferable with the vessel upon departure from the industry or a managed section of it to any person who meets the specified competency criteria. As part of its policy of achieving an equitable distribution of the benefits of management to the community, the Government has continued to impose a resource rent based on a formula agreed between the former Government and the fishing industry. With the introduction of the transferability of licences to the abalone fishery, a resource rent similar to that imposed in the prawn fishery has been agreed to by the divers and the Government. The Government considers that the fees paid by the fishing industry, together with other amounts paid by way of income tax and other taxation, represents a significant contribution to the taxation revenue of the State Government.

With respect to the objectives set out under clause 20, I should point out that objective *(b)* which states the objective as achieving the optimum utilisation of the fish resources really covers the matters raised by the honourable member in his speech. 'Optimum' is defined as being the best for the achievement of an aim or a result, while 'utilisation' is defined as making use of. However, the Government recognises that the addition of the words 'equitable distribution' of fish resources would enhance the objective, and is also consistent with the Government's overall policy objectives in seeking to manage the fish resources of the State.

Overall, I am pleased to see that the honourable member supports the Bill, and that he recognises that fisheries management is a dynamic system which requires flexibility in management decision making. We believe that the development of schemes of management for each of the State's fisheries will provide the blueprint for the management of the fishing industry well into the eighties. We recognise the capacity and readiness of the fishing industry to participate in and contribute to the development of fisheries management policies, and we look forward to continuing the close working relationship established with both the recreational and commercial sectors of the industry. I urge all members to support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—'Procedure of Joint Authorities.'

The Hon. B. A. CHATTERTON: In my second reading speech, I raised the matter of the way the joint authorities would operate. I think the Minister partially answered some of the queries I had but I would like to follow them up, because these joint authorities are a departure in terms of the Australian Constitution, a new executive authority consisting of State and Federal Ministers. Previously the Federal and State Ministers worked together in the Fisheries Council as an advisory body where they consulted but did not make decisions that were binding on State Ministers. This Bill and the amendment to the Commonwealth Fisheries Act set up these joint authorities as executive bodies and it is important to know how they will operate. As I understand, the Minister said that they will produce a report, not just the *Hansard* record that has come from other Ministerial councils. The *Hansard* records, I may say, are frequently inadequate. They have been edited after the meetings have taken place, so they have not proved a satisfactory record of the meetings, but that did not matter much because they were not binding on the people concerned.

Now there will be meetings where the resolutions will be clearly stated and signed by the Commonwealth Minister. The important point that has not been cleared up is regarding agendas. If these authorities are to be executive authorities, it is important that people in the industry and others in the community know what will be discussed. How could they put their views to a joint authority if they were not even aware that a matter was before an authority?

People can find out at Parliament House what is on the Notice Paper and what items are before Parliament. They can make their views known to members on legislation and they can find regulations in the *Government Gazette*. It seems to me to be important for the Minister to clear up the matter of whether these agendas will be available publicly and, if they will be, how long they will be available before a meeting.

The Hon. C. M. HILL: There are not any provisions, as the Hon. Mr Chatterton has pointed out, for the actual agendas to be issued or made public. The Government is quite prepared to look into this matter to find out whether it is possible and wise to publish agendas of such meetings. I know that the member is using the precedent of a Parliamentary session as an example of where an agenda is made out but I hasten to point out that many authorities hold meetings and make decisions that become public but the original agenda is not made public.

Frankly, one wonders why there is a need for agendas to be known. I should think people would be more interested in the decisions of meetings than in what was on the agenda for a meeting. I reiterate that the legislation does not provide for the agendas for the joint meetings to be made public but the Government is prepared to look into the matter to see whether that can be done, especially for someone so interested in the subject as the Hon. Mr Chatterton.

The Hon. B. A. CHATTERTON: I was not seeking agendas for myself. I was looking at the matter more from the point of view of the fishing industry. People in the industry are vitally concerned with decisions of the joint authorities. The authorities will lay down the rules relating to a fishery assigned to the authority and the industry will be concerned as to what those rules will be and whether they should be altered. People in the industry should have the opportunity to put their views to the joint authorities and how can they do that in a case where an authority is going to discuss that fishery and the rules?

I do not particularly want the agendas of the joint authorities. I raise the matter from the point of view of the industry being able to make its views known, because this is a new method. It is not the usual method of making things known through a Minister. The other matter I raise is whether, after the meetings are held, the *Hansard* records as well as the reports will be made available to people in the fishing industry so that they can get a better understanding of why a joint authority came to a particular decision.

The Hon. C. M. HILL: The member has indicated that his interests are more with the industry. I only mentioned him specifically because I know that he maintains a deep interest in the industry.

The former Minister has given a written undertaking to the Australian Fishing Industry Council (AFIC) that the Minister here will discuss with it all matters affecting it which are on the agenda of the joint authority meeting before the meeting takes place.

That clear undertaking might put some of the honourable member's fears to rest. In other words, from the industry's point of view, it will be contacted by the Minister when matters affecting it are to be discussed at meetings of the joint authority. Those matters which affect the industry will be discussed between the department and the industry prior to the meetings of the joint authority. That undertaking goes a long way towards satisfying the point that the honourable member has made.

If, with the passing of time, it remains decided that the agenda will not be made public, at least the industry will know that any matter that is to be discussed on the agenda will be made known and discussed with the industry prior to its being discussed at the joint authority meeting. That should clear up that point.

In regard to the question of the *Hansard* report, we have no knowledge at this moment that there will be a *Hansard* report of the meeting of the joint authority; that is still somewhat undecided and we cannot be definite in discussions about questions concerning *Hansard* reports of the actual meetings.

The Hon. B. A. CHATTERTON: The Minister and I agree that the assurances that he has given go a long way towards achieving what I set out to achieve. I point out that these assurances are sometimes lost or forgotten when there is a change in the Government or the Minister. Having accepted the principle that the fishing industry should know what is on the agenda, certainly in regard to what concerns it when these matters are discussed by the joint authority or a fisheries council meeting, I only hope that the Minister will put forward a plea for an open agenda that will be fairly freely available so that it will not just be the Australian Fishing Industry Council but any other fishing group or processor who may want that information and who might not otherwise be informed. I hope that can be achieved.

The Hon. C. M. HILL: The Minister in charge of the Bill will look at the matter.

Clause passed.

Clause 12 passed.

Clause 13—'Arrangement for management of certain fisheries.'

The Hon. B. A. CHATTERTON: I move:

Page 8, after line 8—Insert subclauses as follow:

(1a) An arrangement shall be laid before both Houses of Parliament within fourteen days after the making of the arrangement if Parliament is then in session, or if Parliament is not then in session, within fourteen days after the commencement of the next session of Parliament.

(1b) If either House of Parliament passes a resolution disallowing an arrangement, being a resolution of which notice was given at any time within fourteen sitting days of that House (whether or not occurring in the same session of Parliament) after the arrangement was laid before it, the arrangement is terminated.

The purpose of the amendment is that at present the arrangements made between the State and the Commonwealth which are described in this Bill in terms of the Commonwealth Act amount to correspondence between the Governor of the State and the Governor-General of Australia. It seemed to me quite appropriate that something as important as the assignment of a fishery or the State's rights in a fishery to a joint authority should come before Parliament. That is the purpose of my amendment. It brings before Parliament the arrangement made between the State and the Commonwealth in regard to the assignment of the fisheries to a joint authority.

It is appropriate because it is an important decision. It is the assignment of the State's constitutional rights to a completely new executive body, as I have already mentioned. When one looks through the Bill one sees how the joint authority overrides the State Minister. It overrides the State Government completely. By assigning those State rights in a fishery to a joint authority we have given over that control to that new body. It seems only appropriate that the major decision should come before Parliament and be subject to disallowance. There are ways outlined in the Commonwealth Act that the arrangement can be discontinued. The initial decision to assign is important and one that should be subject to public scrutiny and disallowance through the Parliamentary process.

The Hon. C. M. HILL: The Government cannot accept this amendment. I am sure that the honourable member realises that Part II of the Commonwealth-State arrangements of this Bill must be completely consistent with the complementary legislation already passed by all other States, Territories and the Commonwealth as part of the off-shore constitutional settlement.

It is anticipated that it may be necessary for this State to get together with the Commonwealth to determine the geographical limits of some fisheries. This will be kept outside the workings of the joint authority, and I would expect that, in any case, such discussions would precede an arrangement.

It is also worth repeating that, if a particular State is not happy with the terms of an arrangement to manage a particular fishery, it can elect not to be party to the arrangement. That point is relevant at the moment.

Any arrangement agreed to must be published in the Commonwealth *Gazette,* and would come into force at the same time regulations proclaimed in the South Australian *Gazette* come into operation. While the arrangement for the management of a particular fishery is not subject to disallowance by the South Australian Parliament, the regulations would be. That is also an important point. The process of termination requires the approval of the Governor and communication with all other parties to the arrangement. Where a fishery is to be managed by a joint authority in accordance with the laws of the State, the joint authority will be responsible for the issue of licences, etc. and regulations will have to be made so that such licences can be issued. These regulations will be made under the laws of this State, clause 46, and they will be subject to those provisions in the Subordinate Legislation Act, 1978, which require such regulations to be laid before both Houses of Parliament and be subject to disallowance in the normal way. Therefore, I stress the point that the State need not go into an arrangement if it does not want to. Secondly, there is that check by Parliament in this State because the regulations have to run the gauntlet course of disallowance by being laid on the table.

The Hon. B. A. CHATTERTON: I am surprised at the Minister's reply. Of course, the State does not have to go into a joint authority. No-one ever suggested that it did. I am suggesting that if the Government of the day negotiates (and the Minister has described the processes of negotiating an arrangement) that crucial decision, one which assigns the State's sovereign powers to a joint authority, it should be subject to Parliamentary review.

The only recourse that the Minister has given is that the regulations, which are produced after the fishery has gone into the joint authority which has set up a scheme of management for that fishery, come before Parliament, can be disallowed. That is a totally unsatisfactory way of expressing an opinion because, if there were members of Parliament who wanted to disagree with the assignment of that fishery or part of it to the joint authority, all they could do is try to get the disallowance of the regulations. That creates chaos.

I doubt whether any members of Parliament would want to do that to express their disapproval of the assignment of the fishery to the joint authority. So, it is not an adequate safeguard. It comes in long after the process of assignment to the joint authority has taken place. That is why it is important that the decision as to whether the State should assign its sovereign rights in the fishery to a joint authority should come before Parliament. That is why I have moved these amendments.

The Hon. C. M. HILL: I must compliment the honourable member on his sincerity in this matter but must also point out that the Government of the day is the elected Government. It is given a job to do and in this instance the legislation sees to it that it has the power to do that job if it so wishes. It has the power to enter into these joint arrangements as a Government if it so wishes. Another point which I think is relevant is that no other Parliament in Australia has seen fit to put this further check in its legislation as the honourable member now proposes. Legislation similar to that which is currently before the Council has been passed in all other States and the Commonwealth. It seems that all other States and the Commonwealth have put some faith and trust in the Government of the day in regard to entering into these arrangements if they so wish.

We are dealing with legislation which has been under discussion for approximately six years. It has not just been pulled out of the top drawer by this Government as something of a Government initiative. It has been under discussion throughout Australia for six years. Every other State accepts it but the honourable member is objecting on the grounds that he wants Parliament to have the right, after the State Government has entered into such an arrangement, to upset it. The Government in this State, the department and indeed the previous Government relative to fisheries administration acted responsibly and, I believe, will act responsibly. They simply are conforming with the precedent which has been set. They are conforming with it after all these years of negotiation and the Government believes there is simply no need for this further measure to be written into the clause.

The Hon. B. A. CHATTERTON: I do not accept the Minister's argument. This decision is really of more fundamental importance than the regulations which follow it. Yet, the regulations come before Parliament but the fundamental decision as to the assignment of the fishery does not come before Parliament. It is surprising that elsewhere, where the States' sovereign powers have been assigned to the Commonwealth, that has been done by Act of Parliament, yet here that has been done by administrative decision. It seems not unreasonable that that administrative decision (which I can see fully should be negotiated) should come before Parliament by way of disallowance before the Council. It is a more fundamental decision than the regulations which follow it, and the Government is happy that these regulations should come before the Council. I cannot accept the Minister's logic.

The Hon. C. M. HILL: I cannot accept the honourable member's argument when he talks about regulations. Regulations have always been laid on the tables of both Houses. Regulations, by precedent, provide for Parliament to check legislative matters by disallowance if the numbers can be gathered in any House of Parliament to disallow the regulations. That really has nothing to do with what the honourable member is proposing. The honourable member is proposing that Parliament should have the right to rupture arrangements made by the Government of the day to enter into a joint arrangement with the Commonwealth in regard to fisheries.

The Hon. K. L. Milne: Why not?

The Hon. C. M. HILL: We may as well give the Parliament the right to rupture every decision of the Government before it gets off the ground. The rupturing process can take place when the regulations are laid on the table. That is when Parliament can have its say. Prior to that point the Government of the day, which was elected by the people, should have the right to implement policies as it sees fit. As I stressed a moment ago, the Government is not thrusting this measure into Parliament unexpectedly. It has been talked about for six years. The Hon. Mr Chatterton would have been involved in the discussions. The Labor Government in N.S.W. prepared the draft Bill. Every other Parliament in Australia has accepted the words that we are asking this Parliament to accept. However, it is not satisfactory to Mr Chatterton. That is fair enough as he is entitled to his view but he is going too far in his endeavour to put a leg rope on the Government of the State in this matter.

The Committee divided on the amendment:

Ayes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, M. S. Feleppa, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. M. B. Dawkins.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 14 to 19 passed.

Clause 20—'Objectives.'

The Hon. B. A. CHATTERTON: I move:

Page 11, line 10—After 'utilization' insert 'and equitable distribution.'

From the Minister's second reading explanation, I believe that he will accept this amendment, which includes in the objectives the equitable distribution of resources.

The Hon. C. M. HILL: The Government supports this amendment.

Amendment carried; clause as amended passed.

Clauses 21 to 26 passed.

Clause 27—'Restriction on interests of fisheries officers.'

The Hon. B. A. CHATTERTON: I move:

Page 12, line 37—Leave out 'fisheries officer' and insert 'person who is engaged, or who has, during the preceding period of twelve months been engaged, in the administration of this Act'.

There are two quite separate principles involved in this amendment. I have altered the clause so that instead of only 'fisheries officer' the clause encompasses all people who are engaged in the administration of the Act. The reason for this is that fisheries officers are people appointed under the Public Service Act to be fisheries officers and are directed by virtue of the Minister's office. My understanding is that the term does not include everybody within the Fisheries Department. I want to ensure that everybody is covered, as all these people can influence very important decisions made by the Director and the Minister regarding fisheries management.

It is important that these people do not have a pecuniary interest in the fisheries. After all, they put forward decisions on granting additional licences. It is important that their advice is completely disinterested and shall be seen to be so. That is the first important principle involved in this amendment, to ensure that all people in the department are covered, not just those people who are appointed fisheries officers for the purposes of the Act.

The second important principle is the 12-month grace period. This amendment will try to prevent the situation which has occurred in the Commonwealth Fisheries Division of the Department of Primary Industry, which, I believe, is quite disgraceful. Senior officers of that department have left it and have immediately moved into private consultancy and have used their skills for the benefit of some people in the fishing industry. I do not know whether their employment privately is a question of pay-offs; that those people did favours for others in the fishing industry and were able to move rapidly into private employment, or whether it is a question of the reverse being the situation.

The recent situation, which is quite incredible, where a senior departmental officer in the Department of Primary Industry, Mr T. B. Curtin, was involved in fisheries management and moved out of the department and became a private consultant, is disgraceful. In this particular case when he went out into private industry he offered advice to people in the industry as to how they might resolve those problems.

It seems extraordinary cheek on his part that he offered his services to people in South Australia to try to resolve the Investigator Strait prawn fishery problems. More than anyone else, he was responsible at the Commonwealth level for providing advice to the Commonwealth Minister on how that matter could be resolved. Obviously it has not been resolved and, therefore, he must in some way be responsible. It seems extraordinary to me that he should write to people in South Australia offering his services on how, as a private consultant, he could help them resolve that particular dispute.

Another person from the Commonwealth department is now set up with Purnell, Webb and Associates as a private consultant on fisheries management and administration. Another man, Mr Bollen, was also a senior officer (possibly head of the division) and he set up privately. I do not think that this is an appropriate way for senior fishery officials to conduct themselves.

It has not happened in this State and I hope that we do not have that situation here where people are directly involved in fisheries administration and management and make crucial decisions one day, and the next day are outside as private consultants. It is a situation where they could be accused of having made decisions to favour their subsequent employment. I want to insert a 12-month cooling off period so that it would not be possible for those officers to have those pecuniary interests. That is the purpose of the amendment. There are two quite separate principles involved: first, to broaden the term 'fisheries officer' to include all people engaged in administering the Act; secondly, to try to provide a cooling off period between Government employment and direct pecuniary interest in fishing activities.

The Hon. C. M. HILL: The Government cannot accept the amendment. The scheme of management will set out the rules, and the licensing officers must abide by them. It would be extremely difficult for anyone in the department to make any kind of an outside deal. Section 58 of the Public Service Act deals with public servants employed in the department who blatantly act contrary to the provisions of the Fisheries Act and regulations. That includes disclosure of any information acquired in accordance with one's duties. Section 61 (4) of the Public Service Act provides that the Public Service Board may recommend to the Government that an officer be dismissed from the Public Service in certain circumstances.

The Government is prepared to give an undertaking that it will investigate the possibility of introducing a policy within the Department of Fisheries requiring all staff to sign a statutory declaration in relation to any pecuniary interests held in a company, business, or trust that has an interest in the taking of fish or dealing with fish. However, I point out that if the Committee agrees to this amendment it could lead to a situation in which public servants in all departments could come under scrutiny and could be asked to sign a declaration certifying that they did not have any pecuniary interest in relation to their departmental work. I would not like to see that state of affairs develop. I say that because of the high regard I have for the propriety of members of the Public Service.

The Government cannot agree with the amendment, which will bring all public servants employed within the department within this net. Whilst I appreciate that the honourable member can cite examples of people who have left the department and have apparently engaged in consultation work using the knowledge they have gained in their previous employment, in general terms I accept that a lot of public servants who might decide to leave the shelter of such secure employment and set up their own businesses will use the knowledge they have gained in their professional work within the Public Service.

The honourable member's amendment simply provides for a 12-month period of restriction on an individual's right to go into private business in, for example, consultancy work. I believe that is not a very strong point, because in some cases people will wait 12 months and then continue

along the same lines. Whilst I appreciate that the honourable member is concerned about this matter, I believe there are some consequences of his amendment that would not be acceptable within the Public Service generally. It should be restricted to fisheries officers; that is the heart of the problem that the Government is trying to tackle.

The Hon. K. L. MILNE: I foreshadow that I will be moving an amendment, which I believe is more appropriate to the Fisheries Department. The Director of Fisheries and other fisheries officers are already well covered in the Bill. I see nothing dishonest in public servants leaving the department and using in private employment the knowledge they have acquired. Taxation officers do this all the time. They gain a lot of knowledge within the Taxation Department and frequently work as tax consultants. No-one complains about that. On the other hand, officers from the public sector often join the Public Service and use the knowledge they have gained in the private sector. I oppose this amendment. I will be seeking the Hon. Mr Chatterton's support when I move my amendment.

The Hon. B. A. CHATTERTON: If my amendment is lost I will certainly support the Hon. Mr Milne's amendment. However, I do not believe that his amendment goes as far as I would like, but it is certainly an improvement on this clause. The Minister has not tackled the question of extending this clause to all people involved in the administration of this Act. It is the same situation as outlined in my earlier amendment. The Government is more concerned about the small fry than the big fish. That is extraordinary. The Government is quite prepared to accept that a fisheries officer shall be subject to this particular clause, but I point out that other people within the department will have much greater influence on some of the Government's decisions. They will have the ability to put propositions before the Government which could result in the issuing of many more licences and other matters that could have a high value in the fishing industry.

It is not unreasonable that these people should be subject to the same provisions as are the fisheries officers. The Government has admitted that there is a potential problem. When making prosecutions fisheries officers must be above any suspicion that they are in any way involved in the fishing industry. It must be made obvious to everyone that they have no particular interest in the industry. I do not see why this clause should not be extended to include those people who will be putting forward proposals in relation to the management of the fishing industry. I am not suggesting that any of them have an interest in the industry or that they would like the Government to issue more licences so that their friends can obtain one. I believe that this clause should be extended to include those people involved in the administration of this Bill to ensure that suspicion cannot be levelled at them.

The case of a public servant using his knowledge for private consultancy work was mentioned by the Hon. Mr Milne. I agree with the Hon. Mr Milne that this sort of thing occurs in other areas of the work force. However, the difference is that I do not believe that public servants in other Government departments have such great powers of patronage. In many instances problems in the fishing industry of this State involve individual decision making. Such a case occurred just recently in relation to the tuna fishery where a number of decisions were taken based on research work.

That situation has now been thrown into the melting pot and we are looking at it again. It is an area in which there are many unknowns. It is a question of people flying by the seat of their pants in many cases because there is not knowledge of fish stocks, fish resources, how much can be harvested, and all those things, while the decisions that flow from those matters concern many people. That is what worries me about people who have moved out of a Commonwealth department into private consultancies and have been issuing licences that are worth a lot of money. It is not a situation that applies elsewhere, where the rules governing the licenses are laid down in administrative law. In fisheries, it is often an open-ended matter that is the subject of personal decision. That is why I am worried. It is different from what occurs in other areas of Government activity.

The Hon. C. M. HILL: The Government was concerned about fisheries officers because it places them in a different category from ordinary departmental personnel in the Fisheries Department. It is the fisheries officers who enforce the law. That is a very important point that may have been overlooked in the debate, and those officers can come under pressure and must be placed in this category to come under the terms of clause 27.

However, the Government does not see the need to apply the pecuniary interests section to all officers, and the suggestion that a fisheries officer or any other person who has been engaged in the administration of the Act during the preceding 12 months cannot hold a pecuniary interest in the business of fishing would prohibit anyone terminating employment in the Department of Fisheries from taking up an active role as a fisherman or working in a fish processing factory. The department draws some of its staff from the fishing industry, and any proposal that suggests that people cannot return to the fishing industry once they leave the department is, in the view of the Government, severe and unwarranted, in that it interferes unnecessarily with the person's prospects of employment.

The Hon. B. A. CHATTERTON: The Minister has misrepresented my amendment. It does not do that at all, because there is reference to 'without the consent of the Minister'. Where an officer is returned to a legitimate position in the industry, obviously the Minister would give his consent. That is already in the legislation, so what the Minister has said about restricting the employment of people is untrue. If those people moved into the industry and everything was above board, the Minister would give his consent.

It does not seem unreasonable that this power that the Government admits should apply to fisheries officers should be extended to other people in the department and cover 12 months after they leave if the Minister thinks that would be a breach of confidence regarding information obtained during their employment. That is what I think is happening in the primary industries. In this case, it should be stopped before it starts.

The Hon. C. M. HILL: I understand the point in some ways but in other ways it makes the position worse, because it leaves it at the whim of a Minister to decide whether a person can go out into a business in which he has experience, and that should not be allowed to exist. However, the main thrust of the Government's objection is that it sees no necessity to apply it to all officers in the department. We believe there should be some check on the fisheries officers, and for that reason we have worded the Bill accordingly.

The Committee divided on the amendment:

Ayes (8)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, M. S. Feleppa, Anne Levy, and Barbara Wiese.

Noes (9)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons N. K. Foster and C. J. Sumner. Noes—The Hons L. H. Davis and M. B. Dawkins.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. K. L. MILNE: I move:

Page 13, after line 6—Insert subclause as follows:

(3) A person (other than a fisheries officer) engaged in the administration of this Act shall, if he has an interest of a kind referred to in subsection (1) *(a)*, declare the interest to the Minister.

Penalty: One thousand dollars.

The type of provision that I am suggesting and the type that the Hon. Mr Chatterton has suggested are not usual. For example, one does not have this kind of restriction in relation to the Agriculture Department. Something should be done, as the Hon. Mr Chatterton pointed out, because it is a special kind of situation in which the restrictions, policing and rationing have to be so severe, that it is wise to have all the cards on the table, or to be seen to be on the table.

I do not go as far as the Hon. Mr Chatterton because I do not think the provision is necessary in relation to officers other than designated fisheries officers. If any member of that department or any other citizen involved in administration of the Act (I know the police are dealt with already) has an interest in fishing in any way that could affect his judgment, at least the Director should know about this. This is not intended to be a criticism of the Public Service; it is more a protection for such people so that others would not be able to say that perhaps so and so had an interest in fishing in a case in which a harsh decision had been made.

Just as the Hon. Mr Chatterton wishes to prevent anything like that happening, so do I. I have discussed the matter with the President and the Executive Officer of AFIC and they support the idea 100 per cent. They would feel much happier if their people were prevented from criticising the department, because the relationship of the department with the fisheries has improved. The Minister referred to the Public Service Act and indicated that he believed that the necessary restrictions or protections were in the Act. I do not believe that is so. It is not good enough for what the Opposition and I had in mind in this case. A provision of this kind is needed.

The Hon. C. M. HILL: The Government has given much thought to this amendment since the honourable member placed it on file, but the Government cannot support it. I can well understand the honourable member's bringing the matter forward because he believes that there is a need for a further check of possible problems arising of the kind that one can envisage when considering clause 27. The honourable member said that it was not intended as a criticism of public servants in the department or elsewhere. Although he says that, it certainly could be construed by Public Service officers within the department and elsewhere as implying some criticism.

The Hon. B. A. Chatterton: Your Bill involves a criticism of the fisheries officers.

The Hon. C. M. HILL: That could be construed to be the case by fisheries officers, but I do believe that they would normally expect such a measure to protect them. I do not know that the public servants of this State want to be protected in this way. This is what worries me. Has the honourable member any examples that he can refer to the Committee to justify such action? To the best of my knowledge, there has not been any instance, and we certainly do not want there to be such an instance. The putting forward of this proposal is certainly not based on a historical situation that needs to be corrected in any way.

It is for this general reason that the Government does not believe that there is a need for a declaration of this kind, and the Government opposes the measure. Further, what does the Minister do if he gets a declaration from an officer indicating that the officer in one way or another has a small interest in a matter of this kind? Under the amendment, the law stops at the point of declaration. If the Minister received a declaration, he could not turn to the Bill to find out what his next step should be in the matter. The amendment may well have been hastily prepared. I appreciate that the Hon. Mr Milne has some support from the fishing industry in this matter, and I can understand that he has looked for some way in which to place a further control on public servants in this department. I appreciate that he supported the Government in the last vote, but the Government wants to be cautious in the administration of the department. It also wants to be fair and just to public servants and fisheries officers, I doubt that fisheries officers could reasonably object to clause 27, but some public servants, especially senior public servants who have given their life work to their department, should not be called upon to make a declaration of this kind. For those reasons, the Government cannot support the amendment.

The Hon. B. A. CHATTERTON: I support the amendment, as I indicated earlier when speaking to my own amendment. As I outlined the two principles which were embodied in my amendment, I will not go through them again. Obviously, one of the principles is covered in a different way by the amendment moved by the Hon. Mr Milne, which I will be supporting. The Minister asked what use it would be if an officer made a declaration. He asked what the Minister would do with it. It is obvious what he would do: he would be in a position to know whether the advice given by that officer was influenced by his activities outside the department. It would be appropriate for the Minister to have that knowledge. If he has a report from someone who is advising that there should be six or eight abalone authorities issued or that there should be more prawn authorities issued, it would be legitimate for the Minister to know whether that officer has an interest, as outlined in the Bill, in an abalone authority or in some other way where, without the authority's being directly issued to him, he could perhaps conceivably benefit from the advice that he had given to the Government. It is legitimate that that matter should be covered.

As I explained earlier, many of the decisions made by the Government in fisheries management have to be made on imperfect knowledge. It is not possible always to sit back and wait until all the research results are completed before making a decision about fisheries management. One is very often dependent on the considered opinion, the best available knowledge, of people who have had experience in that fishery. It does not seem unreasonable that the Minister should know whether those people have an interest in the fishing industry. Therefore, it seems that the amendment is quite reasonable.

The Committee divided on the amendment:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, M. S. Feleppa, Anne Levy, K. L. Milne (teller), C. J. Sumner, and Barbara Wiese.

Noes (9)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw and R. J. Ritson.

Pair—Aye—The Hon N. K. Foster. No—The Hon M. B. Dawkins.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 28 to 36 passed.

Clause 37—'Conditions of licences.'

The Hon. B. A. CHATTERTON: I move:

Page 20—

Lines 3 to 5—Leave out all words in these lines.

Line 6—Leave out 'other'.

My amendment to clause 37 is to leave out the provision which gives the arbitrary power to the Director to impose any condition on any licence. As the Bill stands, the Director has two ways of imposing conditions on a licence. One way

is in relation to the arbitrary powers which he can carry out as he sees the need to conserve, enhance or manage the fishing resource. The other way is related to any other matter prescribed by the scheme of management for the fishery. The origin of those powers which I am seeking to delete from the Bill was through the 1980 amendments to the Fisheries Act. At that time, the Government said that the powers were necessary to take urgent action within the scale fishery. It was a complex fishery. There were many forms of activity which needed to be controlled and it was therefore important for the Director to have these arbitrary powers.

Now that that situation has expired, there seems to be no reason why those arbitrary powers should be maintained within the legislation. It seems that the prescribed scheme of management for fisheries (a document which is available to all) is quite adequate. I cannot see why the Director would want to take action over and above the prescribed scheme of management for the fishery. So, the deletion of those powers does not in any way inhibit the Government from carrying out the proper management of the fishery. It seems that the prescribed scheme of management for the fishery should be quite adequate and should give the Director all the powers he requires. It seems that it is unnecessary and dictatorial to have an additional clause which allows the Director to make those independent decisions, which would be very difficult for any fishermen to appeal against. If they were needed, they were needed only as a temporary measure at that time and surely that time is over.

This legislation will be with us for a long time; that is something of which the industry ought to be well aware. The industry has said that it supports the legislation and, if so, it ought to be aware of the very authoritarian powers which the Bill gives to the administration of fisheries in this State. Those powers are strong indeed and nowhere are they stronger than in this clause. The amendment that I am moving would make the Director accountable in terms of the scheme of management for the fishery. That does not seem to be unreasonable.

The Hon. C. M. HILL: The Government opposes the amendment for the following reasons. The power which the Director has under clause 37 is subject to appeal under clause 58. It will therefore be incumbent on the Director to justify the reason for his decision under this section to a District Court if the person is aggrieved. Clause 37(1)*(a)* is consistent with the objectives of the Act, while clause 37(1)*(b)* specifically restricts powers to impose a condition of the licence to those matters specified by regulation under the scheme of management.

In practice, licences in a particular fishery will generally be subject to the same conditions, as to do otherwise may result in unfair advantages for some fishermen over others. Exceptions to this practice may occur where additional licences were issued in a fishery, following a call.

Under the Bill provision is made for a person who feels he is aggrieved to take the matter through the court process and to have an interpretation of his application made independently. One cannot be fairer than by providing a mechanism by which a person who feels aggrieved can have his case tested by an authority.

The Committee divided on the amendment:

Ayes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, M. S. Feleppa, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon N. K. Foster. No—The Hon M. B. Dawkins.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 38 to 45 passed.

Clause 46—'Regulations relating to fisheries and fishing.'

The Hon. B. A. CHATTERTON: I move:

Page 23, after line 44—Insert subclauses as follows:

(2) Notwithstanding the provisions of subsection (1), the Minister shall ensure that, before regulations are made prescribing a scheme of management for a fishery—

(a) a draft of the scheme of management proposed to be prescribed for the fishery is made available for public inspection at a place fixed by the Minister;

(b) a period of not less than one month is allowed for members of the public to lodge at a place fixed by the Minister written comments upon the draft scheme; and

(c) due consideration is given to any written comments so lodged.

(3) Failure to comply with subsection (2) shall not affect the validity of any regulations made under subsection (1).

The purpose of this amendment and the purpose of the proposed new clause I wish to insert later are basically the same. I will speak to both amendments now. The purpose of the amendments is to try to equate the balance between the fisheries administration and the fishermen. Presently, clause 46 lays down the scheme of management for a fishery and places obligations on the fishermen; that is fair and reasonable, and I am not suggesting that it should be otherwise.

It seems to me that there should be an obligation on the part of administration. By these amendments I am seeking to put something into the Bill which puts a few obligations on the administration. I do not think that the obligations I am putting forward are at all unreasonable nor do they apply an unreasonable burden on the administration. There are two things: first, the draft should be available and, secondly, it should be available for public inspection. I do not think that that is unreasonable. After all, the scheme of management for a fishery affects the livelihood of a large number of people. I do not think it is unreasonable that fishermen should be able to see the draft scheme of management for that particular fishery. The Director should make available to the holders of the licences a consolidated form.

The CHAIRMAN: Are you now speaking to the new clause?

The Hon. B. A. CHATTERTON: Yes, it follows the same principle through. The idea of the new clause is that the Director should make available to all licence holders the regulations, proclamations and policies relating to that fishery in a consolidated form. I know from experience as a Minister that it is hard to get consolidated regulations, proclamations and policies, and usually they are only available to new people within the department. Yet, it is the fishermen who have to comply with them and, under this new Bill, if they do not comply with them, their licences can be suspended or cancelled. It seems to me that it is an obligation that should be placed on the administration that it should make that information available to the fishermen on a regular basis.

I do not believe that it is fair to ask fishermen to comply with the regulations under the scheme of management, which is very complex. They will not have a book of rules setting out all the information. My objective is, first, to give the industry a better forum for consultation before the rules are drawn up and, secondly, when the rules are drawn up they should be presented to the fishermen in a consolidated form. I do not believe that it is unfair or unreasonable to place some of the obligations on the administration. At present all the obligations are on the fishermen.

The Hon. C. M. HILL: The Government does not accept the honourable member's amendments. The amendments

provide that regulations prescribed in the scheme of management should be made available for a period of not less than one month. The Government does not accept this amendment, because it is clearly committed to consult with professional fishermen through the Australian Fishing Industry Council and the South Australian Recreational Fishing Advisory Council on all matters pertaining to the development of management policies for the fishing industry in this State.

In addition, if a member wishes to move a motion of disallowance of regulations made for a scheme of management he may do so when those regulations are tabled in either House of Parliament. Therefore, if a group of persons is aggrieved by the provisions of any particular scheme of management they are able to appeal to Parliament and give evidence to the Joint Committee on Subordinate Legislation.

The Government cannot accept the amendment because the administrative costs would be prohibitive. Fishermen will be notified of changes to regulations, proclamations and policy through normal extension channels, such as the present notices to fishermen issued by the department and through the SARFAC magazine. In addition, the fishing licence itself will clearly set out the general terms and conditions under which a fisherman may operate in a particular area of the industry. Once the schemes of management have been proclaimed each fisherman affected will be sent a copy of the scheme of management.

The very heart of the Bill is contained in this clause. The detail relating to the granting of licences will be prescribed in licences for each fishery. A great deal of necessary flexibility will be provided in the provisions of this clause. Many matters which are not covered under the present Act but which were merely managed by policy decisions will now be covered by regulation and will have legal import. The Australian Fishing Industry Council applauds the concept of schemes of management for fisheries to be incorporated in regulations. Indeed, AFIC has congratulated the Government on including the provisions contained in clause 46.

The Hon. B. A. CHATTERTON: As I have already pointed out, I am not suggesting that this clause is in any way inadequate. I suggested that fishery management is necessary. However, I point out that it swings the balance very heavily in favour of the administration and against the fishing industry. The Minister seems to agree with everything I have said. However, it appears that he does not want to be tied down.

The Minister said that the Government will be consulting with AFIC on draft regulations and that all the things I mention in new clause 46a will be done. However, the administration will not be included. The Government simply wants to give an undertaking but, as I pointed out earlier, undertakings can be lost when Governments or Ministers change and, therefore, the whole situation could become quite fluid again.

The Minister has given an undertaking that consultation will take place with AFIC, but there are other people involved who do not belong to specific organisations. Those people are entitled to be involved and put their views before the Government. It is not good enough for the Government to say that it has a policy of consultation with AFIC in relation to draft schemes of management for the fishery. The Government must consult more widely than that, which is what my amendment provides for. The Minister said that he agrees with the principles behind my amendments but he does not want to see them enshrined in the Bill. I cannot fathom the logic behind the Minister's argument.

The Hon. C. M. HILL: The logic is very basic. There is no need to clutter the Statute Book with conditions of this kind. The Liberal Party recognises the value of advisory councils within each of the managed fisheries and will encourage a close working relationship with the industry and its leaders. Whilst the Opposition believes that schemes of management should be made available for public comment, the Government's policy particularly refers to consultation through management liaison committees and through AFIC and SAFIC. The Hon. Mr Chatterton now seems to be leaning towards a policy that does not place so much reliance and emphasis upon the leadership of AFIC. The Hon. Mr Chatterton has referred to the other interests that must be taken into account. I am sure the honourable member agrees that he is a great champion of AFIC, and I have several newspaper cuttings which support that statement. The honourable member's amendments are simply not necessary, because full consultation will take place. The best possible legislation for the fishing industry is the Bill in its present form.

The Committee divided on the amendment:

Ayes (8)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, M. S. Feleppa, Anne Levy, and Barbara Wiese.

Noes (9)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons N. K. Foster and C. J. Sumner. Noes—The Hons L. H. Davis and M. B. Dawkins.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 47 to 53 passed.

Clause 54—'Fish processors required to be registered.'

The Hon. B. A. CHATTERTON: I move:

Page 27—

After line 22—Insert subclauses as follows:

(3a) The Director shall not register a person as a fish processor unless he is satisfied that the operations proposed to be carried on by the applicant would comply with the requirements of this Act and the Health Act, 1935-1980.

(3b) The Director may refuse to register a person as a fish processor if he is satisfied that—

(a) a person whose registration as a fish processor has been suspended or cancelled;

or

(b) a person who shared in the profits of the business carried on by a person referred to in paragraph *(a)*,

has a direct or indirect interest in the granting of the registration.

After line 33—Insert subclause as follows:

(5a) The Director shall not specify any premises, place, boat or vehicle in a certificate of registration unless he is satisfied that the premises, place, boat or vehicle and the use proposed to be made of it by the applicant would comply with the requirements of this Act and the Health Act, 1935-1980.

The purpose of the amendments is to try to protect the fishing industry in the processing areas, and it is important that they be carried, because the whole industry is really dependent upon the reputation of the processors. We have had a situation in Sydney where Sydney rock oysters were contaminated and that involved millions of dollars in harm caused to the fishing industry. The reputation that was created for Australian oysters at that time did untold damage to the industry, whether the people concerned were involved in producing the oysters or not. That is why it is so important to have adequate powers to cover the processing of fish.

If we have a situation in South Australia where a batch of fish becomes contaminated, goes on to the market, and people are affected, not only the processors will be involved: the whole industry will be affected. We must ensure that health and hygiene requirements are adequately covered. We have a strange situation, because most fish processors are adequately covered for the reason that they are also export establishments and have to comply with the requirements of the Department of Primary Industry, be inspected, and so on.

I am not suggesting that those processors are in an unhygienic position regarding the storage of fish, but some smaller people are not covered by the Commonwealth inspection procedures. I suggest that the Director, before he issues a licence, should be satisfied that the applicant has complied with the Health Act. I am not sure that that Act is always adequate but it does something towards covering this situation. Further, as a safeguard to give additional powers, the Director should be able to refuse to grant a licence to someone who has had his licence suspended. Suspension of a licence is a much more effective penalty than a fine and the inspector should have the power to do this.

We do not want a situation to arise in the fishing industry such as we had in the meat industry, where most abattoirs were covered by very good Commonwealth inspection but State abattoirs were covered by a hotch-potch of rules that were totally inadequate and country slaughterhouses really had no rules at all. That situation could occur in the fishing industry. We must be well aware of it and try to prevent it from taking place. I suggest that giving the Director power to satisfy himself that those premises meet adequate standards, and so on, will give adequate opportunity to ensure that what occurred in the meat industry does not occur in the fishing industry.

I have moved to insert the new subclause (5a) to ensure that premises other than where contamination takes place are covered. Prawn vessels are used for processing and it is necessary that the Director be able to cover them and see that they meet the hygiene standards required.

The Hon. C. M. HILL: The honourable member did not speak, as I understood him, to his amendment concerning the right of the Director to refuse to register a person if that person has shared in the profits of a business carried on by a party to a licence that has been cancelled or suspended. I reject the main thrust of the submission. We have to cut out all reference to the red meat industry, because that gets emotive because of recent events elsewhere. We are dealing with the fishing industry.

The Hon. B. A. Chatterton: It has nothing to do with events elsewhere—it concerns the local scene.

The Hon. C. M. HILL: I thought the honourable member was referring to the meat industry and indicating the need for better control. The present Government believes in optimum deregulation in regard to its legislation, and it does not want to have cross-references to other Acts of Parliament in legislation under consideration if such a course can be avoided. We want to keep our legislation as simple as possible and we want as much as possible to have a person concerned with a matter to be able to see what has or has not been done by looking at the one Act of Parliament.

Now the honourable member draws the Health Act into the legislation, which is contrary to the general principles which the Government is trying to apply in its legislative programme. There are sufficient provisions in this Bill to make regulations dealing with health, without making a cross-reference to the Health Act.

The discretionary powers given to the Director by subclauses (3) and (5) of clause 54, which were the subject of amendments moved by the Opposition in the Lower House and supported by the Government, empower the Director to take account of health requirements when considering applications for registration of premises. Incorporation of the amendments moved by the Opposition is far too broad. I am sure that the honourable member is aware that health legislation is a very complex area, with a large volume of subordinate legislation, including local council by-laws.

Apart from the necessary reference in Part II of the Bill to the Commonwealth Fisheries Act, it would serve no purpose to include the provisions of other legislation such as the Health Act.

I am saying that the fears expressed by the honourable member can be fully investigated under the provisions of the Bill as it is. I agree that there is a need for legislation to take into account all the health risks that are likely to occur but, under the Bill, regulations can be made to deal with health, and there is no need for this cross-reference to the Health Act. For those reasons the Government cannot see its way clear to support the amendment.

The Hon. B. A. CHATTERTON: I should explain to the Minister that I was not referring, when I drew attention to meat industry problems, to kangaroo meat substitution or any of the things that are applying at the Commonwealth level: I was referring to the State scene that had developed over the last decade; it has only been altered because of the establishment of the Meat Hygiene Authority and the passing of that legislation. We had most of the meat in South Australia going through high standard abattoirs covered by Commonwealth meat inspectors, but there was a small minority of South Australian meat being processed in totally inadequate and unhygienic conditions.

All I am suggesting is that the opportunity is arising within the fishing industry. Most of the processors are covered by the Commonwealth inspectors in our export establishments, but there is a small minority who do not want that, and I want to try to ensure that that situation does not build up because, if it does and we do get poisoning from contaminated fish, it will harm the market for everyone, not just the irresponsible people, but all processors and fishermen, because that is the scare effect that results in the community.

In regard to the Health Act, I only introduced that aspect to try to save the Government from unnecessary duplication and, if the Government believes that it would be better to set down all the regulations in this Act, I am happy to do that. It seemed to me that the Government's policy was not to over-regulate, not to introduce double sets of regulations and administration and, therefore, by making a simple reference to the Health Act, which covers such situations, it would simplify the situation for the Government. The Minister claims that it is not a simplification but a complication. I am not sure why, but it seems that that was a way in which the Government could carry out this administration more simply.

The Director presumably, if all the regulations were under this Act, would have to have his own inspectors. However, through the reference to the Health Act, the Director would only have to contact the public health authority to demand a certificate from the authority that conditions had been complied with. It seems to be more effective for the Director to ask that these things should be satisfied before the licence to operate is granted than to use the Bill's provisions which give him powers afterwards.

It is much more effective if one is holding the granting of a licence over the head of processors, because that is when one can make effective use of that power, to ensure that the premises meet the required standard. That is what the Commonwealth does. It will not issue licences until it is satisfied that the premises meet the right hygiene standards. It is not a question of tidying up afterwards—it is too late then. One must give the Director sufficient power beforehand.

As I explained also, the other provision is necessary to give the Director adequate power to ensure that this area is enforced. If he can cancel a processor's licence, that is an effective penalty, and naturally enough if he cancels the licence he has to be sure that the processor does not immediately reapply under a different business name or the like. One needs to give some degree of discretion to the Director to ensure that that provision of cancellation is not immediately circumvented by some shadow or straw company.

The Hon. C. M. HILL: Like so many of the honourable member's other amendments that we have been discussing, there is no need for this amendment. The effects on the industry and the State generally as a result of this Act will be in keeping with the Government's general policies. From everything the honourable member has said this afternoon, I believe it will all be to the honourable member's satisfaction. There is simply no need to go on and on clogging up the legislation with theory.

It is the intention of the Minister to obtain a health certificate before he gives a licence. We do not need to write it all into the legislation. The Minister may or may not register. Naturally, he will take health into account. Regarding the regulations, the Minister has given a written undertaking to the processing sector of the industry that he will fully discuss proposed regulations with them as they will apply under the fish processing section of the Bill.

So, there will be consultation between the Minister and the processing sector in regard to the regulations. The regulations will be brought down; they will have to run the gauntlet of challenge in Parliament. No-one is arguing against that. The Minister will have the right to register or not to register. He will take the health aspect into account. What more does the honourable member want? Everything will flow through, and the efficiency and success of the administration under the new Act will be in keeping with that which the Hon. Mr Chatterton wants to see and that which he expects. All that can be done without amendments such as the one that is before us.

The Hon. B. A. CHATTERTON: The Minister seems to be poorly briefed on the background of this amendment because he seems to be unaware of the fact that, when the Bill was first presented to the House of Assembly, there was no discretion in it whatsoever. The Director had to issue a licence. It was not a question of discretion at all. It was only an amendment moved by the Opposition in another place that gave the Director any discretion at all as to whether or not he could issue this licence. The original Bill presented in the Assembly provided that the Director 'shall' issue a licence.

When the amendments were moved by my colleague in another place, we suggested that the Director 'may' issue the licence and that the reason that he should exercise discretion was on the basis of the premises being adequate in terms of hygiene and safety for the population having regard to the products supplied from those premises. It does not seem unreasonable that that should be in the Bill.

It is important that it is there because the other reason that the Director would exercise discretion is as to the question whether there should be complete control over the industry. Many people in the industry have advocated that the Director should not issue another licence for premises if there is adequate processing capacity within the industry. I do not hold with those views. I believe that the processing industry can solely manage its own affairs. These people are in competition with one another and, if somebody wants to set up new premises, he should comply with health and hygiene requirements but should not be subject to a Director's saying that we do not need more such premises in this State.

It is important that we include in the Bill directions as to why a Director should exercise his discretion. He is exercising his discretion only on the grounds of public health standards and safety and not on the grounds of saying, 'I do not think we need additional capacity in the industry.' It is very unclear to me why the Government accepted one part of the Labor Party's amendment to give that discretion and not the rest of it, which is the part explanation why that discretion should be exercised. I would like to know from the Minister very clearly if he believes that the Director of Fisheries should, in fact, be exercising some planning function on the capacity of the processing industry, or is that not Government policy?

The Hon. C. M. HILL: The main point I make in reply is that I am prepared to admit that the amendment moved in the other place, the portion which was accepted by the Government, has improved the Bill because it has enhanced the Government's ability to take health into account in granting or not granting licences. Surely the honourable member should be satisfied with that. All the power to regulate the fish processing sections is under clause 55 of the measure before us. I say again that the Minister has the right to regulate. The Minister will take the health aspect into account; he can do all that. He will consult the processing section of the industry before he brings regulations into Parliament, so there does not seem to be any need to clog up the works with further requirements, thereby drawing the Health Act arbitrarily into the legislation.

The Committee divided on the amendments:

Ayes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, M. S. Feleppa, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. M. B. Dawkins.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 55 to 63 passed.

New clause 63a—'Bribery.'

The Hon. B. A. CHATTERTON: I move:

Page 33, after line 6 insert new clause as follows:

63a. (1) A person engaged in the administration of this Act, or in the exercise or discharge of powers or duties under this Act, shall not—

(a) solicit, receive or accept any bribe; or

(b) enter into any collusive agreement involving neglect of duty or improper conduct.

Penalty: Two thousand dollars or imprisonment for six months.

(2) A person shall not—

(a) give or offer a bribe to a person referred to in subsection (1);

(b) make with any such person, or induce any such person to make, an agreement referred to in that subsection.

Penalty: Two thousand dollars or imprisonment for six months.

The purpose of this new clause is to tighten up the legislation to try to ensure that the situation does not arise whereby the powers of fisheries officers are misused. As I have explained during this debate, there are quite incredible powers of patronage within the administration of fisheries. It is not always a clear-cut situation, and therefore we must ensure that discretion is exercised dispassionately, without any interest involved at all. It is important to ensure that there is no bribery or illicit agreement, or anything that could be described as such. I know that the Minister will say that this is all very well, that it is not new and is covered by existing legislation.

There are important elements. First, it is important that provision be made within the Fisheries Act because that will bring it more immediately to the attention of people involved and they will see the penalties. If this provision was somewhere else within the law, it would not be so obvious to the people involved. Secondly, and very importantly, elsewhere in the Bill there is provision for the cancellation and suspension of licences; that is admitted by the Government. So the Labor Party believes that this is the most effective penalty to apply.

By putting an offence within the Bill, we then give a power for suspension and cancellation. If the offence takes place under another Act, there is no other power to suspend and cancel. It is specifically stated that the Minister is

suspending or cancelling licences in relation to offences under the Act, not under some other Act. Therefore, it is important to insert this new clause, to ensure that the Minister can do that. That is the most effective penalty. If a fisherman was involved in bribery to obtain a particular advantage for himself, a fine is provided of $2 000 or six months imprisonment. That might be an insignificant penalty when one thinks of the large sums of money involved in the fishing industry. Abalone authorities, for example, are worth $150 000 to $200 000 each. So, the risks involved for fishermen might well be worth taking. However, a penalty of suspension or cancellation of the authority is very effective indeed. That is why I believe that it is very important that this clause be included in the Bill.

The Hon. C. M. HILL: I do not in any way question the honourable member's good intentions in this matter, but it must be said that the proposal can be construed by public servants within the respective departments as a reflection on their integrity. If an instance of bribery had been proven, we would be dealing with a different kettle of fish but, to the best of my knowledge, there has never been such a serious allegation. That is the first point I make. Parliament must respect the feelings of public servants, and, when they have been playing the game and have maintained high standards, as have the people in this department and elsewhere, we must be very cautious in inserting clauses such as this in the Statute Book.

The second point I make deals with the Hon. Mr Milne's amendment, which was successfully carried in this Council an hour or so ago. That amendment places a serious check not only on the fisheries officers, who are named in the Bill, but also on all of the public servants from that department in regard to declarations concerning any pecuniary or other interests in the fishing industry. By supporting the amendment moved by the Hon. Mr Milne, which passed by only one vote—

The Hon. B. A. Chatterton interjecting:

The Hon. C. M. HILL: I do not want anyone to think that members on this side supported the amendment.

The Hon. B. A. Chatterton: My amendment might pass by only one vote.

The Hon. C. M. HILL: That is not the point. Members on this side did not support the Hon. Mr Milne. His amendment will be passed in this Committee, but whether it will be passed by the Parliament remains to be seen. On top of that, the Hon. Mr Chatterton now pursues his original proposal to include the bribery clause in the Bill. To bribe or to offer to bribe any public servant to omit to do his duty or to act contrary to his duty is a common law misdemeanour. It is also a common law misdemeanour for an officer, who has a duty to do something in which the public is interested, to receive a bribe either to act in a manner contrary to his duty or to show favour in the discharge of his functions. The penalty for these offences is at large—that is, such fine and/or imprisonment as the court considers appropriate.

Conspiracy is a common law misdemeanour consisting in the agreement of two or more people to do an unlawful act, or to do a lawful act by unlawful means. Those people, or any of them, may or may not be public servants. The penalty for conspiracy is, with one statutory qualification, also at large. The one statutory qualification is that a person convicted of conspiracy to cheat or defraud is liable to imprisonment for any term not exceeding seven years (Criminal Law Consolidation Act, section 270 (2)).

Although the Hon. Mr Chatterton does not intend this amendment to be construed as having a shot at public servants, nevertheless, looking at it from the point of view of the officers, I believe it will be taken as such, and that is unfortunate. The Committee has already placed a check in this area by accepting the amendment of the Hon. Mr Milne.

I now come to my last point which the Hon. Mr Chatterton raised before I had a chance to provide the information. I refer to the fact that bribery and conspiracy are covered under other means, and therefore, taking into account all of those considerations, it would be very inappropriate for this Committee to insert this bribery clause into the Bill.

The Hon. B. A. CHATTERTON: The Minister's arguments are unsatisfactory indeed. The Minister said that legislation is usually introduced to close the door after the horse has bolted. It is quite extraordinary to say that no public servants involved in fisheries management have ever been accused or convicted of bribery or corruption and, therefore, there is no justification in considering that it will happen in the future. That argument is totally unsatisfactory. I do not believe that this clause implies that corruption or bribery is already taking place within the Fisheries Department.

It is very important that we as legislators look to the future and provide adequate safeguards within this legislation. In fact, that is already done in every other piece of legislation. It is not a new principle, because virtually every Bill is drawn up in that way. It is quite extraordinary to disregard what may happen in the future and simply to say that we will deal with a problem after it has occurred.

The other point that the Minister has not tackled is the question of penalties. My amendment provides for a penalty of cancellation or suspension of a fishing licence. Fishermen can be fined substantial amounts under other legislation, but there is no offence under the Fisheries Act. Therefore, a fisherman cannot have his licence cancelled or suspended for this offence. The suspension or cancellation of a fishing licence is the most effective penalty, and it should be included in this Bill. A penalty of cancellation or suspension will ensure that no fisherman will bribe or attempt to bribe a public servant involved in fisheries management; the penalty will be too great because his licence will be in jeopardy. It is a much more effective penalty than a fine or any other penalty under common law. At the moment, a fisherman may be tempted to commit this offence because the present penalty is not a great deterrent. This is an important question, but the Minister has not even tackled it.

The Hon. C. M. HILL: I have considered the question of a fisherman faced with cancellation of his licence offering a bribe to ensure that the cancellation did not take place. I think that is what the honourable member is saying. I have not overlooked that point. I hasten to add that I do not know of a similar clause in any other piece of legislation. There are situations just as severe as those that can arise in the fishing industry where one can envisage bribery arising. For example, I refer to large contracts let by the Highways Department for road-making and for the supply of metal and the huge contracts let by the Public Buildings Department. There are many other situations where bribery could take place, for example, in relation to the granting of licences by the Hon. Mr Burdett's department. This could involve not only the Highways Department, the E. & W.S. or the Public Buildings Department: bribery could occur in the issue of licences by other service departments. As I recall, this has not occurred during my 17 years in this Chamber. There are a mighty lot of public servants who are all trying to do their best in their careers, working for the State and for the Government of the day. Why has the honourable member singled out this one department? It is not true to say that this kind of temptation could occur only in this department. It goes right across the board, if one wishes to think about the various departments, so the honourable member would be tending to set a precedent. I think under the present administrative environment of our Public Service

it would be a fairly unsafe precedent to be established. Therefore, I do not think that at this time there is a need for a clause of this kind to go into this Bill.

The Hon. B. A. CHATTERTON: I want to make a brief point, not that I think the Minister will understand the point I am making; the Minister seems to be quite unable to do that. I was not referring to a fisherman trying to bribe someone to stop the cancellation of his licence. That could happen, but there are many other things about which people could be trying to bribe other people. The point I was trying to make was that, by bringing this penalty or offence within the Fisheries Act, it makes the penalty of cancellation apply to that offence—that is the point that the Minister seems quite unable and incapable of understanding. It seems to be a very simple point.

If one looks elsewhere in this Bill, one sees that there is a system applied whereby cancellation and suspension takes place according to offences under this Bill. There is a demerit points system; there are a lot of things that go on there. If one looks through the Bill, one sees that there is a whole mechanism for cancellation and suspension of licences, but those things apply only to offences pertaining to this act. They do not apply to anything else, and therefore it is important that the offence of bribery be brought under the Act so that the system applies to that as well as to other offences. That is the simple point that the Minister seems to be quite unable to understand.

I have given the reasons why I have introduced the amendment. I agree with the Minister that there are other provisions in other Acts which make bribery and conspiracy an offence and that there are adequate penalties. However, the most adequate penalty is the suspension or cancellation of a licence; that is what really affects people concerned and that is why it should be in this piece of legislation—it is as simple as that.

The Hon. C. M. HILL: I appreciated the point that the honourable member made in regard to having another reason for cancellation of a licence, but the argument did not have any bearing on my consideration when I weighed it up. I still strongly believe that it would be undesirable to have such a provision on the Statute Book.

The Committee divided on the new clause:

Ayes (8)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, M. S. Feleppa, Anne Levy, and Barbara Wiese.

Noes (9)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons N. K. Foster and C. J. Sumner. Noes—The Hons M. B. Dawkins and R. C. DeGaris.

Majority of 1 for the Noes.

New clause thus negatived.

Remaining clauses (64 to 72) and title passed.

Bill reported with amendments; Committee's report adopted.

ADJOURNMENT

At 6.3 p.m. the Council adjourned until Tuesday 8 June at 2.15 p.m.