LEGISLATIVE COUNCIL

Tuesday 19 April 1983

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

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Industrial and Commercial Training Act, 1981—Regulations—Dental Prosthetics—Training.
Industrial Safety, Health and Welfare Act, 1972-1981—Regulations—Lasers.
Shearers Accommodation Act, 1975-1978—Regulations—Shearers' Accommodation.
Rules of Court—Supreme Court—Supreme Court Act, 1935-1982—Admission Rules.
Workers Compensation Act, 1971-1982—Regulations—Workers' Compensation for Sportsmen.

By the Minister of Consumer and Corporate Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Builders Licensing Board—Report, 1981-82.
Consumer Credit Act, 1972-1982—Regulations—Type Faces.
Consumer Transactions Act, 1972-1982—Regulations—Type Faces.

By the Minister of Agriculture (Hon. B.A. Chatterton):

Pursuant to Statute—

Meat Hygiene Authority—Report—1981-82.

By the Minister of Forests (Hon. B.A. Chatterton):

Pursuant to Statute—

Woods and Forests Department—Report, 1981-82.

By the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Coober Pedy (Local Government Extension) Act, 1981—Regulations—Dog Control.
Department of Environment and Planning—Report on the Administration of the National Parks and Wildlife Act, 1981-1982.
Director of Mental Health Services—Report, 1981-82.
Opticians Act, 1920-1974—Regulations—Advertising.
Planning Act, 1982—Crown Development Reports by the South Australian Planning Commission on—
Proposed Development at Ashbourne Rural School.
Proposed Redevelopment at Victor Harbor High School.
Proposed Transportable Classrooms at Koonibba, Hundred of Moule.
Proposed Division of Land contained in Irrigation Perpetual Lease 1207.
Proposed Acquisition and Transfer of Land by Commissioner of Highways.
Proposed Borrow Pit Operation in the Hundred of Robertson.
Proposed Land Acquisition for Panalatinga Road.
Proposed Land Acquisition for Ocean Boulevard.
Proposed Division of Land, Section 349, Hundred of Holder.
Proposed Division of Land, Section 71, Hundred of Holder.
Proposed Erection of a Radio Tower and Base Hut at Newland Hill, Victor Harbor.
Proposed Division of Land in District Council of Paringa.
Acquisition and Transfer of Land for Road Purposes (2).
Proposed Development at Point McLeay.
Proposed Division of Land contained in Irrigation Perpetual Lease 487.
Division of Land at Paradise.
Proposed Erection of Two Transportable Classrooms at Murraylands TAFE.
Proposed Division of Surplus Land at Hynam.
Proposed Erection of Single Transportable Classroom at Padthaway Primary School.
Proposed Dwelling at Lot 282, Potter Place, Cleve.
Proposed Radio Towers and Building, Section 186, Hundred Bonython.
Proposed Development at Loxton High School.
Proposed Erection of Single Timber Classroom at Kangaroo Inn Area School.
Racing Act, 1976-1982—Rules of Trotting—Horse Fees.
Real Property Act, 1886-1982—Regulations—Lessee of Allotments.

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, intimated his assent to the following Bills:

Consumer Transactions Act Amendment,
Supreme Court Act Amendment (No. 2),
Builders Licensing Act Amendment,
Wheat Delivery Quotas Act (Repeal),
Bulk Handling of Grain Act Amendment,
South Australian Health Commission Act Amendment.

MINISTERIAL STATEMENT: NATIONAL ECONOMIC SUMMIT

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement about the national economic summit.

Leave granted.

The Hon. C.J. SUMNER: Last week the Premier participated in the national economic summit convened by the Federal Government to secure broad agreement on an incomes and prices policy and national recovery strategy. Government, employer and trade union representatives met to discuss the state of the economy and to reach a consensus on the approach required to restore economic prosperity in Australia.

The people of Australia signalled their support for such a summit through the strong mandate they gave to the Government on 5 March this year. With a deeply recessed economy and growing divisiveness in the Australian community, the need for a new approach was rightly viewed as critical to economic recovery. The summit provided a vehicle for reconciliation, reconstruction and recovery: a sound basis for a sustained national effort for recovery.

The Prime Minister, Mr Hawke, set the tone and established the themes of the conference. The main tasks of the economic summit were to secure broad agreement on an incomes and prices policy and to promote sustained economic recovery. The summit also sought to devise machinery to achieve consensus on wage fixing methods, price surveillance and restraints on non-wage incomes. Broad agreement was sought on the relationship between a successful wages and prices policy and the implementation of policies on industrial relations, job creation and training, taxation, social security, health, education and other major community services.

Nearly all participants in, and observers of, the summit can feel some satisfaction in having achieved a high degree of consensus on the path we should take to secure economic growth in Australia.

Largely, the achievement of consensus stemmed from the conciliatory approach of the summit participants, developed in acute awareness of the seriousness of the economic crisis and the necessity for all groups to make concessions. The trade union movement presented a plan for economic recovery involving genuine concessions in recognition of the fundamental importance of protecting and creating employment.

It was accepted that the employed have a commitment to those presently unemployed; and that seeking the achievement of lower rates of inflation and higher levels of

employment involves moderation in wage demands. Employers also quickly realised that they needed to go further than merely advocating the extension of the wage pause as an answer to all out problems. They demonstrated their willingness to go beyond sectional concerns in the national interest.

The outcome of the summit, embodied in the communique, indicates the willingness of Governments, employers and the trade unions to acknowledge the respective contributions they can make towards national recovery, and to commit themselves to a recovery strategy. Key recommendations in the communique are agreement on the return to a centralised approach to wage fixation, and the reassertion of the primary role of the Conciliation and Arbitration Commission in the determination of the timing and amount of wage adjustments; acceptance of the establishment of a price surveillance mechanism and of the need for restraint in non-wage incomes; and agreement to establish an economic planning advisory council to continue the process of consultation begun at the summit conference.

The communique recognises presentations that the Premier made on South Australia's behalf at the summit in that it includes a commitment to retaining programmes of industry protection in the current economic climate; the priority that needs to be given to alleviating the problems of particular manufacturing industries, such as steel and motor vehicle industries; and the need to introduce an active industrial development policy. Participants also agreed that a substantial boost to the housing and construction industry would be a major component of the recovery strategy. This decision is of great importance to South Australia.

As the Premier stated in his address to the summit, a consensus on a prices and incomes policy facilitates a breathing space to enable a restoration in Australia's international competitiveness, to break the inflation cycle, and to provide the appropriate preconditions to allow Australia to take advantage of any international recovery. The agreement embodied in the communique establishes the necessary groundwork for national recovery and opens the way for a more detailed assessment of the problems we face and the means of ensuring sustainable economic growth. Overall, the summit represented a major achievement on the part of the new Federal Government in allowing all interests to contribute to economic recovery. I now table the communique.

QUESTIONS

ABATTOIRS

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about abattoirs.

Leave granted.

The Hon. M.B. CAMERON: After the recent fire, farmers were advised to salvage as many stock as possible and send them to local abattoirs which had made arrangements to receive them. Two abattoirs were involved in this operation, and a number of farmers sent stock to them. Mount Schank paid full price per kilogram and made no deductions for penalty fees or for burnt hides. McPherson Meat attended special sales for stock from bushfire areas and so was not involved in directly dealing with farmers.

S.E. Meat Limited of Naracoorte received stock, and my information is that no indication was given to owners of any proposed penalty fees. I have now received information from several farmers that S.E. Meat or its operating company, W. Angliss and Co., of 202 Halifax Street, Adelaide, has made heavy deductions in the form of penalty fees from grower returns. One example of cattle sent to this abattoirs is as follows: 15 cows were processed at 114c a kilo, which gave a gross return of $4 039.02. Penalty fees were deducted based on 15 cows at $40.27 per head, which amounted to $604.05. There were several other deductions, including 15 hides of no commercial value, amounting to $322.50, although I understand that since last Sunday the hides have been reimbursed. There has been a remarkable change of heart in that regard.

The Hon. B.A. Chatterton: It's marvellous what publicity will do.

The Hon. M.B. CAMERON: Yes, it is marvellous what publicity will do. Total deductions amounted to $1 115.47, giving a net return of $2 923.55. I have several other examples from the same owner and other owners and in every case a $40.27 penalty fee is deducted from owners receipts. In one case, Mr Jack Hassell sent 66 cattle up in the first load and had $40.27 per head deducted; he then sent five cattle that had very minor burns to the feet and one yearling that was not in the fire. In the latter case, $40.27 was deducted from all six cattle and 300 kgs of damaged meat was deducted, even though the yearling was totally undamaged and the rest were very slightly damaged on the feet. The price per kilogram for the meat was considered reasonable.

In the case of lambs, an owner who suffered very severely in the fire and went through an extremely frightening experience went to the trouble of obtaining temporary yards and sorting out the surviving lambs that were salvagable and sending 189 of them to South East Meat. The lambs have been described to me as forward store to fat, and a stock agent who inquired after the arrival of the lambs at the abattoirs was informed that they were ideal for the company's requirements. Similar lambs were bringing $18 a head at that time. No suggestion was made that a penalty fee was to be charged to either the stock agent or the owner of the sheep. The owner was credited with 3 033 kg at 31 cents for a total amount of $940.23, which is about $5 per head, or one-third or less than what I would regard as correct market value.

Penalty fees of $4 per head were deducted, amounting to $756; the slaughter levy amounted to $67.34; and the stock agents commission amounted to $5.84. The total charges came to $829.18, leaving a net return from these lambs of $111.05. However, the story does not end there, because there was a transport bill of $110, which left a total net return of $1.05 per head. Total return for the 189 lambs, if the owner had destroyed and buried them in the paddock, would have been $15 per head from the insurance company (and the owner may have had to do that because they were in a condition from which they could not have survived). However, the owner did not receive $15 from the insurance company; instead, he received about $1.05 per head.

An article in the *Sunday Mail* this week indicates that the Minister's inquiry into slaughter, penalty rates and stock prices has been halted by the absence of a union official. I ask the Minister to indicate whether or not the following quote from that article is correct:

> The inquiry hinged on verbal agreement on slaughterman's rates given by Meat Industry Employees Union State Secretary, Mr A. Tonkin.

The Agriculture Department investigation was stymied until Mr Tonkin returned. We must find out exactly what he said and what argument he made on behalf of the union.

As no other abattoir has deducted these astronomical penalty fees, and I am informed that the normal killing fee per beast is $8 to $12 per head, I fail to see why one abattoir has had to be involved in some sort of agreement (if that is the case) with the Meat Industry Employees Union or what the alleged agreement has to do with what appears to be a large scale rip-off of a number of farmers in the South East, when no other abattoir has seen the need to charge

such fees. In fact, I have been informed (and it may or may not be correct) that the employees at that abattoir did not require penalty fees.

The Hon. B.A. Chatterton: That's the point.

The Hon. M.B. CAMERON: That can be confirmed. If that is the case, there are a lot of other questions that must be answered, and I ask the Minister to answer my questions in detail.

1. What are the details of the verbal agreement that has been sought from Mr Tonkin?
2. Did the abattoir employees receive penalty rates for killing stock from the fire area and, if so, what rates were charged?
3. Did the Meat Employees Union insist on penalty rates?
4. Did the employees of South East Meat insist on penalty rates?
5. For how long is Mr Tonkin away, and is he totally out of contact by telephone? If not, can he be contacted urgently to clear up this matter?
6. Has the Minister established the price of lamb per kilogram being paid at the time of the fire and compared it with the price paid to the owners?
7. Will the Minister take steps to trace the lamb carcases of which I have given details today to establish the gross return obtained by W. Angliss and Co. to establish whether there has been profiteering? I am quite happy to provide the Minister with all relevant details to enable him to take that action.
8. Will the Minister take steps to ensure the immediate repayment of these penalty fees to farmers, and that, where it is established that the price per kilogram is inadequate, an adequate price is now paid on these transactions?

The Hon. B.A. CHATTERTON: I am aware of the problems that the honourable member has mentioned. The Department of Agriculture is investigating those matters. My understanding, which has not been confirmed (and that is why I am seeking confirmation from the Secretary of the Meat Workers Union) is that it was indicated to all abattoirs in the South East that penalty rates would not be claimed. That is why the other abattoirs did not charge penalty rates. Investigations have been held over while we try to confirm that the relevant information was relayed to South East Meats as well as to other abattoirs in the area that processed animals affected by the bushfires.

The officers from my department will certainly try to find answers to the honourable member's questions about the tracing of animals and what a fair return for those animals would have been. I am not certain what the legal position regarding rectifying the matter would be if we found evidence that there had been profiteering in this matter. We may not be in a position to legally intervene in such cases, but that is something that will follow on from investigation by the officers of my department.

HIGH COURT PROCEEDINGS

The Hon. K.T. GRIFFIN: My questions to the Attorney-General are as follows:

1. Has the Attorney received notices under section 78B of the Commonwealth Judiciary Act informing him of the institution of proceedings in the High Court by the Commonwealth and the State of Tasmania over the validity of Commonwealth attempts to over-ride Tasmania's own powers in respect of the Franklin Dam, that notice also inviting consideration as to whether or not a State would intervene?
2. If the answer to that question is 'yes', will the Attorney say whether advice has been received from the Crown Solicitor?
3. What advice has been received?
4. Will the Attorney-General accept that advice?
5. Will the Attorney-General intervene in the High Court to address the broader issues affecting the rights and powers of the States *vis-a-vis* the Commonwealth and to argue strongly for limitations on the power of the Commonwealth to attack the legislative powers of the States?

The Hon. C.J. SUMNER: I am of course aware of the institution of proceedings in the High Court relating to this matter. I am not sure whether official notice under section 78B of the Judiciary Act has been received by my office. I have not received advice from the Crown Solicitor about this matter, although I do have a preliminary memorandum from the Solicitor-General about it. I do not think it is appropriate to indicate specifically to the Council what advice has been given to the Government on this matter. This practice was adopted by the former Attorney-General during his three years in the position that I now hold and is consistent with the general position adopted for many years in such matters, and certainly adopted as a matter of convention.

At this stage, in answer to the honourable member's specific question, the Government does not intend to intervene in the proceedings before the High Court, but, of course, the situation will be kept under review.

The Hon. K.T. GRIFFIN: Supplementary to my previous question, will the Attorney-General make inquiries to ascertain whether or not the notice has been received?

The Hon. C.J. SUMNER: Yes.

QUEEN ELIZABETH HOSPITAL

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Health a question about the Queen Elizabeth Hospital.

Leave granted.

The Hon. ANNE LEVY: An article in the *Advertiser* last week referred to a Mr John Wood, who was taken to the Queen Elizabeth Hospital by ambulance after complaining of chest pains. Apparently, Mr Wood was seen by a member of the medical staff who was on duty in the hospital's emergency service at the time. He was sent home and some time later was again taken to the hospital by ambulance but was pronounced dead on arrival.

There has been considerable concern regarding this issue, and I wonder whether the Minister will say what action he intends to take in respect of this case. Will the Minister also undertake to examine other complaints that have been made by members of the public following the publicity surrounding Mr Wood's unfortunate death?

The Hon. J.R. CORNWALL: I thank the honourable member for her question, because, in view of the considerable publicity both in the newspapers and on the electronic media following the death of Mr John Wood, I believe it is appropriate that I inform this Council of the broad position relating to hospital accident and emergency services.

I should say at the outset that I do not propose to make any comment on the individual case to which the honourable member has referred. I am informed that papers have been sent to the State Coroner, and the death of Mr Wood may well be the subject of a coronial inquiry. Under the circumstances, although I have received a preliminary report from the Administrator of the Queen Elizabeth Hospital, it would be improper for me to make any public comment at this stage.

Following the publicity given to this case and to a series of subsequent allegations by other persons, the conduct of casualty services in our major hospitals has become a matter

of widespread and legitimate public concern. For some time I have been concerned with those emergency services, largely because of the large number of complaints that I received while I was shadow Minister in Opposition. Although the general standard of services provided is high, it was clear to me that those complaints, while they were mainly anecdotal, reflected the pressure on hospitals facing heavy demands for casualty services with staff, who were often junior, having to cope with difficult situations. It appeared to me that this led to breakdowns in communication and, in some cases, poor quality of patient care.

While I appreciate the very real problems faced by hospitals in achieving a proper balance between their financial and staff resources on the one hand and the need for them to maintain efficient accident and emergency services on the other hand, I submit that such consideration cannot be allowed to excuse deteriorations in the quality of patient care. Medical staffing should be organised so that there are sufficient registrars, senior registrars and consultants available to back up the medical staff working in emergency services. One of the main reasons why I set up the Committee of Inquiry into Hospital Services in South Australia was my concern about the operation of accident and emergency services. One of the members of that committee, Dr Ian Brand, who is Executive Director of Preston and Northcote Community Hospital, Victoria, was chosen largely because of his expertise in that very area.

In addition, it was worth noting that the first subject listed for report in the committee's terms of reference in its review of public and private hospitals is 'the quality of patient care'. I have now written to the Chairman of the Hospital Review Committee, Dr Syd. Sax, to ask the review to take into account the specific complaints made about the Queen Elizabeth Hospital and to reinforce the Government's previous request for a thorough examination of casualty services provided by the teaching hospitals generally. I anticipate that in the course of the next few weeks the committee will begin circulating a series of position papers and inviting comments from interested parties. Dr. Sax hopes to be in a position to present the committee's first report to me by the end of June.

It is my intention to act swiftly once we have received the committee's recommendations. Naturally, the Government will have to assess the committee's findings and make decisions having regard to the impact of any recommendations on our hospital services and the State's financial resources. I take this opportunity, however, to undertake publicly that I will be seeking to implement any necessary changes and improvements just as soon as that is practicable.

ART GALLERY

The Hon. C.M. HILL: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of the Arts in the other place, a question about the Art Gallery.

Leave granted.

The Hon. C.M. HILL: A short time before the last election, an investigation into the needs of the Art Gallery of South Australia was commenced. The accommodation at the gallery was not sufficient and the prospect of a second State gallery for South Australia was an option that required study and public comment. Indeed, I held discussions with the then Minister of Transport as to the availability of the old Municipal Tramways Trust administration building that faces Victoria Square on the corner of Angas Street as a building that could be suitable for restoration and use as a second public gallery.

The present gallery has literally stacks of paintings in storage, and exhibition space in the present North Terrace building is not large enough. While it was premature to move before the museum redevelopment plan was approved and construction was started, the time arrived late last year for planning to begin on the gallery question. I envisaged that a second gallery could be a gallery for contemporary art, or, alternatively, a gallery for Australian art, in regard to which the Art Gallery has perhaps the best public collection in Australia.

However, my concern now, after about six months, is to ascertain whether such planning is continuing. Is the Minister aware of the needs of the Art Gallery of South Australia as I have outlined? If so, is the Minister supporting the inquiry into those needs with a view to achieving a second gallery for this State? If the Minister is supporting such an inquiry, will he say what progress has been made since November last year?

The Hon. C.J. SUMNER: I will refer the honourable member's questions to the Minister of the Arts and bring back a reply.

CROSS CODE BETTING

The Hon. R.C. DeGARIS: Will the Minister representing the Minister of Recreation and Sport say whether the Government intends introducing cross code betting in South Australia? Do all the codes support such an introduction, if that is what the Government intends? If any of the codes oppose such an introduction, which code or codes oppose cross code betting?

The Hon. J.R. CORNWALL: The honourable member knows that I have very great expertise in the area that he has canvassed. However, that is not my portfolio area and it would not be appropriate for me to answer directly. Therefore, I shall be pleased to refer the question to the Minister of Recreation and Sport and bring back a reply.

WOOD SALVAGING

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Forests a question about wood salvaging.

Leave granted.

The Hon. M.B. CAMERON: In the *Border Watch* this week there is a letter relating to the salvage operation for prime timber in the South-East. I will quote from part of that letter because it is the best way to give that explanation:

> I question the wisdom of the Woods and Forests Department in inviting interstate contractors to assist with the operation . . . At the commencement of the salvage operations we were advised by the department that production would not be limited, as they wished to salvage as much prime timber as possible.
>
> At the present time, this is far from the truth, as one contractor has been forced to stop his fallers from working for at least a week and the other contractors all have their fallers on strict quotas.
>
> These actions have been necessary because the Woods and Forests Department have imposed restrictions on the volume of logs to be delivered.

The situation is, as the Minister well knows, because he obviously has some considerable part in the operation, that some interstate log hauliers have been invited to assist in salvage operations in the South-East. I understand that already two contractors from northern New South Wales are working seven days a week as long as they like, whereas at present local contractors are on quotas and have been restricted in what they can deliver. I understand the reasons for that are because there is a huge volume of timber to be handled in a short period and there are problems with the

State mills not being able to take all the timber which is now fallen and ready for delivery. The State mill is not able to take the timber which at present is ready for delivery.

I understand that four contractors have been invited in from Tasmania to assist, and they will bring in 24 trucks and 11 skidders. It is important, in view of the future of the industry in that region, where there will undoubtedly be a shortage of work in the future for hauliers and contractors who are locally based, that they be able to participate fully in the present operation. It is important that they have precedence over anybody who might come from interstate to assist in this project. Will the Minister ensure that local contractors have precedence, in terms of work being available to them, over outside contractors who are being invited in, and will he ensure that local contractors work at full capacity before any further interstate contractors are invited in?

The Hon. B.A. CHATTERTON: Two quite separate salvage operations are under way in the South-East forests at the moment. One is the accelerated conversion of fire-burnt timber at both private and State sawmills. That is taking place at the moment, but will be stopped shortly because of the difficulty of holding large stocks of processed timber. That process was started immediately after the fire when we went over from green timber from unburnt forests to burnt timber from the other areas, and we put all the sawmills on to full capacity. They were, of course, operating previously to that at very much reduced capacity because of the market down-turn. That is one salvage operation which is taking place and which is really handling only a relatively small volume of timber.

The other salvage operation, which is much larger, is to place as many as possible of the burnt logs in Lake Bonney. There we hope to store something like four years supply of logs, amounting to more than 1 500 000 cubic metres of salvaged timber. That, of course, requires a very large harvesting operation and transport operation. I understand that local contractors were offered as much work as they wanted on that operation before anybody was brought in from interstate, but the size and the scale of that operation is such that there is work there for everybody. It is a huge amount of timber: many years normal harvesting. I can assure the honourable member that there will not be any shortage of work in harvesting and placing that timber in Lake Bonney.

The Hon. M.B. Cameron: Why are there restrictions on local contractors at present?

The Hon. B.A. CHATTERTON: My understanding of that—and I will get a full report for the honourable member—is that it is just a slight hiccup because we have not got the road operating fully into Lake Bonney. That is the problem at the moment.

The Hon. M.B. Cameron: Surely, they should take precedence over the New South Wales people.

The Hon. B.A. CHATTERTON: I will get a report for the honourable member, but I understand that the local contractors do get precedence over the ones coming in from interstate.

The Hon. M.B. Cameron: You had better check it.

The Hon. B.A. CHATTERTON: I will check up on what is alleged in that letter, but it is certainly my understanding that the local contractors were given as much work as they wanted. I will obtain a full report on whether there is any problem at the moment with their operations.

COMMUNITY HEALTH CENTRES

The Hon. J.C. BURDETT: Has the Minister of Health a reply to the question that I asked on 17 March regarding community health centres?

The Hon. J.R. CORNWALL: The matter raised by the honourable member with regard to pay-roll tax exemption for community health centres is under consideration by Cabinet, together with other amendments to the Pay-roll Tax Act.

DISCRIMINATION AGAINST WOMEN

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General a question on the United Nations Convention on the Elimination of Discrimination Against Women.

Leave granted.

The Hon. ANNE LEVY: In 1980, 1981 and 1982 I asked a number of questions of the then Attorney-General regarding the progress being made by the Standing Committee of Attorneys-General on the signing or ratification by Australia of the United Nations Convention on the Elimination of Discrimination Against Women. The Attorney at that time indicated to me that discussions were proceeding but that some States were holding the matter up. He assured me that South Australia was not the State responsible for the non-ratification of this convention by Australia, which piece of information I was very glad to hear.

I understand that the question of this convention was again raised at the Standing Committee of Attorneys-General which met in Adelaide in recent weeks. We now, of course, have a slightly different composition of the Standing Committee of Attorneys-General in that five members of that committee are now from the Labor Party, and they have a majority over the conservative forces of this country. Can the Attorney-General tell us what decisions, if any, were made regarding this U.N. Convention on the Elimination on Discrimination Against Women at this meeting and whether we can expect Australia to ratify this convention in the near future?

The Hon. C.J. SUMNER: As the honourable member would no doubt realise, ratification of this convention lies within the constitutional power of the Commonwealth Government and is not a matter on which States constitutionally can act, given that this exercise of the external affairs powers of the Commonwealth involves the ratification of conventions and treaties.

Nevertheless, it has been the custom of the Commonwealth to discuss these conventions and treaties in regard to human rights and other areas with the States to ascertain, first, the State attitude to the convention and, secondly, what legislative or administrative changes may be necessary within the State to put the convention into effect in Australia.

At the last meeting of the Ministerial Council on Human Rights, the Commonwealth Attorney-General (Senator Evans) indicated that the Federal Government intended to ratify the Convention on the Elimination of All Forms of Discrimination Against Women, but said it was to be subjected to that examination of some practical difficulties that may arise in the area of paid maternity leave, women in the armed forces, and certain rules relating to the participation of women in mining activities but, subject to the consideration of those areas, which the Attorney-General will be giving in the near future, I anticipate that there will be ratification of that treaty. That is the position as I understand it, although I emphasise that it is a matter for the Commonwealth Attorney.

The South Australian Government supports the ratification of the treaty as did, I think, most of the other States and, indeed, there was no real objection to ratification of it at the Ministerial Council meeting. That is the position as I understand it. There will be another meeting of the Ministerial Council early in July and, if the Commonwealth has

not ratified the convention by that time, I should be in a position to provide the honourable member and the Council with a further report.

SALVATION JANE

The Hon. H.P.K. DUNN: Has the Attorney-General a reply to my question of 29 March about salvation jane, sometimes referred to as Paterson's curse?

The Hon. C.J. SUMNER: The action to which the honourable member refers was *Perry and Others v. C.S.I.R.O.*, No. 2240 of 1980 in the Supreme Court of South Australia. The action was listed for trial before the Hon. Mr Justice Zelling to commence on 1 June 1982. Upon application from counsel, the matter was adjourned *sine die*. There was no suggestion of the court appointing a tribunal. The matter therefore has been in the hands of the parties since 2 June 1982. If the matter is to proceed, it will be necessary for counsel to apply to the Listing Master to fix another date for trial.

I appreciate that the honourable member raised this matter on 29 March 1983. I indicated then that this was a private action between the parties to which I had referred, that is, *Perry and Others v. C.S.I.R.O.* What happens in the private proceeding is a matter for the parties. It really is not a situation in which it is appropriate for the Attorney-General to intervene, except in this sense, that is, to provide information to the honourable member on the state of play in the proceedings, which I have done.

The matter was raised with me by the United Farmers and Stockowners to see whether there was any action that I could take. I think I provided the same information to that organisation as I have now provided to the Council. It is now really a matter for the parties to proceed to trial if the apparent compromise tribunal has not been set up. I can only suggest to the honourable member, if he has some contact with the people concerned, that that is the course of action that should be followed. I am not sure whether my colleague the Minister of Agriculture can use his good offices in the matter but, from a legal point of view, I can do only what I have done, that is, to report the legal position.

MULTI-PASSENGER VEHICLES

The Hon. C.W. CREEDON: I seek leave to make a brief statement before asking the Minister representing the Minister of Transport a question about multi-passenger vehicles.

Leave granted.

The Hon. C.W. CREEDON: My purpose can best be served by reading to the Council a report that appeared in 'Monday Motoring' in the *Advertiser* on 18 April under the heading 'Illegal van claim'. The report states:

Some multi-passenger vans were suspected of being illegally driven on South Australian roads, according to the chief engineer of the Division of Road Safety and Motor Transport, Mr R.M. Bishop. Under the South Australian Road Traffic Act and the Motor Vehicles Act any vehicle that has nine or more seats is classified as a bus. Mr Bishop said he believed there were Holden Shuttle nine-seaters being used on South Australian roads that did not meet the requirements of the Road Traffic Act. It was believed they had been registered in other States but were used in South Australia.

The Motor Vehicle Act also required that a vehicle with at least nine people, including the driver, should be driven by a person with a bus licence. It was illegal to have interstate registered vehicles owned and being used regularly in South Australia by South Australia residents. And it was suspected the drivers might not have a bus driving licence. Also, a South Australia vehicle with nine or more seat has to be inspected by the Central Inspection Authority every six months for the safety of such things as brakes, steering, tyres and lights.

South Australia's regulations have forced G.M.H. to give up trying to sell the passenger carrying variant of its Holden Shuttle in South Australia. A G.M.H. spokesman said the company had not been able to negotiate successfully with the State departments on modifying the nine-seat vehicle and it had sent all stocks to Victoria. Mr Bishop said other manufacturers had kept to only eight seats in their passenger vans, although the vehicles orginally had nine seats, to avoid them being classified as buses.

From my reading of that report, I fail to see the problem of why Holden Shuttle vans or buses, or however they are described, cannot operate on South Australian roads. I am not anxious to see safety provisions endangered, but I am sure that people would like to know why G.M.H. vehicles do not meet South Australian regulations. Can the Minister say what were the suggested modifications and in what other way do G.M.H. vehicles not conform to the South Australian regulations?

The Hon. B.A. CHATTERTON: I will refer the honourable member's question to the Minister of Transport and bring back a reply.

ROXBY DOWNS

The Hon. I. GILFILLAN: Has the Minister of Agriculture a reply to my question of 16 March about Roxby Downs?

The Hon. B.A. CHATTERTON: The Minister of Mines and Energy informs me that during the Olympic Dam negotiations, a number of calculations covering different production levels, capital costs, production costs and selling prices were run out and the royalty assessed. The honourable member sees 'no justification for not releasing details of the royalty calculations, they are within parameters that should be available to anyone'. The Minister's concern is that the selection of the capital costs, production costs and selling prices was not arbitrary but based on reliable information. To release these calculations would give away to overseas competitors information that would help them calculate the 'break even cost' of Olympic Dam products. Disclosure of this information is not in the overall interest of the State. My colleague therefore is unable to comply with the honourable member's request.

LAW COURTS BUILDING

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the Sir Samuel Way Law Courts Building.

Leave granted.

The Hon. K.T. GRIFFIN: Soon after the Liberal Government came to office in 1979 it made the decision to alleviate serious congestion in courtrooms and facilities by acquiring the Charles Moore building and using it as a major facility for the Supreme Court in its criminal jurisdiction, the District Court in both criminal and civil jurisdictions, and the appeals tribunals.

The then Labor Opposition, including the present Attorney-General, from memory, criticised the Liberal Government for undertaking the project and kept up a barrage of criticism in the early stages of the project. That criticism dissipated as they and the general public saw the project taking shape. It is now generally recognised that the building will be a 'show piece' public building and one of the major features of Victoria Square. The building is likely to be ready for business towards the end of June or early July of this year. The Liberal Government intended to mark that occasion with a significant public ceremony, inviting a prominent person to perform the official opening. In view

of the great deal of uncertainty as to whether or not the present Government will bury its pride and conduct a public ceremony, I ask the following questions:

1. Does the Government intend to arrange a public ceremony of significance for the opening of the Sir Samuel Way Building?
2. If it does not, why not?
3. If it does, what will be the form of that ceremony and who will be participating?
4. If there is to be a public ceremony, who will perform the official opening?

The Hon. C.J. SUMNER: The Opposition seems to be obsessed with opening things connected with the Sir Samuel Way Building.

The Hon. L.H. Davis: You're obsessed with closing things, aren't you?

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I am sure that everyone recalls the former Government's grand opening of the staircase, and the day that that occurred. A few weeks before that, the former Government opened the mall between the Hilton Hotel and the Way building. On 7 November 1982, one day after the election, the former Government opened the staircase. In order to open the staircase—

The Hon. K.T. Griffin: That is not correct.

The Hon. C.J. SUMNER: There was a ceremony of some description at the Sir Samuel Way Building on Sunday 7 November, the day after the election. I might add that I was not invited to that ceremony, but I am not miffed about that, because I understand that a fairly maudlin gathering of people appeared on that day. I also understand that this premature opening of the staircase cost the project several thousand dollars. Furthermore, carpets had to be laid to make things prissy enough for the opening on 7 November because some distinguished guests were attending. Following the ceremony the carpets had to be pulled up. I inspected the building the other day and upon walking around found carpets all over the place covered in dirt because of the construction activity that was going on.

The Hon. K.T. Griffin: You can't blame us for that.

The Hon. C.J. SUMNER: Those carpets were laid before 7 November so that the building could look smart for the former Government's totally pointless opening of the staircase on that date. Presumably, this was part of a programme of openings that the former Attorney-General and Dr Tonkin organised as a run-up to an election that was supposed to be held later in November. However, because the election was held on 6 November they were caught short on the staircase in the Sir Samuel Way Building. Nevertheless, as I understand it, the opening went ahead. I do not know who attended that opening, but I certainly was not there.

The Hon. K.T. Griffin: The previous Leader of the Opposition was invited.

The Hon. C.J. SUMNER: The previous Leader of the Opposition was invited, but I doubt whether he was there, as Premier elect. The whole thing was an incredible stunt. I understand that this ceremony cost the project some money because priorities had to be rearranged for the opening of the staircase, to accommodate the laying of carpets so that the building could be properly prissied up for the opening. I am sorry that the former Attorney and members opposite seem to be obsessed with opening things at the Sir Samuel Way Building.

Members opposite opened the mall between the Hilton Hotel and the Sir Samuel Way Building. The former Government decided to open the staircase, and the former Attorney now wants to have his moment of glory at a grand opening of the whole complex. The project was criticised for reasons which I believe are still valid. One might ask the community whether or not for $32 000 000 (the cost of this building) one could have had a more cost effective building which provided more accommodation for courts than this current project. I have looked at the project and I have found that the staircase is very nice and the stained glass, on preliminary examination, also looks quite nice.

The question is whether or not, for the $32 000 000 that this building has cost, something else could have been provided to accommodate more of the courts of this State. Nevertheless, the building is an accomplished fact; it is there and it will be completed some time in July. At the moment, the Government is actively considering this matter, because it is interested in opening buildings, particularly the Sir Samuel Way Building, in view of the precedent set by the Hon. Mr Griffin.

I assure the honourable member that this matter is under active consideration at the moment and it is probable that there will be some kind of public ceremony. However, I will have to leave it to the honourable member to speculate about the precise form of that ceremony for a little time yet. I assure the honourable member that an announcement will be made about the matter in due course.

PARLIAMENTARY TERM AND LEGISLATIVE COUNCIL POWERS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question about fixed terms of Parliament and powers of the Legislative Council.

Leave granted.

The Hon. R.I. LUCAS: Prior to the recent State election the Labor Party promised to seek to introduce fixed terms for Parliament and the removal of the power of the Legislative Council to refuse Supply. My support for the concept of fixed terms and the removal of this Council's power to refuse certain necessary Supply Bills is on record. However, I have indicated that the removal of this Council's powers should not be extended to all money Bills but should be restricted to those Supply Bills necessary for the survival of the Government of the day.

Whilst travelling in the country yesterday I heard part of a radio report that Cabinet had considered the matter yesterday and had decided on a certain course of action. My questions are as follows:

1. What has the Cabinet decided on these matters?
2. What general approach and, in particular, what time frame will the Government adopt in relation to this matter?
3. If referenda are to be involved, when will they be conducted?
4. Will the proposed alterations to this Council's powers be directed at all money Bills or only those money Bills necessary for the survival of the Government of the day?
5. Has the Government rejected the concept of a four-year Parliamentary term?

The Hon. C.J. SUMNER: As the honourable member has rightly said, the Labor Party's policy at the last election was for three-year fixed terms and a reduction in the powers of the Legislative Council over money Bills and other legislation in accordance with the powers that have applied to the House of Lords. I indicated in my Address in Reply speech that the Government was committed to proceeding with its proposal of fixed terms of three years for Parliament. I believe that in the *Advertiser* yesterday a public opinion poll indicated that there was broad community support for fixed terms of Parliament.

It was in response to that article that I issued a statement reaffirming the Government's intention to act in this matter.

I am sorry that the broadcast information obtained by the honourable member indicated that Cabinet was considering this matter yesterday, as that is not true. Therefore, I am not in a position to indicate to the honourable member what the Government has decided in relation to this issue generally. However, I indicated some weeks ago, in answer to a question from the Hon. Mr DeGaris, that this matter was under consideration, as it is at this moment.

I am currently trying to ascertain the best method of dealing with this matter, and with other Parliamentary reforms to which the Labor Party referred prior to the recent election, matters such as improvements to the committee system, what we are going to do about statutory authorities review, and a large number of other issues. I see these matters in some sense as being related to the powers of the Legislative Council and to general Parliamentary reform. I hope to be able to bring a proposition before this Council in the reasonably near future.

F.S. and U. FRIENDLY SOCIETY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question about the F.S. and U. Friendly Society.

Leave granted.

The Hon. L.H. DAVIS: On 10 August and 25 August last year the Hon. Mr Sumner, in his capacity as Leader of the Opposition, in this place advised the Council that the F.S. and U. Industrial Benefits Society had been seeking registration for the F.S. and U. Friendly Society from the Liberal Government for over five months. On both occasions he asked the then Attorney-General, Mr Griffin, why no decision had been made by the Liberal Government on the application to register the F.S. and U. Friendly Society. The Hon. Mr Griffin advised the Council that the matter was still under consideration. However, the F.S. and U. Friendly Society has not been established. Will the Attorney-General say whether the F.S. and U. Friendly Society is still seeking registration from the State Government and, if not, what were the circumstances surrounding the decision not to proceed with this application?

The Hon. C.J. SUMNER: I understand that the F.S. and U. is not now seeking registration as a friendly society. This has been the position for some months. I believe that the application mentioned was withdrawn prior to the recent election. I am not aware of the reasons for the withdrawal of that application.

The Hon. K.T. Griffin: They closed their office, as well.

The Hon. C.J. SUMNER: Then they not only closed their office but also ceased pursuing their application prior to this Government coming into office.

HANSARD

The Hon. ANNE LEVY: Has the Attorney-General an answer to my question of 17 March about *Hansard?*

The Hon. C.J. SUMNER: The Government Printing Division has a three-year programme to re-equip the mailing and distribution operations. As part of the programme it is proposed to replace the manual rolling of *Hansard* and other official publications with automated flat parcelling during the 1983-1984 financial year. A study is currently being undertaken of the various packaging methods available (envelope inserting, Kraft paper wrappers, heat sealed plastic wrapping). A decision as to the recommended method of packing is expected early in the next financial year, and implementation of the proposal is anticipated to be completed in time for the packaging of the first *Hansard* of 1984. Until such time as automated flat parcelling is available, *Hansard* will continue to be provided in the rolled format as there are no interim viable alternatives.

AUSTRALIAN CHILDREN'S TELEVISION FOUNDATION

The Hon. C.M. HILL: Has the Attorney-General an answer to my question of 15 March about the Australian Children's Television Foundation?

The Hon. C.J. SUMNER: In response to the first part of the honourable member's question, the Department for the Arts allocated $20 000 as a subline of the overall line: 'Grants and provisions for the Arts'. This was the same amount as granted to the Foundation in the 1981-1982 period. I understand that, as former Minister of Arts, the honourable member instructed his officers to boost this allocation by $15 000 to $35 000 to match an allocation from the Education Department to the Foundation.

Since this Government took office there have been a number of local companies that have found themselves in an emergency situation, one of which was The Little Patch Theatre Company, and funds had to be found for that. Additionally, there are further demands on the department for additional funding to various organisations within the State. First, in view of this, the department reluctantly maintained the level of funding at $20 000. Secondly, the reduction was $15 000.

GRAIN RESEARCH

The Hon. H.P.K. DUNN (on notice) asked the Minister of Agriculture:

1. What is the total amount of money that the South Australian Government provides directly to assist grain research?
2. What proportions are given to the various crops.

The Hon. B.A. CHATTERTON: The replies are as follows:

1. In 1981-1982 the South Australian Government provided a total in excess of $1 262 000 to assist grain research.
2. The proportions to the various crops were as follows.

	%
wheat	61.0
barley	16.7
oats	10.2
triticale	0.3
field peas	4.4
lupins	3.0
faba beans	0.5
rapeseed	2.8
sunflowers	1.1

WRONGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 March. Page 562.)

The Hon. K.T. GRIFFIN: The first objective of this Bill is one which the Opposition supports without question. That is the objective to extend to radio and television broadcasts the privilege presently available to the print media for the reporting of proceedings particularly before the courts and in the Parliament and its Committees. In fact, when I was Attorney-General this part of the Bill was prepared and

introduced but did not pass because of prorogation. It goes without saying, therefore, that clauses 1 to 9 of the Bill are supported without hesitation.

The second part of the Bill is not so easily dealt with. It seeks to change quite dramatically the law relating to liability for animals. This part of the Bill originated with Mr McRae, M.P., as a private member's Bill but did not pass the House of Assembly. Mr McRae initiated the Bill after his experience in acting for the unsuccessful respondent Trigwell in the High Court case *State Government Insurance Commission v. Trigwell* (1978-79). Subsequently, the Hon. Mr Sumner, as Leader of the Opposition, introduced Mr McRae's Bill as a private member's Bill in the Legislative Council in the last session. I gave guarded support to the Bill at the second reading stage but indicated that there would need to be substantial amendments to it before the then Liberal Government could give its support to a change in the law. The private member's Bill did not proceed because of prorogation.

Now, this part of the Bill is revived as a Labor Government measure. It has not been amended to take cognisance of the matters which I raised in the last Parliament. My view is that it still needs considerable attention. When Mr McRae's Bill was first introduced I sought comments on the Bill from a number of interested parties. They included the United Farmers and Stockowners and the South Australian Dairymen's Association because of the special interest of their members in such a significant change in the law as was proposed. The responses from those two organisations, as well as from others in the community who expressed an interest in the legislation, indicated that the proposed change in the law needed further detailed consideration. The complexity of the question is indicated by the fact that in 1969 the then Law Reform Committee made a report dealing with not only the rule in *Searle v. Wallbank* (the subject of the second part of this Bill) but also other areas of the law relating to animals.

That report was presented to the then Attorney-General, Mr Millhouse, and following its presentation the subsequent Attorney-General, now the Chief Justice, Mr King, sought to have some recommendations implemented in a Bill which was drafted but which did not finally proceed. The present law relating to damage to property caused by straying animals is governed by the decision in the English case of *Searle v. Wallbank*, a decision of the House of Lords in 1947. After much debate, the decision in that case was abrogated in the United Kingdom by the Animals Act of 1971. The rule was abrogated in New South Wales by the Animals Act of 1977. The rule applies in Victoria and South Australia but does not apply in Tasmania and Western Australia because of the differences between the States at the dates of their respective colonisations.

In the *Searle v. Wallbank* case, it was held that the owner or occupier of a field abutting a highway had no duty of care to users of the highway to keep his animals, such as horses, cows, and sheep, from straying from the field on to the highway. The owner is not liable for damage caused by animals straying on to the roads from his land, even though he might have known that his fences were in a bad state of repair. The Trigwell case, which applied this rule, suggests that some change in emphasis of the law may be appropriate.

Because the Attorney-General has placed so much emphasis on the tragic case of the *State Government Insurance Commission v. Trigwell*, I believe it is important for members of the Council to understand the facts of that case and to appreciate some of the comments made by the judges of the High Court with respect to the rule in *Searle v. Wallbank*. The case was tragic but, notwithstanding that, the Trigwells, in fact, were able to recover damages from the State Government Insurance Commission but were not able to recover damages from the landowner who owned the sheep that caused the accident.

Briefly, a motor car was being driven by a Miss Rooke at night along a main road. Her car collided with two sheep belonging to landowners by the name of Kerin, who owned property adjoining the road where the sheep were found. For a couple of weeks before the accident, sheep had been seen along the road on a number of occasions, and I understand that that fact had been drawn to the attention of the landowners but they had not adequately repaired their fences. Miss Rooke's car collided with the sheep and she was killed: her car collided with a vehicle that was being driven by Trigwell, and the members of the Trigwell family were injured as a result.

In the State Supreme Court, Mr Justice King, the trial judge, held that Miss Rooke was negligent and that the Trigwells could recover damages from the State Government Insurance Commission, her insurer. However, because of the rule in *Searle v. Wallbank*, the State Government Insurance Commission was not able to recover from the owners of the sheep any part of the damages that it paid out. In fact, the court also held that there was no action against the landowners on the grounds of nuisance, because two sheep wandering on the road did not constitute a nuisance.

It was in that context that the State Supreme Court decision went on appeal to the High Court of Australia. The judges in the majority made a number of interesting comments about aspects of the case. I refer first to Mr Justice Gibbs (as he then was—he is now the Chief Justice of the High Court), who stated (page 627), in regard to the rule in *Searle v. Wallbank*:

> Although the rules of the common law develop as conditions change, a settled rule is not abrogated because the conditions in which it was formulated no longer exist. It is now fashionable to criticise the rule in *Searle v. Wallbank* as anachronistic, inconsistent with principle and unsuitable to modern conditions, but it is by no means obvious that it would be a reasonable and just course simply to abolish the rule. The question whether the rule should be altered, and if so how, is clearly one for the Legislatures concerned rather than for the courts.

Mr Justice Mason (pages 635 to 636) made similar observations about the rule. He stated:

> The view might be taken that conditions prevailing in Australia, or some parts of Australia, are more suited to the retention of the rule in *Searle v. Wallbank* than the conditions which prevail in the United Kingdom. Not only is Australia predominantly rural in character but its rural interests centre very substantially around the raising and keeping of livestock. I mention these considerations, not with a view to saying that the rule ought to be retained, but so as to emphasise the point that the issue of retention or abolition calls for an assessment and an adjustment of conflicting interests, the principal interests being those of the rural landowner and occupier and those of the motorist.
>
> The fact that the United Kingdom Parliament has abolished the rule has no relevance for us, except to confirm my opinion that the question should be left to Parliament. As conditions here differ from those which prevail in the United Kingdom we cannot automatically assume that all Australian Legislatures, or that the South Australian Parliament in particular, would take the same view as that which has been taken in England. With great respect to Samuels J.A. who thought otherwise in *Kelly v. Sweeney* (83) I do not consider that the abolition of the rule by the United Kingdom Parliament on the recommendation of the English Law Commission is a relevant consideration for this court.

As I indicated earlier, the State Supreme Court and subsequently the High Court held that the two sheep straying on the highway did not create a nuisance. Mr Justice Mason referred to that at page 638, where he stated:

> There are certainly cases which suggest that a large number of staying animals may amount to a nuisance in this sense . . . But here there were only two sheep on the highway on the occasion in question and I do not think that it could properly be said that the sheep seriously interfered with the common right of passage over the highway so as to constitute a nuisance . . . Accordingly, no liability in nuisance against the Kerins has been made out.

That is the context in which one should consider the Trigwell position and more particularly any prospective changes in the law relating to the liability of owners or keepers of animals that cause damage that might arise as a result of their being on the road or away from the owner's property.

The significant difficulty that is posed by the Bill, I would suggest, relates to the standard of care that a keeper of animals must demonstrate to avoid liability for damages. Obviously, the standard of care will differ between pastoral areas and more closely settled rural areas. In the pastoral areas, settlement is sparse, fences are few, and travellers may not be numerous, whereas in the more settled areas settlement is close, fences are the rule, and roads are generally used extensively by travellers.

While the argument in favour of the Bill states that this is a matter for the courts (that is, to establish a standard of care), that is really small consolation to those who work with stock and will be worried each day about the extent to which they are required to check their stock and their fences.

Obviously, this will have significant ramifications in relation to insurance if most farmers have to insure against the risk that is now to be thrust upon them. Let me identify a few of the questions that arise as a result of clause 10, under which the keeper of an animal must exercise a proper standard of care to prevent the animal from causing loss or injury. A 'keeper' is defined in proposed subsection (7) as follows:

> . . . the owner, or any person having the custody or control, of an animal, and where an infant is the owner, or has the custody or control, of an animal, includes a parent or guardian, or person having the actual custody, of the infant.

This suggests that, if an infant (honourable members will remember that that is someone under 18 years of age) is the owner of a horse which bolts and causes loss or injury, not only the infant is liable but also the parent or guardian or, even, a friend of the family who may have taken the infant with the horse for a day's riding, regardless of the knowledge of the parent or guardian, is liable. In the context, for example, of a pony club function, where the child is unattended by the parent or guardian, the question arises as to who has the actual custody. Is it all the members of the pony club? Is it the management committee, and what liability does it have as a result of this clause in the Bill? What of the person who has caught a straying animal, shut it in his yards intending to find the owner or, if the owner is known, to return it to the owner, and it then escapes and causes injury? Is the person doing that good deed the keeper and thus liable for any loss or injury that may be sustained by the escape? My suggestion is that the answer is 'Yes' under the Bill as presently drafted.

If an animal escapes, for how long does the keeper retain liability for the loss or injury caused as a result of that animal's escape? If the owner cannot find the animal which has escaped, does he retain liability for all damage that might be incurred for however long it may be on the loose, notwithstanding diligent efforts to find the animal? Again, as the Bill is drafted, I suggest that the answer is: 'For as long as the animal is on the loose the keeper or owner has a liability.'

Of course, I have been talking about livestock and domestic animals, but what about kangaroos, foxes, emus and wombats? The distinction between wild and domestic animals is eliminated by the clause. Does that mean that a property owner who has property on both sides of the road, and a wombat, for example, crosses from one side to the other and causes an accident, is liable for the loss or injury? I suspect that it does.

What about the National Parks and Wildlife Service with the animals on its extensive properties? If one of the animals from its properties strays and causes loss or injury, does it then suffer liability for the loss or damages? What if a walker on the Heysen Trail is struck by one of those animals; is the owner liable for the injury? If animals are frightened by trespassers and break the fence and escape, and injury is caused to someone travelling on the highway, is the property owner then liable for damages? Again, the prospect is 'Yes'.

If fences are damaged deliberately or accidentally by third parties and animals escape and loss or injury is caused as a result of that escape, is there to be any relief from liability for the owner of the animals? If a visitor inadvertently leaves a gate open and the animals escape, what is the duty of the farm owner?

With pastoralists in the north of South Australia where, in many instances, there is a boundary fence and not much more, and roads pass through the properties and are used by the public, should the owner give warnings to travellers on the road who must surely know that there is a risk of wandering stock where the road is unfenced?

What of the Dog Control Act? Section 52 of the Dog Control Act, 1979, provides that the person liable for the control of a dog shall be liable to damages for any injury caused by the dog. That suggests that it is not just based on negligence but that a person who is liable for the control of a dog, whether or not there is negligence, is liable. What is the relationship between the Dog Control Act and this Act in that respect? Is the clause giving a further remedy to those injured by dogs? I believe that the answer is 'Yes, it does.'

Then, I raise the question about the provisions of the Impounding Act because that, to some extent, deals with straying cattle and other stock and provides not merely for penal sections but also for actions for damages where stock are straying. There is no reference to that in the Bill except that a provision in the Bill seeks to preserve existing statutory rights and remedies. That is somewhat confusing. All of these questions throw considerable doubt on the clause which is being proposed in this Bill. They are questions which I believe are reasonable.

One of the bodies which responded to my copy of the Bill being forwarded suggested that rather than looking at merely the question of liability, as this Bill does, there ought to be a review of the whole of the law relating to animals, including the Impounding Act, cattle trespass, distraint for trespass, and the Dog Control Act. There is some merit in that suggestion.

In all the responses that I have received and in my own reading about this subject, real concern is demonstrated about the significant change in liability to the farming community and, more particularly, about the grave uncertainties that would arise if and when the law was challenged. In addition, there will most likely be an increased liability to insurance companies if farmers seek to protect themselves against this most significant risk.

For these reasons, the matter ought to be referred to a select committee, and at the appropriate time I will move for that course of action. Those who are likely to be affected by the legislation, who must bear significant liability as a result of this significant change in the law, ought to have the opportunity to present their points of view to the Parliament. The select committee would also give Parliament a better opportunity to explore all the questions that are still unanswered as a result of the provision in the Bill before us. This is an occasion where a select committee will be able to look quite objectively at a complex area of the law, the amendment of which will have serious ramifications for a large sector of the South Australian community. However, to enable us to get to the point of being able to consider

the question whether a select committee can be appointed, I am prepared to support the second reading.

The Hon. H.P.K. DUNN secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

In Committee.
(Continued from 30 March. Page 767.)

Clause 2—'Commencement.'

The Hon. K.T. GRIFFIN: When the matter was last before the Council I raised a number of questions in the second reading debate. Those questions were raised in the absence of the Attorney-General on the basis that he would obtain, and present, those answers to the Committee. I would find it helpful if the Attorney-General could give all those answers now because it may be that, as a result of those answers, I will want to consider some amendments. If the Attorney is willing to give his answers now, I would appreciate it. Also, within the context of those answers it may be necessary to report progress after the Attorney-General has given the information to the Committee.

The Hon. C.J. SUMNER: I am most willing to adopt that course of action. I will deal with each of the honourable member's questions in turn and then allow him to consider whether he wishes to consider further the detailed clauses of the Bill.

The honourable member asked first whether the exact amount currently credited to the Real Property Act assurance fund can be specified? My response is that, as the honourable member indicated in his speech, the records kept concerning the assurance fund have been totally inadequate. Complete records of receipts by and payments from the assurance fund are not available for the years 1858 to 1887 inclusive, apart from some isolated references to successful claims amounting to approximately £2 300.

In consequence of the Hon. Mr Griffin's question, the Registrar-General had one of his officers spend a considerable amount of time searching the Auditor-General's annual reports. It appears that in 1887 £75 000 was standing to the credit of the fund, and that between 1887 and 1956 approximately £350 000 was received into the fund. There is no accurate record of what was paid out of the fund, although it is known that $90 576 has been paid out to meet claims made since the early 1960s—$87 000 to meet the claim of Mr Zafiropoulos and $3 500 to meet other claims. In 1959, the then Registrar-General, referring to the cessation of contributions to the fund, stated that it had built up to £300 000, but it is not known upon what facts he based this statement.

The problem of ascertaining what is in the fund is further compounded by section 202 of the Act which provided that:

> All sums of money received as aforesaid (i.e., into the assurance fund) shall be paid to the Treasurer for the public uses of the said State.

This section was repealed in 1967. The money received from 1886 on was paid into Consolidated Revenue and used as required by the State. Accurate figures of what remains of moneys paid to the fund cannot be arrived at. The passage of almost 30 years has resulted in a difficulty in obtaining accurate information and the records such as there are, are incomplete.

Secondly, the honourable member asked:

(a) What will be the contribution prescribed under the resulting regulation?

(b) Which instruments will attract a contribution?

My comment is as follows:

(a) It is proposed that a contribution of $2 per prescribed instrument will be paid upon lodgment.

(b) Prescribed instruments will be transfers on sale, mortgages and discharges of mortgage, leases and surrenders of lease.

The honourable member's third question was whether the Government would immediately finance a re-established fund by virtue of an allocation from Consolidated Revenue. My response is that it is not considered necessary for the Treasurer to make an allocation from Consolidated Revenue to re-establish the fund at this stage. Of course, if a large claim or a spate of small claims result in the fund as re-established being insufficient to meet such claims then the Treasurer would assign moneys to the fund as necessary.

Fourthly, the honourable member asked why we should dispense with requirement for notice in writing at least one month before commencement of proceedings in a claim against the assurance fund. My comment is that the one month notice of intention to institute proceedings is unnecessary from a practical point of view in the light of the option given in section 210 for persons to claim before taking proceedings. It is difficult to foresee that someone would wish to institute proceedings before making a claim in writing as provided for in section 210. The making of a claim under section 210 has the effect of providing notice.

Fifthly, he asked what are the specified classes of instruments which the Registrar-General may exempt from the need for certification. My response is that some examples of instruments which have never been regarded as requiring certification under section 273 of the Real Property Act are as follows: Registrar-General's caveats, notices of intention to acquire under the Land Acquisition Act, applications to withdraw a Registrar-General's caveat, notices of acquisition, applications for new certificates of title, applications for division or amalgamation of land, certificates, Form B issues pursuant to the Roads (Opening and Closing) Act, certificates issued pursuant to section 66b of the Crown Lands Act, certificates of alteration pursuant to section 269 of the Crown Lands Act, and various applications to the Registrar-General by the Minister under the Crown Lands Act or other Statutes, applications under the Real Property Act (Strata Titles) Regulations, namely, forms 6, 7, 12, 16, 17 and 18, some applications under the Highways Act, applications to rectify titles by consent, applications to resume and vest land pursuant to section 64 of the Harbors Act, notifications of declaration by councils of public streets pursuant to the Local Government Act, applications for the issue of a summons by the Registrar-General, applications to dispense with the production of duplicate instruments, applications to withdraw an instrument from registration, applications to withdraw a plan or survey, some informal documents under section 247 of the Real Property Act, and applications to register agreements under section 61 of the Planning Act.

Exemption from certifying instruments correct as set out in the Bill is compatible with the Registrar-General's power to dispense with proof of execution in section 269 of the Real Property Act. By tradition, the above instruments have not been regarded as coming within the ambit of an instrument for the purposes of section 273 of the Real Property Act. However, views have recently been expressed to indicate that a narrower interpretation of 'instrument' may be necessary in some cases. Therefore, to put the matter beyond all doubt, to preserve the current practice that has operated very satisfactorily for many years, and to give the Registrar-General discretion and some flexibility in the exercise of that discretion in catering for extraordinary situations as they arise, the legislation has been drafted to provide the necessary discretion.

Finally, the honourable member asked what is the reason for making it a statutory offence where a solicitor or licensed land broker charges a client for rectification of some error or omission where that error or omission is the fault of the solicitor or licensed land broker. My comment is that, to ensure that the costs occasioned by conveyancers errors are not passed on to their clients, this Bill is drafted in its present form.

The Hon. K.T. GRIFFIN: Several other questions arise from that. One is whether the Registrar-General has estimated the funds likely to be collected within a full year as a result of the levy. The other question relates to the last answer, with which we can deal at a later stage, but I will flag it now in case the Attorney can obtain an answer by the time we get to that stage. Why is it not regarded to be more appropriate to provide the sort of provision that exists in the Legal Practitioners Act and, more particularly, in the Medical Practitioners Bill, which was passed by this Council only a few weeks ago, requiring the reference of any disputed account to be made to the Master for taxation purposes?

This eliminates the obvious difficulties that will arise in determining the fault of a solicitor or licensed land broker. From the point of view of keeping them in check, if there is some improper charge, it enables an independent authority with experience in charging by solicitors to look at the situation. The medical practitioners legislation provides that certain legal costs for appearances before the board or the disciplinary tribunal may be referred to the Master for taxation. I raise these matters now because I am concerned about penal sanctions for what can be relatively minor problems.

The Hon. C.J. Sumner: Isn't the argument that they should not be charging for it if they make a mistake? Should we not have some sanctions to deal with that?

The Hon. K.T. GRIFFIN: I do not agree with that. The sanctions for overcharging in the Legal Practitioners Act, for example, are ultimately dealt with by a disciplinary tribunal and certainly by a complaints tribunal initially. The remedy before that, if overcharging is suspected, is to refer the matter to the Master of the Supreme Court for taxation, and those costs cannot be recovered. There are disciplinary decisions that must then follow. If a solicitor or land broker overcharges, and the criteria being satisfied, disciplinary proceedings can be taken against him. That is a more appropriate mechanism than establishing a penal offence. I ask the Attorney-General to consider the matters that I have raised at the appropriate stage. I ask the Attorney to report progress to enable me to consider the information that he has already given the Committee.

The Hon. C.J. SUMNER: I am prepared to agree to the honourable member's request, but I point out that I would like this matter resolved this week. On that basis, I am happy to accede to the honourable member's request. In the meantime, I will attempt to ascertain the amount estimated to be raised each year for the assurance fund. I will also consider the honourable member's comments about the penal sanction if a legal practitioner or land broker charges for a requisition that has been caused through his own fault. I do not see the same difficulty pointed out by the honourable member. It is not an ordinary situation for taxing costs. In fact, it is an attempt to ensure that costs which should not be charged, because they are prohibited by the Act, are not charged.

Progress reported; Committee to sit again.

DENTISTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 March. Page 759.)

The Hon. J.C. BURDETT: I support the second reading of this Bill. However, I have some qualms about people with no medical training (and I use that term to include the kind of training undertaken by a dentist in regard to the human body) taking impressions and fitting dentures for the public. However, the system of technicians dealing directly with the public has operated in other States of Australia and in other countries. In regard to Australia, I cannot find any substantial evidence of harm being caused to the public as a result of this practice. On the other hand, there is substantial evidence that this practice enables the public to be supplied with dentures at a lower cost than they would have to pay a registered dentist. However, the cost appears not to be as radically lower as some may have thought.

Technicians, in equipping themselves to deal directly with the public, will incur considerable overheads which will be reflected in the charges that are levied. As I have said, I have some reservations about people with no medical training fitting artificial teeth to the human mouth with no qualified supervision. However, I have overcome this reservation, although other reservations still persist in regard to partial dentures. I refer to the fitting of artificial teeth in a mouth which also contains living teeth. The Bill proposes that approved dental technicians may take impressions, and so on, for partial dentures where a registered dentist has certified that there are no abnormalities, diseases or surgical wounds present in the teeth, jaw or associated tissue.

In the first place, the provision in the Bill is too vague. For example, how long would such a certificate be valid—one month or one year? More importantly, I believe that this matter is of such importance that the prohibition on approved dental technicians taking impressions, and so on, for partial dentures should be absolute, and I am considering moving an appropriate amendment.

The provision for certain technicians to obtain approval is the recognised grandfather procedure. However, my contacts with those persons who will qualify under the Bill indicate that they have never asked for approval without any requirement for some sort of training course. I envisage an amendment to impose conditions that an approved dental technician must within six months of the Act coming into operation produce a certificate showing that he has satisfactorily completed a prescribed practical course.

If one accepts the principle that appropriate dental technicians should be able to deal direct with the public, I find it difficult to accept in its present form a Bill which provides for a group of technicians, determined at one point of time (namely, the commencement of the Act), to be able to qualify for approval, but which makes no provision for anyone ever in the future to so qualify. I find that philosophically unacceptable.

If some technicians qualify, others who are able to reach the same standards ought also to be able to qualify. The procedure to allow for this ought to be introduced. I note in passing that part of the qualification is to have, in the opinion of the Minister, derived a substantial part of his or its income during the whole period of five years preceding commencement of the proposed Act. Some members may think that some specific proportion of income ought to be specified. However, to take an extreme case, a technician might receive a dividend income of $100 000, and this should scarcely be taken into the calculation.

I am satisfied that the need for flexibility justifies this particular part of the Bill. I have had extensive consultations about this matter, both through official bodies and otherwise, with dentists, technicians who will qualify, technicians who will not qualify, dental laboratories, and others. Many dental laboratories carry out work exclusively on prescription from registered dentists and do not want to be able to deal directly

with the public. Many of the technicians they employ are among the most qualified technicians and they feel that they should be registered, have an appropriate status and be subject to some sort of peer review. Some members may have heard of the 'five point plan' which has been around for some time. The version of it given to me reads as follows:

FIVE POINT PLAN

1. Register dental technician.
2. Licence dental laboratories.
3. Upgrade training and continuing education for all technicians.
4. The Dental Technicians Board to control, set standards and regulate the profession. The board consisting of dental technicians in majority.
5. The right to sit for examination to allow practice chairside status—after having served as a skilled dental technician for a number of years.

It seems to me that those parts of the plan which require legislative sanction should be implemented, and at this time when provision is being made for some dental technicians to be approved to be able to deal directly with the public.

I see no reason why the parent Act cannot be appropriately amended to provide for this. I note that the Hon. Mr Milne has given a contingent notice of motion which would appear to be designed to enable this to be done. The establishment of a committee with proper representation from the appropriate groups of technicians would overcome a difficulty which I find with the Bill in its present form—namely, that it is the Minister, who approves technicians and the Minister who may revoke such approval.

The Hon. J.R. Cornwall: Do you seriously think that the Dental Board will register any of them?

The Hon. J.C. BURDETT: Whatever procedure the Minister may intend to adopt in the granting and revocation of licences, this is an extraordinary provision to have in a Bill. There must be very few cases where as far as the law is concerned the granting and revocation of a form of occupational licensing is left in the hands of the Minister. The Minister interjected and asked whether I seriously thought that the board would register any of them.

The Hon. J.R. Cornwall: That is the Dental Board.

The Hon. J.C. BURDETT: Yes. I do not know from his notice of motion what the Hon. Lance Milne proposes, but it may well be that there is some other board or committee which he proposes be set up. I note from the record of the Minister's second reading explanation that a proposal was put forward in 1979 which would provide for separate boards.

The Hon. J.R. Cornwall: It would have given us 120 dental prosthetists in five years.

The Hon. J.C. BURDETT: That was the proposal the Minister said was in the pipeline in 1979. In the Minister's opening remarks in the second reading explanation he referred to proposals which were current in 1979 and which involved registration and training schemes. At page 758 of *Hansard* the Minister is reported as saying the following:

> The Government has reassessed the situation and does not believe it is practical at this time to proceed with the ongoing registration systems proposed in 1979, taking into account the costs of mounting training courses, the impact of the pensioner denture scheme and the dental manpower situation.

Notwithstanding these comments, which have some validity, I cannot accept that it is reasonable to provide for some technicians to be approved for so-called chairside status without any provision for registration, ever, of other appropriate persons.

I turn next to the question of companies being allowed to practice in this way. This Council recently passed the Medical Practitioners Act Amendment Bill which enabled medical practitioners to form companies to conduct medical practices with proper safeguards for their patients. Dentists ought to have the same opportunities, and dental technicians who have so-called chairside status should have to provide the same protection for the public. I propose to move amendments to these areas in the Committee stage of the Bill.

The dental laboratories, which operate on prescription from dentists and do not deal directly with the public, or desire to do so, are commonly already limited companies. They do not deal directly with the public and the public does not, therefore, need the kind of protection I have outlined. I would not want to interfere with the present right of dental laboratories to operate as limited companies.

Finally, I must comment that it is rather extraordinary that in order to qualify under this Bill technicians must establish, in effect, that they have operated illegally for at least five years. Nevertheless, I support the second reading of the Bill, but intend to move amendments in Committee and to consider any other amendments that may be moved, including those which appear to be contemplated by the Hon. Mr Milne's contingent notice of motion. I support the second reading.

The Hon. K.L. MILNE secured the adjournment of the debate.

MINING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 March. Page 753.)

The Hon. L.H. DAVIS: This is a short and simple Bill. The Opposition sees no objection to this amendment to the Mining Act. It provides for the Attorney-General to nominate a special magistrate to act as a warden under the Mining Act. In the brief second reading explanation given by the Attorney-General he made the point that the increasing intensity of the warden's jurisdiction suggests that a special magistrate would be better able to handle matters that arise from time to time under the Mining Act.

It is perhaps a matter of some regret to note that as the Mining Act is being amended to provide for, presumably, matters of great complexity in the jurisdiction of mining, this Government, quite clearly, is doing its best to wind down mining. The recent decision to cease the development of the Honeymoon uranium deposit will have very real impact in terms of reducing interest in and the level of mining exploration in South Australia. One can only observe that very few mining companies would be prepared to drill and explore for minerals given that, if they discover uranium, they will not be allowed to develop the deposit. With that observation, the Opposition supports the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Officers and employees.'

The Hon. FRANK BLEVINS: I wish to comment in response to the remarks made by the Hon. Mr Davis. It is perhaps a pity that the honourable member raised the question of the Honeymoon mining project. While it may be a matter of regret, it is perhaps understandable. I agree with the honourable member that the Honeymoon mining project could have had some significance for this State. Of course, the debate, as usual, is one of balance: there are always two sides to any debate. The Hon. Mr Davis, quite succinctly, put the case for the Honeymoon project to go ahead, but the Government and I take the contrary view.

While trying to be as succinct as was the Hon. Mr Davis, I wish to put the Government view. At this time, the Government is not convinced that the benefits of the Honeymoon project to this State would outweigh the very real disadvantages. First, the techniques used in mining are, to

say the least, not proved and of course there is the overall moral question of whether we should be involved at all in this industry. While commending the Hon. Mr Davis for raising this question, I believe it is necessary to put the contrary view as briefly as the Hon. Mr Davis put his view.

Clause passed.

Title passed.

Bill read a third time and passed.

SECOND-HAND MOTOR VEHICLES BILL

In Committee.

(Continued from 30 March. Page 757.)

Clause 25—'Duty to repair.'

The Hon. C.J. SUMNER: I move:

Page 16, lines 20 to 23—Leave out paragraph *(b)*.

I previously indicated concern in relation to this clause, because I felt that, under the Bill, there would be no warranty in regard to vehicles that were more than 15 years old and that that situation should be considered. I indicated interstate examples where there is a longer period before warranty cuts out. Indeed, in some States there is no restriction on the age of a vehicle that brings into operation a warranty. However, that is not the end of the matter, because in other States higher monetary limits apply at which warranty operates.

In South Australia, a type of warranty commences, under the Act, in regard to vehicles sold for $500, and that is the best situation in any State. In regard to vehicles sold from nought to $500, there is a requirement of roadworthiness. Furthermore, amendments to the Consumer Transactions Act require that a vehicle be fit for the purpose offered, and this applies to the sale of secondhand motor vehicles. Therefore, in South Australia there are consumer protections that do not exist in some other States. The fact that there is a 15-year age limitation on the warranty whereas in some other States this does not apply does not mean that consumers in South Australia are worse off, because in other States higher purchase prices attract a warranty.

After consideration of this matter, I believe that the Bill should remain the same as in the 1971 legislation, which is that under the legislation itself there is no age limit which would exclude the operation of the warranty. The 15-year age limit came into operation in 1979, I am advised, as a result of representations from a person who intended to sell a large number of vintage cars and who would have been caught by the warranty provisions had there been no age limit in operation. As a result of those representations in 1979, the 15-year period was introduced by a proclamation made under the authority of the 1971 Act by the Commissioner for Consumer Affairs (or it may have been the Minister of Consumer Affairs). Nevertheless, the 15-year period was introduced in 1979.

The position that pertained under the 1971 Act should continue: there should be no limit, but there should be power to exempt certain classes of vehicles, and the Government undertakes that when the Bill is proclaimed it will also include in the regulations one which exempts from the warranty provisions vehicles that are more than 15 years old. That would, in effect, be the same as the current situation; that is, the legislation does not contain an age limit on attracting the warranty, but flexibility is given to the Government to introduce such an age limit if it so desires.

The only difference, if the amendment which I have placed on file is passed, is that the exemption will now have to be done by regulation rather than, as was done under the existing Act, by proclamation. My amendment simply removes the words in the clause which deny a warranty to a vehicle more than 15 years old. That will leave the Bill with no age limit, so that under the Bill all the vehicles, no matter what their age, will potentially attract a warranty provision—that is, if they are sold for more than $500.

I should indicate that the number of vehicles which come into that category would certainly not be very large. As I am saying, if my amendment is carried, the Bill will not have an age limit which excludes the operation of the warranty, but in the regulations which will be prepared following the passage of this Bill the Government undertakes to exclude from the warranty provisions vehicles that are over 15 years old when sold. That will be the situation at the proclamation of the Bill. However, dealing with this matter by regulation does give to the Government a greater flexibility and, should there be complaints about the situation and should the situation need to be reviewed if it appears that the 15-year period is not satisfactory and is of substantial disadvantage, the Government will be in a position to review the 15-year period and alter it by regulation. I commend that amendment to the Committee.

The Hon. J.C. BURDETT: I do not oppose the amendment. The issue, as has been said, is vintage cars. The history has been outlined by the Minister. The present Act does not provide for an age limit. There is in the present Act the power to make provision by proclamation, and this was exercised by the previous Government on the representation of a person (if my memory serves me correctly) who had a very large collection of vintage cars which he felt he could no longer handle and which he decided to sell. The case which he put up seemed to be reasonable and it ought to have applied to other persons, so the proclamation was made accordingly.

When the previous Government prepared a Second-hand Motor Vehicles Bill, which was essentially the one which I introduced as a private member's Bill, it seemed to be a reasonable proposition to write this into the Act instead of leaving it to proclamation or regulation and, of course, this clause is in the Bill which is now before us, presented by the present Government. The present Government now proposes to amend its Bill, quite reasonably, on the basis of comparisons interstate which h now come to be considered.

The Hon. M.B. CAMERON: I draw your attention, Mr Acting Chairman, to the state of the Committee.

A quorum having been formed:

The Hon. J.C. BURDETT: The Minister pointed out a possible difficulty in regard to interstate comparisons and the need to be flexible; I do not dispute that. The Minister (and I note this carefully) has undertaken that, upon the Bill being proclaimed, regulations will be introduced to apply the 15-year limit.

The Hon. C.J. Sumner: For the time being.

The Hon. J.C. BURDETT: For the time being. There is an advantage that, if problems occur, if the matter can be dealt with by proclamation or regulation it can be dealt with promptly, which would not be the case if it is in the Bill. For those reasons, I do not have any objection to the proposed amendment.

Amendment carried; clause as amended passed.

Clauses 26 and 27 passed.

The ACTING CHAIRMAN (Hon. R.J. Ritson): Clauses 28 and 29, being money clauses, are in erased type. Standing Order 298 provides that no question shall be put in Committee upon such a clause. The message transmitting the Bill to the House of Assembly is required to indicate that these clauses are deemed necessary to the Bill, and any

debate on these clauses must await the return of the Bill from the House of Assembly.

Remaining clauses (30 to 48) and title passed.

Bill read a third time and passed.

OATHS ACT AMENDMENT BILL

In Committee.

(Continued from 30 March. Page 758.)

Clause 3—'Commissioners for taking affidavits.'

The Hon. K.T. GRIFFIN: I move:

Page 1, lines 20-29—Leave out all words in these lines and insert:

(a) all legal practitioners of the Supreme Court who hold practising certificates which are in force (except any such persons whose right to practise the profession of law is under suspension by virtue of disciplinary action); and

(b) any other persons appointed by the Governor to be Commissioners for taking affidavits in the Supreme Court.

I have already canvassed at length the background to this Bill, which seeks to make all practitioners Commissioners for taking affidavits, except those whose licence to practise has been suspended by virtue of disciplinary action. I raised some question about the appropriateness of judges of the Supreme Court being their own Commissioners for taking affidavits in the Supreme Court, and also the appropriateness of judges of the District Court and special magistrates exercising a totally different jurisdiction holding commissions to take affidavits in the Supreme Court. Although the Attorney-General has indicated that the Chief Justice believes that it would be a good thing for judges and magistrates to be included in the ambit of this amendment, I do not share that view.

I am not convinced that it is appropriate to broaden the ambit of the clause. For that reason, I have moved an amendment which will limit the automatic appointment of Commissioners for taking affidavits in the Supreme Court to all legal practitioners holding practising certificates which are in force (except where their right to practise has been suspended by virtue of disciplinary action), and also allow other persons appointed by the Governor to be Commissioners for taking affidavits in the Supreme Court.

Obviously, that will extend to clerks of court and other persons who, for a special reason, require authority for taking affidavits. I do not intend to further elaborate on that aspect.

The Hon. C.J. SUMNER: I am persuaded on this occasion by the Chief Justice (Mr King), at whose request it is that judges of the Supreme Court and other judges were added to legal practitioners as people automatically to be Commissioners for taking affidavits. I cannot see any reason for judges or magistrates being excluded and, accordingly, I oppose the amendment moved by the Hon. Mr Griffin. As I pointed out earlier, I think that a number of judges, if not all of them, are also justices of the peace. They would be able to take oaths, affidavits and declarations in that capacity. If any difficulty arose about the intention of a declaration taken by a Supreme Court judge, all he would have to do would be to disqualify himself from the hearing of that case. That is a practical difficulty that is unlikely to often arise. It certainly would arise prior to a case commencing. I oppose the amendment. It has now been suggested that Masters of the Supreme Court should also be automatically deemed to be Commissioners for taking affidavits. Following what I hope will be the resounding defeat of this amendment by the Hon. Mr Griffin, I will be moving to include Masters as Commissioners.

The CHAIRMAN: To enable both honourable members to have the opportunity to move their amendments, I put the question that the first two words 'all judges' in line 20 stand part of the Bill. If that stands, the Attorney can then insert 'and Masters'. I put the question that 'all judges' stand part of the Bill.

The Committee divided on the question:

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

Noes (9)—The Hons. J.C. Burdett, M.B. Cameron, R.C. DeGaris, H.P.K. Dunn, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pair—Aye—The Hon. Barbara Wiese. No—The Hon. L.H. Davis.

Majority of 1 for the Ayes.

Question thus resolved in the affirmative.

The Hon. C.J. SUMNER: I move:

Page 1, line 20—After 'Judges' insert 'and Masters'.

This amendment will include masters as well as magistrates and judges who will be commissioners for taking affidavits in the Supreme Court. I have already canvassed this issue.

The Hon. K.T. GRIFFIN: I do not intend to divide over this question. The major question has been resolved. For the sake of consistency I suppose it is appropriate that masters be included.

The Hon. C.J. SUMNER: I should also indicate that the Chief Justice has asked that masters of the Supreme Court be included in the list of commissioners able to take affidavits in the Supreme Court.

Amendment carried; clause as amended passed.

Clause 4 and title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL

In Committee.

(Continued from 30 March. Page 761).

Clause 2 passed.

The CHAIRMAN: In relation to the proposed insertion of a new clause by the Hon. Mr Cameron, I point out that it should have been the subject of an instruction. The Hon. Mr Cameron's amendment has only just reached the table. It is a matter for the Committee to decide whether it is prepared to proceed with the amendment without an instruction.

The Hon. C.J. SUMNER: Is the Committee able to adopt that course of action? If it is, I have no objection to the Committee proceeding in that way. Can the Committee proceed without an instruction?

The CHAIRMAN: I suggest that progress be reported to allow this question to be examined.

The Hon. C.J. SUMNER: There is an administrative problem with that.

Progress reported; Committee to sit again.

The Hon. M.B. CAMERON: I move:

That Standing Orders be so far suspended as to enable me to move an instruction without notice.

Motion carried.

The Hon. M.B. CAMERON: I move:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider new clauses 2a and 2b relating to sections 79 and 79a of the principal Act.

Motion carried.

In Committee.

New clauses 2a and 2b.

The Hon. M.B. CAMERON: I move:

Page 1—After clause 2 insert new clauses as follow:

2a. Section 79 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Registrar—

(a) shall not issue a licence or a learner's permit to an applicant who has not previously held a licence; and

(b) may refuse to issue a licence or a learner's permit to an applicant who has previously held a licence but not during the period of three years immediately preceding the date of his application,

unless the applicant produces to him a certificate signed by an examiner certifying that the applicant has passed an examination conducted by that examiner in the rules required by law to be observed by drivers of motor vehicles.

2b. Section 79a is amended by striking out all words in the section before the word "unless" immediately preceding paragraph *(c)* and substituting the following:—

79a. The Registrar—

(a) shall not issue a licence to an applicant who has not previously held a licence;

and

(b) may refuse to issue a licence to an applicant who has previously held a licence but not during the period of three years immediately preceding the date of his application.

The effect of these clauses is to enable the Registrar of Motor Vehicles, where a person has been without a licence for three years but has previously held a licence, to issue that person with a licence without his having to go through the learner's and 'P' plate procedures. I believe that this is a sensible point of view and that a person who has driven previously should receive a licence without going through this long procedure. Many people who come back from overseas have, for one reason or another, allowed their licence to lapse. It is embarrassing, and rather annoying, for them to have to go through this procedure and to have to drive at 80 kilometres an hour for a considerable time when they are already competent drivers.

The Hon. Anne Levy interjecting:

The Hon. M.B. CAMERON: I can remember the Hon. Miss Levy becoming upset when I suggested that people on 'P' plates should be required not to drink alcohol when driving, as she thought that that would embarrass other people. I have the same feeling about this matter: people would be annoyed and embarrassed about having to go through 'P' plate procedures again. In some cases, it would be necessary for the Registrar to insist on this procedure being followed, but this would not be so in many cases and could cause extreme difficulty for people totally unnecessarily. I urge members to support my amendment, which I believe is a sensible discretional allowance for the Registrar of Motor Vehicles.

The Hon. B.A. CHATTERTON: The Government opposes this amendment. Most people who do not hold a licence, or do not drive for more than three years, accept without question—quite rightly—that they must have these tests and go through this probationary period. If a person has not driven for that period of time, it is understandable that he must again show that he has the driving skills appropriate to modern traffic conditions. People who do not hold a licence in this State or elsewhere for more than three years should be required to pass appropriate and practical written tests.

The Hon. M.B. Cameron: What about people who have driven overseas?

The Hon. B.A. CHATTERTON: Those people are given adequate opportunity to renew their licences. There are few people who, through forgetfulness, do not take the opportunity to renew their licence. As the Minister in another place pointed out, if people drive under different conditions overseas for many years—for instance, on the other side of the road—it is not inappropriate that they should be tested again. It does not seem to me that the system of testing involved is an undue hardship on the people concerned or that it is an undue hardship to require people to pass a written test to show that they have the practical skills required of a driver. A probationary period is not an undue hardship on people who have been neglectful in this way. For those reasons, the Government opposes these new clauses.

The Hon. M.B. CAMERON: I do not accept the argument put forward by the Government on this matter. In reply to my interjection 'What about people who have been overseas?' the Minister indicated that people who have been driving under different conditions should go through 'P' plate procedures. However, people can go into the R.A.A. here and obtain an international licence, which the Minister should know entitles a person to drive in almost any country in the world under entirely different driving conditions, including driving on the right hand side of the road, so there are countries that accept our licence. To gain an international licence, one has merely to hold a current licence here.

The Hon. B.A. Chatterton: Only on a temporary basis.

The Hon. M.B. CAMERON: Yes, fair enough, but it is accepted straight away. When one gets a car, one can use it.

The Hon. Anne Levy: It is only temporary. These people are not applying for a permanent licence.

The Hon. M.B. CAMERON: It is not an argument to say that it is temporary: it is temporary from the first day overseas. One is entitled to drive immediately. These people are trying to obtain a licence which they would have had previously. To say that they cannot drive after three years is not acceptable. Any suggestion along those lines is nonsense. I do not accept that argument at all.

In regard to people being forgetful, it was pointed out to me that people should read the fine print on their licence and that that print states that it is on the head of the person who holds the licence to renew that licence (or words to that effect). If one forgets to renew or if one does not ensure that one has a licence, it is on one's head. If a person is overseas, it is likely that he would not receive a renewal notice through the mail. In many cases, licence renewal notices do not arrive. These days, that means that a person cannot obtain another licence for three years, under the three-year licence proposal.

The Hon. B.A. Chatterton: No.

The Hon. M.B. CAMERON: I am saying that a person does not obtain another licence because no further reminder notices are sent out. He receives one notice, and that is it. There is a problem if a person does not receive the first notice. I suggest that the Minister further consider this matter, because I believe that the amendment is sensible. I do not believe that it will create hassles in the department, and frankly I cannot think of any sound reason why the Government should not accept it.

The Hon. B.A. CHATTERTON: I would like to point out that the information I have received from the Registrar indicates that that is not the case. Renewal notices are sent out about four or five weeks before a licence expires, which gives people an opportunity to renew. There is an obligation to keep the Registrar informed of the right address. If a person forgets to renew his licence, three months after the expiry a reminder notice is sent out, according to my information.

The Hon. M.B. Cameron: What? I have never received one.

The Hon. B.A. CHATTERTON: Perhaps the honourable member has always renewed his licence.

The Hon. M.B. Cameron: I know a person who did not. That is not so.

The Hon. B.A. CHATTERTON: The information that has been provided to me indicates that that action is taken by the Registrar of Motor Vehicles. The notices are sent out beforehand and, after three months, if a person does not renew his licence, he receives a reminder. That is accepted.

The Hon. M.B. Cameron: You should check that.

The Hon. B.A. CHATTERTON: That is the message that has been relayed to me by the people who are in charge, and I have no reason to doubt it.

The Hon. I. GILFILLAN: I support the amendment. I believe that there are some quite valid reasons for not compelling people who, for some reason or another, have not had a licence for three years to go through the procedures that are currently in force. There are several points at issue, and I agree with the Hon. Mr Cameron in regard to most of his argument. I believe that the skill of driving becomes innate and, unless there is some quite dramatic interference in the procedure, a person who could drive a vehicle three years previously can drive a vehicle adequately now. That does not disturb me.

If the Bill aims at ensuring that there is adequate quality in the standard of driving, there should be some reference to people who hold a licence but who do not drive in a three-year period. There must be some aim other than giving the department something to do in testing people who have not had a licence in three years. If the aim is to identify and correct deficiencies and deterioration in driving skill, that argument should be applied to anyone who has not driven a car for three years.

Members interjecting:

The CHAIRMAN: Order!

The Hon. I. GILFILLAN: With those points in mind, and especially in regard to the words 'may refuse', which give the option to the Registrar and which intimate that there may be reasons known to him for not granting automatically the renewal of a licence if there has been a gap of three years, I believe that it is a sensible and thoughtful step not to expose people to unnecessary bother in renewing a licence after three years. I do not see that denying this amendment serves any good purpose. Personally, I am in favour of the amendment.

The Committee divided on the new clauses:

Ayes (11)—The Hons. J.C. Burdett, M.B. Cameron (teller), R.C. DeGaris, H.P.K. Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, K.L. Milne, and R.J. Ritson.

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

Pair—Aye—The Hon. L.H. Davis. No—The Hon. Barbara Wiese.

Majority of 3 for the Ayes.

New clauses thus inserted.

Clause 3—'First licences must be subject to certain probationary conditions.'

The Hon. M.B. CAMERON: I move:

Page 1, line 18—After 'is amended' insert:

(a) by striking out paragraph *(a)* of subsection (1) and substituting the following paragraph:

(a) has not previously held a licence issued under this Act or under the law of a place outside this State; ;

(b) by inserting after subsection (1) the following subsection:

(1aa) Without derogating from any other provision of this Act, where the applicant for the issue of a driver's licence has previously held a licence issued under this Act or under the law of a place outside this State but not during the period of three years immediately preceding the date of his application, the Registrar may endorse upon the licence the conditions referred to in subsection (1).;

(c) by inserting in subsection (2) after the passage 'subsection (1)' the passage 'or (1aa)';
and

(d).'

This amendment is consequential on the new clauses just inserted.

Amendment carried; clause as amended passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN OIL AND GAS (CAPITAL RECONSTRUCTION) BILL

Received from the House of Assembly and read a first time.

The Hon. B.A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

When the South Australian Government purchased the Commonwealth Government's interest in petroleum exploration licences 5 and 6 (which conferred exploration rights over an area including the South Australian portion of the Cooper Basin), a condition was imposed by the Commonwealth that the 'interest' should be held by a tax-paying public company or statutory corporation. Moreover, it was clear that substantial funds would be needed in order to finance exploration and to meet the South Australian Government's share of any liquids or petro-chemical scheme. In these circumstances it was considered desirable to establish a proprietary company which would take over the Commonwealth's interest and raise the necessary funds through share issues or borrowings. For these reasons, the Government approached South Australian Gas Company to secure the establishment of a company, South Australian Oil and Gas Corporation which, while Government controlled and financed, would have 51 per cent of its shares held by an outside company.

South Australian Oil and Gas Corporation was formed with a capital of $50 000, with Pipelines Authority of South Australia holding 24 500 A class $1 shares, and South Australian Gas Company holding 25 500 B class $1 shares. Control by Government was secured by assigning to class A shares voting rights equal to three times the voting rights of all other issued shares, and conferring on the class A shareholders the right to appoint three of the five directors. Thus, the Government representatives would always have the voting power necessary to control decisions taken at general meetings of the company (including the voting power necessary to pass a special resolution of the company), and also the power to appoint a majority of the board of directors. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

It was understood by the South Australian Gas Company, when these arrangements were agreed, that it would receive no advantage from its shareholding beyond a direct knowledge of Cooper Basin activities, and a greater sense of security about future gas supplies through involvement in a company which was to undertake significant exploration. At no stage has South Australian Gas Company provided any further funds by way of share purchase or loan. South Australian Oil and Gas Corporation's funding requirements have been met by loans from State Government Insurance Commission or Pipelines Authority of South Australia and

by the subscription of $33 500 000 by Pipelines Authority of South Australia for the purchase of exploration shares.

The original purchase price for the interest presently held by South Australian Oil and Gas Corporation was $12 450 000. Subsequent increases in world energy prices have produced corresponding increases in the value of South Australian Oil and Gas Corporation, and resulted in speculation that South Australian Gas Company shares may be seriously undervalued. The first speculative purchase of South Australian Gas Company shares occurred in late 1978 by interests outside of South Australia, and further intense speculation occurred in mid-1980. In each case the Government of the day legislated to ensure South Australian control of the South Australian Gas Company. In 1979 the voting rights of individual shareholders and groups of associated shareholders were limited, and subsequently the Tonkin Government legislated to enable State Government Insurance Commission to take a share interest in South Australian Gas Company with enough voting strength to ensure control.

Successive Governments have made it clear that speculation in South Australian Gas Company shares is without foundation, and that any benefits derived from the interest held by South Australian Oil and Gas Corporation in the Cooper Basin would be for the benefit of South Australians generally. This situation was formally recognised by Sir Bruce Macklin, the Chairman of South Australian Gas Company, who in a letter to the Stock Exchange of Adelaide on 4 June 1980, stated:

> The South Australian Oil and Gas Corporation was formed to carry out South Australian Government policy with regard to the search for and the development of oil and gas resources in South Australia. In particular, it has been formed to purchase the interest of the Australian Government in the Cooper Basin. It has always been accepted that if profits were to be generated by the corporation, such profits would be used to further the objectives outlined above. The directors do not see any likelihood of dividends from the South Australian Oil and Gas Corporation Pty Ltd in the foreseeable future, and in fact such a distribution would be contrary to the basic philosophy under which the corporation was created. Rather it was to be the vehicle for carrying out the programme referred to above on behalf of the people of South Australia.

This was followed by a statement by Sir Bruce Macklin in the Gas Company's annual report for the year ended 30 June 1980, when he said:

> This company's investment in South Australian Oil and Gas Corporation Pty Ltd, was welcomed by the board because it was felt that through this we would be more closely in touch with exploration for further natural gas—a matter of vital concern to us.
>
> It was not undertaken with the view that it might be the means of generating huge profits which might find their way into the pockets of shareholders. If such profits were to accrue some day it was made quite plain to us that they would be used for the benefit of the State by reducing the price of gas to consumers. It must be remembered that the bulk of South Australian Oil and Gas Corporation's funds came from gas consumers in the form of an exploration levy and from loans from the State Government Insurance Commission. In these circumstances it is understandable that a Government would not tolerate windfall gains to be obtained by South Australian Gas Company shareholders.

The Government believes that the time has come to remove misconceptions that have apparently arisen in regard to the ownership and control of South Australian Oil and Gas. The previous Government had this matter under investigation for a considerable time but had not finalised the course of action it should take before losing office. Because the ownership and control of the company is a matter of great public importance, the Government has decided that the most appropriate means of achieving its object is an Act of Parliament which will convert all existing shares in the company into a single class of shares ranking equally in all respects.

Clause 1 is formal. Clause 2 provides that the new Act is to be deemed to have come into operation on 30 March 1983. Clause 3 defines 'the company' as South Australian Oil and Gas Corporation Pty Ltd. Clause 4 is the major clause of the Bill. It provides that the present shares of the company which are divided into A class, B class, non-participating exploration shares and unclassified shares are to be converted into ordinary shares of $1 in the capital of the company. Subclause (2) provides that subject to the Articles of Association of the company, the shares in the company are to rank equally in all respects. Clause 5 provides for the Articles of Association of the company to be amended as shown in the schedule to the Act. A copy of the Act is to be lodged with the Corporate Affairs Commission and kept on the company file so the persons searching the articles will be aware of the amendments.

The Schedule

The Articles of Association of the company are amended in accordance with the schedule as follows: Article 1 is amended by inserting a definition of 'the Minister'. Article 4 is amended to provide that the capital of the company is divided into 100 000 000 ordinary shares of $1 each. Articles 6, 6a and 52 are deleted. These articles are concerned with the issue of shares in particular classes and, as the shares of the company are to be consolidated into a single class, these articles are no longer relevant. Article 69 is amended by deleting reference to A class shares.

Article 73 is amended by making it clear that one or more members holding the requisite number of shares may demand a poll. Article 78 is replaced by a new article which makes it clear that each share will carry one vote. Article 88 is deleted and replaced by a new article which provides for the company to have five directors or such other number (not exceeding seven) as may be determined by the company in general meeting.

Article 89 is deleted and replaced by a new article. This article deals with the appointment, retirement, and removal of directors of the company. It should be noted that a person is not to be eligible for appointment as a director of the company unless the Minister has concurred in a nomination for his appointment. A consequential amendment is made to paragraph *(g)* of article 94. Article 97 is deleted. The substance of this article is now incorporated within article 89. Article 104 is amended by deleting reference to directors appointed by the holders of A class shares. Article 107 is deleted and replaced by a new article dealing with the appointment of the Chairman and Deputy Chairman of Directors. The concurrence of the Minister is required for such an appointment. Article 113 is amended to provide that the Minister's approval is required for the appointment of an alternate director.

The Hon. M.B. CAMERON secured the adjournment of the debate.

ADJOURNMENT

At 5.27 p.m. the Council adjourned until Wednesday 20 April at 2.15 p.m.