LEGISLATIVE COUNCIL

Tuesday 7 May 1985

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

ASSENT TO BILLS

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

Adelaide Festival Centre Trust Act Amendment,
Art Gallery Act Amendment,
Associations Incorporation,
Boilers and Pressure Vessels Act Amendment,
Dangerous Substances Act Amendment,
Electricity Trust of South Australia Act Amendment,
Executors Company's Act Amendment,
Food,
Land and Business Agents Act Amendment (No. 2),
Licensing Act Amendment,
Liquor Licensing,
Planning Act Amendment (1985),
Police Offences Act Amendment,
Racing Act Amendment (1985),
Shop Trading Hours Amendment,
South Australian Museum Act Amendment,
South-Eastern Drainage Act Amendment,
Statutes Amendment and Repeal (Crown Lands),
Supply (No. 1) (1985),
Trespassing on Land Act Amendment.

PUBLIC WORKS COMMITTEE REPORT

The PRESIDENT laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Barossa Country Land Water Supply System Upgrading.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Financial Institutions Duty Act, 1983—Regulations—non-dutiable receipts.
Friendly Societies Act, 1919—Report on the operations of Registered Friendly Societies, 1983-84.
Lifts and Cranes Act, 1960—Regulations—Fees.
Local and District Criminal Courts Act, 1926—Regulations—Bailiff's fees.
Motor Fuel Licensing Board—Report, 1984.
Second-hand Dealers Act, 1919—Regulations—Second-hand carpets.
Rules of Court—Supreme Court—Supreme Court Act, 1935—Costs.

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

Pursuant to Statute—

Packages Act, 1967—Regulations—Various.
Trade Standards Act, 1979—Regulations—
Pedal bicycles
Pedal bicycle accessories
Solid chlorine compounds.

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

Pursuant to Statute—

Coast Protection Act, 1972—Regulations—Works of a prescribed nature.
Food and Drugs Act, 1908—Regulations—
Mixed dried and imitation fruit products.
Hospitals.
Special dietary foods.
Planning Act, 1982—Crown Development Reports by SA Planning Commission on proposed—
Construction of child care centre, Elizabeth West.
Erection of a single unit timber classroom at Clare High School.
Construction of a boat ramp at Stansbury.
Erection of an activity hall at Moonta Area School.
Division of Part Section 93 and closed road, Hundred of Noarlunga, Aldgate.
Construction of child care centre at Modbury.
Erection of transportable classroom, Riverton High School.
Erection of transportable classroom, Mallala Primary School.
Erection of a single transportable classroom at Kingston College of Technical and Further Education.
Variation of regulations.
Radiation Protection and Control Act, 1982—Regulations—Ionizing radiation.
City of Woodville—By-laws—
No. 25—Streets, bridges, piers and public places.
No. 52—Recreation reserves.

By the Minister of Agriculture (Hon. Frank Blevins):

Pursuant to Statute—

Road Traffic Act, 1961—Regulations—Traffic Prohibition (Mount Gambier).
Sewerage Act, 1929—Regulations—Registration Fees.
Teachers Registration Board of South Australia—Report, 1983.
Veterinary Surgeons Act, 1935—Regulations—Advertising and Trading.

By the Minister of Fisheries (Hon. Frank Blevins):

Pursuant to Statute—

Fisheries Act, 1982—Regulations—
Fish Processors Fees,
Marine Scale Fishery Licences, Crabs
Spencer Gulf Prawn Fishery (Crabs),
Gulf St Vincent Prawn Fishery (Crabs).

QUESTIONS

ROYAL FLYING DOCTOR SERVICE

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Health a question about funding of the Royal Flying Doctor Service.

Leave granted.

The Hon. M.B. CAMERON: The Royal Flying Doctor Service is presently facing difficult financial cicumstances in its efforts to maintain an effective and much needed medical service to the outback of Australia, a situation about which I am sure the Minister of Health is aware. There is no person who has any association with the outback of South Australia who would not be aware of this very desirable and very necessary service.

Presently a number of the planes in use by the Royal Flying Doctor Service are in need of replacement at an estimated cost of $8 million. The Service will have operational costs of $16 million in 1985-86 to cover an area of five million square kilometres with its team of 16 full-time doctors. The Service is under threat from a cutback in Federal funding and the declining value of the Australian dollar will raise the real cost of imported aircraft and equipment. The need is becoming urgent. A report in the *Advertiser* of 2 May 1985 states:

The South Australian central section of Royal Flying Doctor Service is administered from Adelaide and controls bases in Port Augusta, Broken Hill and Alice Springs. An Adelaide spokesman said two Nomads used in Broken Hill were 'very fast approaching' the replacement stage. The service also faces cutbacks in its Federal Government funding and the effects of the falling Australian dollar. The Federal Government provides 40 per cent of the running cost of the service, with each State's operation receiving some State Government funding and public donations. But the Federal Secretary-General of the service, Mr Ken Knight, said

yesterday that negotiations with the Federal Government over funding had broken down in August last year.

Although needing funds for four planes, the service had received enough for one, and another three would need replacing soon. The manager of the Victorian Royal Flying Doctor Service, last night foreshadowed possible cutbacks throughout Australia '... on the operational side, if we do not get help, we just would not be able to replace aeroplanes and that means our service becomes less reliable,' he said.

Aeroplanes might not be available when they are required because they're out of the area being maintained, which would not happen if they had been replaced at the correct time. On the capital side, if we do not get sufficient funds we will either have to eat into some of our reserves we have put aside for capital purposes—but which in themselves are not enough to buy new planes—or we will have to cut back services. Instead of doing clinics once very week or fortnight, they may be done every month ... we would not be able to cut back on emergency services but preventative services may suffer which has a compounding effect on emergency services.

My questions are as follows:

1. Is the Minister aware of the Royal Flying Doctor Service's plight?

2. What assistance is presently provided by the South Australian Government to the Royal Flying Doctor Service?

3. Will the Minister review the level of assistance presently provided to the Royal Flying Doctor Service and give consideration to increased support for it?

4. Will the Minister lobby his Federal colleague and South Australian M.H.R., Dr Blewett, to ensure there is no cutback in Commonwealth support for the Royal Flying Doctor Service?

The Hon. J.R. CORNWALL: First, I must say that the only reason I am aware of this matter is that, like the Hon. Mr Cameron, I read about it in the *Advertiser.*

I must say that I found that a little extraordinary, because the Chairperson of the Flying Doctor Service in South Australia is also a member of the Port Augusta Hospital Board and is a person well known to my wife and me. Indeed, that person has very considerable standing in the community and is very effective in public life.

I have had no contact, prior to the *Advertiser* story, from the Chairperson, Mrs Nan Young, or from the professional officers in Adelaide or anywhere else. Traditionally, the Flying Doctor Service has been a national service which has been a national responsibility. It is funded primarily, as the honourable member said, from two sources, one of which is by public generosity; over many years that has been extraordinary public generosity from all sections of the Australian community. The other source is Federal funds, which, as the honourable member said, run at about 40 per cent of the cost of the service.

Regarding the assistance presently given by the State Government, there has over the years been no large amount of formal funding given to the Flying Doctor Service in South Australia, as it is a national service. It has always been regarded as a national responsibility and it has been funded for a very long time by successive Federal Governments. In terms of reviewing the present situation, I shall be very pleased to do so if the Flying Doctor Service makes contact with my office. However, as I said, there has been no contact whatsoever. I have also said publicly that I would be very pleased to take up cudgels on behalf of the Flying Doctor Service, if it has these funding problems, with my Federal colleague, Dr Blewett, the Prime Minister, Mr Hawke, or anybody else.

It would be quite unthinkable that a revered Australian institution (and that indeed is what the RFDS is) should be allowed to have its services diminished by any lack of public response, whether that was from individuals in the community or by Government. So, I would be very pleased to lobby any of my Federal colleagues.

The Hon. M.B. Cameron: You were unaware of the breakdown in the talks?

The Hon. J.R. CORNWALL: I must say that I was quite unaware. As a public relations exercise, the announcement of the difficulties on the very evening that the new mini series, *The Flying Doctors,* was launched, was very good timing indeed, and I commend the RFDS for it. One of the real problems, as I understand it, is that, with the ever-increasing sophistication of aircraft suitable for use by the Flying Doctor Service, obviously the capital that is required for aircraft replacement is very much higher than it was in years gone by. The $8 million mentioned for replacement of aircraft would not surprise me at all because, as everybody knows, there are now some very sophisticated aircraft suitable for this sort of work, which is a far cry from the days when the Nomads were considered suitable. It now involves a very much higher level of sophistication.

I have not been formally made aware of the problems by the RFDS in South Australia. If the officials (either the office bearers or the paid officers) of the RFDS would care to contact my office and outline their problems, I shall be pleased to do anything reasonable that I possibly could to ensure that this remarkable service continues to prosper.

MEDIA BAN

The PRESIDENT: Before calling for further questions, I advise the Council that I have been informed today that the conflict or argument between the Speaker and the television news media has been resolved and, as a result, the ban on that media has been lifted.

GRAND PRIX ACCOMMODATION

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs, in his capacity as Leader of the Government in this Council, a question about rental accommodation during the forthcoming Grand Prix.

Leave granted.

The Hon. J.C. BURDETT: In a news release of 12 April 1985 the Consumers Association of South Australia states:

The Consumers Association of South Australia has warned of an emerging housing crisis for private tenants as a result of the Grand Prix in Adelaide later this year. CASA's warning follows wide publicity in the past week given to an office set up by the Grand Prix authorities to co-ordinate the letting of spare rooms in private homes to overseas tourists attending the Grand Prix in November. Organisers have talked of high rents of up to $65 per night to be made by private householders for spare rooms, with much higher amounts possible if householders are prepared to move out themselves and let their entire house to tourists.

I have certainly heard that as much as $300 a night will be charged for small units. Further on in its press release—

The Hon. C.J. Sumner: Do you want rent control?

The Hon. J.C. BURDETT: No. The CASA press release continues:

We are more concerned at the impact on local renters, who are often among the financially disadvantaged. Already we have heard complaints of private landlords giving long standing city tenants notices of termination for August with the intention of renovating flats for presentation as serviced apartments to wealthy tourists for the Grand Prix period. Many people do not understand that the Adelaide Grand Prix is likely to become an annual event.

Further on in the press release, Mr Mason, the President of CASA, said that any tenant without a fixed term agreement is vulnerable to a notice of termination at any time on 120 days notice. In a recent letter to me from CASA, after I had a meeting with it on this topic, the Association states:

In commenting to the media, CASA has taken care to stress that as yet the phenomenon is 'only a trickle'. We anticipate the peak time for service of section 65 notices will be June/July, about 120 days ahead of the race. Only in cases where landlords wish to carry out renovations before the Grand Prix would they be moving to evict tenants at this stage.

I will not read what follows, because it mentions names, but CASA goes on in the letter to set out some particular cases where this has happened and which have come to its notice. It goes on to state:

CASA firmly believes our expressed fears are not idle. We refer to figures quoted by Miss Meridie Sinclair (*Advertiser* 15 April) and that of Dr Mal Hemmerling (*Advertiser* 17 April), who estimates a demand for some 20 000 beds in excess of existing hotel rooms, all of which within 90 kilometers of the city are already almost fully booked (*Advertiser* 1 May). As outlined in our meeting on Tuesday, if one assumes a generous average of four beds to a house or flat to meet the 20 000 bed requirement at least 5 000 houses and flats would be needed, probably more.

Further to his reported response (*Advertiser* 18 April) to our press release, we have pointed out to the Minister of Consumer Affairs, Mr Chris Sumner, that it is, we rather suspect, a matter of public notoriety that Adelaide's spare housing stock, even taking into account single spare rooms in occupied houses, is nothing like adequate to meet this demand without eviction of many existing tenants many of whom may well not have facilities for alternative arrangements.

The letter goes on to state that even at this early stage contacts with similar organisations in Perth have indicated that, although the yacht race is well down the track, fairly drastic things have happened to low rental rates; rates have increased to four and a half times above normal level. In his response to the *Advertiser* of 18 April the Minister is reported as referring to tenants' rights to approach the Residential Tenancies Tribunal, but of course that will not help them if their fixed tenancies have expired or if a valid 120 days notice has been given. I hasten to point out that I do not criticise landlords at all. I am criticising the Government if it does not do something about this. I am not criticising landlords—

The Hon. C.J. Sumner: You are not criticising landlords but you are criticising the Government. You are extraordinary!

The PRESIDENT: Order!

The Hon. J.C. BURDETT: I in no way criticise landlords, who have every right to make the best use possible of their assets.

The Hon. C.J. Sumner interjecting:

The Hon. J.C. BURDETT: No, I do not. If the Attorney listens, I will tell him. I do not criticise landlords for using their assets. Part of the Government's motive in promoting the Grand Prix must have been to enable South Australians to make money on this occasion. What I am saying is that the Government should assess now, and not wait until after it has happened, the effect on disadvantaged persons who are usually the tenants of low rental accommodation, who are likely to be dispossessed over this period, and some of whom will not even have the money for moving costs let alone be able to pay high rentals. I am simply suggesting that the Government should do something about assessing the situation now. If it does nothing, it will ultimately fall on the Government to pick up the pieces afterwards. The pressure will fall on agencies, such as the Emergency Housing Office, the Department for Community Welfare, voluntary agencies and so on, and I suggest that it would be cheaper for the Government to try to assess means of alleviating the situation for these tenants now, rather than picking up the pieces afterwards. More importantly, that action would remove stress on the tenants concerned.

One possibility would be to consider increasing subsidy on rentals. Such a subsidy is available to needy people at present, of course, and some consideration could be given to increasing this subsidy on a controlled basis. My questions to the Minister are:

1. What steps has the Minister taken to assess the seriousness and importance of this situation?
2. What investigation has he undertaken on steps that could be taken to alleviate the problems for dispossessed and disadvantaged tenants?
3. Can he presently inform the Council of any steps to alleviate the problems that he contemplates?

The Hon. C.J. SUMNER: Following the article that appeared in the press promoted by the Consumers Association of South Australia, I invited that organisation to put before me any concrete examples of the allegations about the action that it said had occurred. Some information was provided to me. The Hon. Mr Burdett has apparently been a little diffident today about naming names: he is quite happy to get in and make his point, although without criticising landlords. The only people he seemed to be able to criticise were members of the Government, for some extraordinary reason. There is nothing new about the honourable member, or any other members opposite, doing that. They have done all they can to knock the developments that the South Australian Government has attempted to achieve for this State, whether the ASER project or the Grand Prix. All they can do is carp and cavil.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: All they can do is carp and cavil about the action taken by the Government. Following the press article to which the honourable member has referred, I behaved with alacrity in requesting the Consumers Association to make available to me and the Department of Public and Consumer Affairs the details of the allegations that had been outlined, of which an assessment has been made by the Commissioner for Consumer Affairs. His preliminary view is that there is no evidence to suggest that any notice has been given to tenants as a result of the Grand Prix. The honourable member points to examples that may have been already investigated by the Department. Some notices have been given, but they are not related to the Grand Prix.

The Hon. J.C. Burdett: You would expect them to be given in June—that's the point.

The Hon. C.J. SUMNER: If the honourable member wishes to get up and give me the details, I can give him a sensible answer. However, he is not prepared to do that; instead, he is prepared to come into this Council, make unsubstantiated allegations and then say that he is not prepared to give the names of the people involved. I ask the Hon. Mr Burdett to give me the details, and I invite him to stand up now and read out the allegations. The honourable member is not game to do that; that is the fact of the matter. The Hon. Mr Burdett comes in here championing the cause of the tenants that he alleges are disadvantaged because of the Grand Prix, and makes a great song and dance about it; however, he has not in any way given the Council any evidence to support those allegations. That is what he has done in this particular case. The Hon. Mr Burdett has not been game to come in here and name names. Who are the people against whom these allegations are made? The honourable member does not have the gumption to name names.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Burdett can ask another question.

The Hon. C.J. SUMNER: I am inviting the Hon. Mr Burdett to ask another question, and I am inviting him to state the allegations.

The PRESIDENT: Order! He cannot do that while the Attorney-General is on his feet.

The Hon. C.J. SUMNER: I understand that, Sir. I will give way to the honourable member if he will now stand up and give the allegations to the Council.

The Hon. K.T. Griffin: He will not abuse Parliamentary privilege.

The Hon. C.J. SUMNER: The Hon. Mr Burdett's number three—his side kick—interjects and says that the Hon. Mr Burdett will not abuse Parliamentary privilege. However, he abuses that privilege by coming in with unsubstantiated allegations, no names and no evidence at all to make his point. As soon as the Hon. Mr Burdett is asked to give the specifics of the allegations he ducks for cover. The Hon. Mr Burdett is invited here and now to give the specifics of the allegations, and I invited the Consumers Association to provide those allegations. The Consumers Association did provide some details, which were investigated by the Commissioner for Consumer Affairs. I will certainly obtain an up to date report on those allegations.

The information that I have is that some notices were given but that they were not given in circumstances related to the Grand Prix. Furthermore, I think any landlord would have to think very carefully about tipping out tenants for the week of the Grand Prix knowing that in the following week the landlord must then go about finding other tenants presumably at a much lower rent. I want the honourable member to provide the substance of the allegations if they go beyond those that have already been investigated by the Department. When this statement was made I made the point to landlords that it may very well be a short term advantage if landlords give notice for people to get out for the week of the Grand Prix—

The Hon. J.C. Burdett interjecting:

The Hon. C.J. SUMNER: Sure, they receive increased rental for that week, but there is then the problem of finding new tenants, of course, at a lower rental. I extend an open invitation to any honourable member, to any member of the public and to the Consumers Association of South Australia to provide me and the Commissioner for Consumer Affairs with any information which may indicate that what the honourable member has said in this Council is in fact occurring.

To date, the information that I have received has been investigated and the indications that I have had are that those notices were not given in relation to the Grand Prix, but in relation to a complete change in the nature of the accommodation that was being offered by the landlord. But, if there are further allegations I am perfectly happy to investigate them. Those are the steps that have been taken to assess the situation: anything that has been put to the Commissioner for Consumer Affairs has been investigated. As I said, at this point in time it indicates that those notices were not given with respect to getting tenants out for the Grand Prix.

I have not received any complaints beyond that one example, as I recall it, which the Consumers Association put to me and which I had investigated by the Commissioner for Consumer Affairs. If there are others, I invite the honourable member again to raise the issue in Parliament and let us know right now: then I will start investigations immediately. If, on the other hand, the honourable member is a bit shy about these things and would like to make available to me privately the specifics of the allegations in his letter he can send me the letter. I will not be churlish about it: I will also have those matters looked at.

The Hon. J.C. BURDETT: A supplementary question, Sir. Will the Minister investigate the likely consequences of notices being given in June or July, because that is when one would expect that they would be given? Will the Minister not simply refer to actual cases where notice has been given, but will he examine the whole possibility and assess what effect there is likely to be, and will he state what sorts of steps are contemplated to overcome the problems?

The Hon. C.J. SUMNER: First, on the evidence and inquiries so far a problem has not been indicated. The investigations have not indicated that there is any substance in the allegation that I have received. If there is additional information, please, I implore the honourable member again to provide me with the additional information that he says he has. I make that again as a request to the honourable member. Certainly, I would be concerned if landlords used the Grand Prix in that way to disadvantage longstanding tenants. To date, there does not seem to be evidence that that is happening, but I again make it clear that if there is any suggestion of its happening I will have it investigated. Certainly, I will have it looked at at any stage, whether those allegations are brought to me now or in July.

The Hon. R.C. DeGARIS: A supplementary question, Sir. On the question of accommodation for the Grand Prix, I ask the Government whether any investigations have been made by it in relation to the booking of accommodation with the idea of reselling it at a later stage, that is, scalping of accommodation? If that is the case, will the Government investigate any legislation that may be required to prevent that practice?

The Hon. C.J. SUMNER: I am not aware of anything of that nature. Presumably, the Grand Prix Board might be. I can have the matter looked at by it and bring back a reply to the honourable member, but at this stage I do not know of any examples of that occurring.

PAROLE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about parole.

Leave granted.

The Hon. K.T. GRIFFIN: Since December 1983, when the Government rushed through its new parole system, there has been continuing controversy about the system of automatic release. Earlier this year, the controversy centred on the early release of one Colin Conley, a convicted drug dealer who was sentenced to 15 years in gaol and released after serving just over three years when, under the Liberal's parole system, there is no way that he would have been released early.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: We will deal with that later. Then there is the matter of Kloss, a person convicted of a series of serious drug trafficking offences, sentenced to 14 years gaol and, under the Government's system, due to be released early after serving only four years. This all arose because the Government and the Democrats insisted on applying the present Government's parole system even to prisoners sentenced prior to December 1983 under a totally different system, which certainly did not guarantee release early.

After a great deal of debate and constant calls by the Liberal Opposition to do something about this system, the Minister of Correctional Services and the Premier appeared finally to have had some second thoughts about the problem, because in the *Advertiser* of 28 February this year it was reported:

> The South Australian Government is considering amending legislation to allow it wider grounds of appeal against non-parole periods set by courts under the former parole system. The Minister of Correctional Services, Mr Blevins, said yesterday he and the Attorney-General, Mr Sumner, were looking at the matter.

Later, the report states:

> At present, the grounds of appeal against a non-parole period set some years ago were very narrow, with the Crown having to

prove there would be danger to the public if a prisoner were released at the end of his non-parole period.

Those grounds, incidentally, were set in December 1983 and not some years ago. The report continues:

'If it's thought necessary we will certainly amend the Act,' Mr Blevins said. 'But we want to do it very carefully so we don't create more problems than we solve.'

Mr Blevins said there were some 'winners' under the new parole system which started in 1983. These were people sentenced with non-parole periods at the time of the previous parole system.

As the Minister of Correctional Services is reported to have said, some prisoners were winners, and where there are winners there are also losers: obviously, the community at large is the loser. In the light of the fact that the Attorney-General appears to have been involved in a review of the system, I ask:

1. What is the result of the Government's review of the parole system in so far as it relates to criminals such as Conley and Kloss?
2. Will the Government amend the Prisons Act to ensure that prisoners sentenced prior to December 1983 are not released automatically but that their non-parole periods imposed under a totally different system are first reviewed by the courts?

The Hon. C.J. SUMNER: The review of the parole procedures is proceeding, as has been indicated previously. Obviously, when a new system is introduced it is important to ensure that it works properly, and the Government is keen to see that occur. I should indicate to honourable members that the non-parole periods established, for instance, for murder, have increased substantially under the new parole legislation: there is no question of that. The most notorious is—

The Hon. Frank Blevins interjecting:

The Hon. C.J. SUMNER: That is right.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: No, it has increased substantially under the new parole system. The honourable members know that as Attorney-General I authorised an appeal against the leniency of the non-parole period imposed with respect to Mr Von Einem—the Kelvin murder. As a result of the arguments put on my behalf to the Court of Criminal Appeal, that non-parole period was increased substantially. That has occurred—

The Hon. Frank Blevins interjecting:

The Hon. C.J. SUMNER: Another one, the Hon. Mr Blevins interjects, was with respect to Creed. I should say that the Crown right of appeal has been used by the Attorney-General since I took office in November 1982 on over 60 occasions. It is interesting to compare that with the performance of the previous Attorney-General, where in about the same time—some two years—he used it on 17 occasions. The fact of the matter is that, as Attorney-General, where it appears to me that the sentence has been too lenient or the non-parole period has been inadequate, I have taken action on a wide range of issues and appealed to the Court of Criminal Appeal, and a good number of those appeals have been successful.

I refer the honourable member to the recent case involving Von Einem. I believe that the non-parole period set in that case was the highest ever set in this country. That was as a result of an appeal taken by me as Attorney-General. Parole legislation generally has resulted in an increase in non-parole periods handed down by courts under the new legislation. There was, as has been pointed out by the Hon. Mr Blevins, some difficulty in the transition period, but the new parole legislation basically leaves the power to the courts to set non-parole periods and therefore the period that an individual prisoner will remain in prison. It is a valid and acceptable system and one accepted in most States of Australia.

In my view it is untenable for the Hon. Mr Griffin to argue that the parole system in this State is unsatisfactory when it leaves to the courts the question of fixing non-parole periods and, subject to good behaviour, the date of release.

The Hon. K.T. Griffin: That is automatic release.

The Hon. C.J. SUMNER: That is not correct and is a complete misrepresentation of the new system. The Hon. Mr Griffin knows that.

The Hon. K.T. Griffin: No, I don't.

The Hon. C.J. SUMNER: Non-parole periods are fixed by the courts, which know the consequences in terms of the release of a prisoner by the fixing of that non-parole period. It is left to the courts, and the conditions of parole are, of course, arranged administratively. The actual period of non-parole, the period that a person will spend in prison, is left in the courts. There was some problem during the changeover period, but I believe that the system we have introduced has resulted in an increase in non-parole periods (and, in some cases, quite substantial ones), particularly in the sorts of cases that I have outlined. Obviously, when one introduces any new system in this area it is important that it is monitored. It is being monitored by the Government and if any change is thought to be necessary it will be made.

The Hon. K.T. GRIFFIN: The Attorney-General has not addressed the questions I asked:

1. What is the result of the Government's review of the parole system referred to in the *Advertiser* report of 28 February 1985 in so far as it relates to criminals such as Conley and Kloss?
2. Will the Government be amending the Prisons Act to ensure that prisoners sentenced prior to December 1983 are not released automatically, but that their non-parole periods, imposed under a totally different system, are first reviewed by the courts?

The Hon. C.J. SUMNER: The honourable member was not listening, again. If he would like me to take another five minutes explaining in full detail the answer I have just given him, I am prepared to do that. However, I do not think that other honourable members would appreciate the Hon. Mr Griffin taking up so much time.

The Hon. K.T. Griffin: You haven't done anything.

The Hon. C.M. Hill interjecting:

The Hon. C.J. SUMNER: I will give the Hon. Mr Hill a small dissertation on the way the parole system works. Non-parole periods are fixed by the courts: they know what the Act says about remissions. They know that off the non-parole period comes a third, which is allowed for remissions. The courts know that, so they know at what time a person will be released subject to good behaviour when they fix the non-parole period. That is exactly what I was saying previously: the question of parole is left to the courts. People cannot argue with that—they cannot deny that; that is the situation under the new parole legislation.

I answered the question by saying that the review referred to by the Hon. Mr Blevins is continuing. The review of the new parole laws is continuing on the basis that when new legislation is introduced it is important to see how it works out.

The Hon. K.T. Griffin: Not in this particular case.

The Hon. C.J. SUMNER: That is right, the review is continuous.

The Hon. K.T. Griffin: You are talking about two different reviews.

The Hon. C.J. SUMNER: No. It is important that we follow up to see how it works out administratively and in practice, and particularly how it works out before the courts. That is what we are doing. Preliminary indications are that non-parole periods have increased quite substantially in a number of areas.

SALE OF TOBACCO PRODUCTS TO CHILDREN

The Hon. K.L. MILNE: I seek leave to make a brief statement before asking the Minister of Health a question about the sale of tobacco products to children.

Leave granted.

The Hon. K.L. MILNE: Members of this Council will recall that in September last year I introduced the Tobacco Sales to Children Prohibition Act, 1984, which sought to increase the penalty for selling tobacco products to children to $500 and which required retail outlets to display a sign showing that it is illegal to do so and that the penalty for so doing is $200. The Bill was supported by the Hon. Dr Cornwall and the Government (and the Opposition, too, I think). I and thousands of others were grateful for that support. The Bill was assented to in November 1984.

It was reported in the *Advertiser* of 4 May 1985, a search having been made, that only about one in five shops were displaying the signs required by the Act. Apparently those shops which are not displaying the signs do not intend to discourage children from buying tobacco products, which is disgraceful conduct. Furthermore, it is most unfair that those who are breaking both the law and the moral code of the Mixed Business Association should be allowed to get away with it at the expense of those who obey them. Will the Minister please inform the Council what action has been, or is being, taken to ensure that retail outlets for tobacco products comply with the new law?

The Hon. J.R. CORNWALL: I understand that currently (and I mean currently—at this very moment) a list is being compiled of all retailers who handle tobacco products. They will be informed in the very near future of the details of the Act which was given assent, as the honourable member rightly says, in November last year. It is difficult to know at this stage whether the failure to display the sign is due to ignorance of the new legislation or a more determined effort not to meet the obligations. I believe on balance that it is in the overwhelming majority of cases simply ignorance of the proclamation of the new law. However, that will not be any sort of reasonable defence for anyone to enter in the reasonably near future because they will all be informed individually.

It is also our intention to have health surveyors, whether employed by local councils, the Central Board of Health or our own health surveying service to bring these matters more and more forcibly to the attention of tobacco retailers when they are doing routine inspections for other health related matters. So, we are moving to the extent possible to enforce that law. I said at the time that it was in the Council, and I have said on a number of other occasions, that the actual policing of the law (in other words, catching retailers in the act) will be very difficult. It is difficult enough, as I am sure members are aware, to apprehend publicans who are selling liquor to persons under the age of 18 years. In the case of tobacco and cigarettes, it is such a sporadic sort of activity, which is spread over a very large number of retail outlets, that actually apprehending somebody in the act of selling tobacco or cigarettes to a minor will be difficult.

However, it will certainly not be difficult to apprehend persons who do not meet their obligations under the law with regard to displaying the statement and, once everybody has been informed, it would be our intention that health surveyors would pursue that aspect of the legislation vigorously.

CHILD CARE

The Hon. ANNE LEVY: Has the Minister of Agriculture, representing the Minister of Education, a reply to the question I asked on 14 March regarding child care?

The Hon. FRANK BLEVINS: The Minister of Education reports that the Department of TAFE is currently providing creche facilities at five colleges. Further facilities at Kensington Park college are almost complete and a staff appointment will be made very soon. It is expected the creche will be fully operational by second term. Those colleges currently offering occasional child care generally are staffed for 24 hours a week with the exception of Elizabeth and Croydon colleges, which provide 40 hours per week of supervised care.

In addition to the above staffing made available through State funds, the Commonwealth Tertiary Education Commission has made an allocation of $50 000 for additional staff for an expansion in the provision of occasional child care in colleges where such a service already exists and for new services to be brought into operation in those colleges that do not as yet provide child care. As the honourable member is aware, an officer has only recently been appointed with responsibilities for student services. Her most immediate task is to review the current provision of child care in TAFE and to make recommendations for additional staffing. It is intended to make staffing appointments in child care at the earliest possible opportunity.

EQUAL OPPORTUNITY

The Hon. ANNE LEVY: Has the Minister of Agriculture, representing the Minister of Education, a reply to the question I asked on 19 March regarding equal opportunity?

The Hon. FRANK BLEVINS: The Minister of Education reports that the TAFE Staff Development Centre's programme in the area of equal opportunity comprises four main areas:

- Consideration of Equal Opportunity policy and legislation, including changes to legislation and departmental policy, and the affirmative action intent of both Commonwealth and State Governments.
- Special programmes for women to assist them to gain the knowledge and skills to enable them to compete equally for employment opportunities as they become available.
- Special programmes for the teachers of various disadvantaged groups.
- Programmes to aid the implementation of equal opportunities policy, including training opportunities for selection panelists, the TAFE equal opportunities network and the TAFE register of women.

The Staff Development Centre plans to offer the following activities in the area of equal opportunity staff development in 1985:

- A conference for senior managers in head office to facilitate the development of a TAFE policy on multiculturalism.
- A workshop for officers responsible for the management of child care in TAFE (lack of child care arrangements being a major barrier to the participation of women in education).
- Activities for principals and other senior staff, as well as a general awareness—raising programmes for all TAFE staff in the area of affirmative action.
- Workshops aimed at developing the professional skills of women on the department's register of women.
- A needs identification and analysis for female clerical staff in the Department of TAFE.
- A series of activities for women only, which will enable them to compete equally for promotion opportunities as they become available.

The Staff Development Centre received advice from the Office of the Commissioner of Equal Opportunity that an

exemption must be sought to offer and run activities for women only. This exemption is currently being sought; when it is approved, activities for women only will proceed. These activities will be offered during the period May to November 1985. Activities for women only can commence only after exemption has been received from the Sex Discrimination Board. Other staff development activities in the area of equal opportunity can be offered, through negotiations with the Equal Opportunity Unit, as staffing and funding arrangements permit.

ADELAIDE TAFE COLLEGE

The Hon. ANNE LEVY: Has the Minister of Agriculture, representing the Minister of Education, a reply to the question I asked on 20 March regarding the Adelaide TAFE College?

The Hon. FRANK BLEVINS: The Minister of Education reports that the original plans for the college did include the intention to incorporate the Aboriginal education section into the new premises at Light Square. These plans have been changed with the full agreement of the college, because the space at Light Square originally proposed for Aboriginal education is no longer adequate for the quantity or type of work this section is carrying out, and because there is an urgent need to provide accommodation for sections which are new or increased in size since the college was originally planned. Included in the latter are adult literacy, a new migrant education section, and a common room for students. Given the lead-time necessary in major capital works, such readjustments are not unusual. Premises more suitable to Aboriginal education are being actively sought at the moment.

The original proposals for the college did include provision for a child care facility. However, the Commonwealth authorities (who provide the funds for these capital works) declined to fund this facility. Therefore, there is not current provision for child care. However, the Department of TAFE has recently appointed its first staff with direct responsibility for provision of student services, and a search for suitably located premises which might be used as a base for child care for all TAFE students in the city of Adelaide is a high priority. To assist in this matter, Adelaide College of TAFE has recently conducted a survey of its students to try to ascertain the need for child care. I expect a decision on provision of child care for the college will be made during 1985.

AMBULANCE SERVICES BILL

Standing Orders having been suspended, the **Hon. J.R. CORNWALL (Minister of Health)** obtained leave and introduced a Bill for an Act to provide for the licensing of ambulance services; and for other purposes. Read a first time.

The Hon. J.R. CORNWALL: I move:

That this Bill be now read a second time.

Its purpose is to provide for an Ambulance Board to organise and manage the provision of ambulance services in South Australia. Prior to 1952, emergency ambulance services in South Australia were provided by a number of independent bodies. An ambulance service provided by the St John Ambulance Brigade was limited to race course work, processions and assemblies. A number of locally organised services operated in both the country and metropolitan areas.

During the late 1940s and the early 1950s criticism of these arrangements led to the South Australian Government of the day appointing a committee of inquiry into the South Australian Ambulance Services. The inquiry was chaired by Lt Col. E.W. Hayward (later Sir Edward Hayward, President of the St John Council for South Australia Inc.).

The committee recommended the incorporation of all existing services into a division of the St John Ambulance Brigade. However, the brigade's rules of incorporation did not permit the use of hired staff, so the St John Council for South Australia Inc., was incorporated in 1952 with responsibility for, *inter alia,* hiring staff and oversight of all aspects of running metropolitan ambulance services, including the power to levy charges and disburse subsidies.

The council was also empowered to provide financial and other forms of assistance to the country services, the St John Ambulance Association, and the St John Ambulance Brigade. A grant of £10 000 was made to the St John Council by the State Government. However, no formal written agreement was ever concluded. The service has operated for more than 30 years on the basis of a 'gentlemen's agreement'. Ambulance services, either operated or co-ordinated by the St John Council, grew steadily. By the end of 1974, there were 38 metropolitan ambulances, 168 country ambulances, 34 clinic cars and three air ambulances. However, country ambulance services were run autonomously by local St John Brigades, councils, or service clubs.

In the late 1970s the St John Council developed a strategy for a single Statewide ambulance service. In 1982, 46 of the 55 separately incorporated country ambulance services amalgamated to become part of the St John Ambulance Service, under the control of the St John Council. Nine non-amalgamating services have remained independent to date. Following its election to office, the Bannon Labor Government announced an inquiry into the St John Ambulance Service. The inquiry was conducted by Professor L.J. Opit, Department of Social and Preventive Medicine, Monash University Medical School.

Professor Opit submitted in April 1983 a preliminary report which provided a brief summary of the organisational, administrative and operational features of ambulance services in South Australia, with particular emphasis on the metropolitan services, and an analysis of the sources of difficulties and problems, particularly as they related to industrial relations and the framework of the ambulance services.

However, certain aspects of the preliminary report were considered to require further investigation and on 14 September 1983 a Select Committee of the Legislative Council was appointed to inquire into and report on all aspects of the St John Ambulance Service in South Australia. The Select Committee's report was tabled on 5 December 1984. The recommendations of that report, which were unanimously supported by all members of the Select Committee, form the basis of this Bill.

Ambulance services are an essential public service providing emergency first aid to accident victims, care for the sick and injured during transport to a hospital or medical centre for treatment, transport for convalescent or disabled persons, and transport for eligible patients attending public hospitals for outpatient treatment.

As I said earlier, there is no formal agreement between the South Australian Government and the St John Council which gives the council responsibility for the organisation and management of ambulance services in South Australia. As a consequence, there is no formal accountability between the council and the Government, despite the substantial direct and indirect funding of the council by the Government. The Government considers that ambulance services should be seen as part of the overall health care system in South Australia. This Bill provides for the South Australian Health

Commission to grant a formal licence for the provision of ambulance services in this State.

The St John Council has organised and managed ambulance services in South Australia since 1952. The Government sees no reason for any fundamental change to this arrangement and proposes that a licence for the provision of ambulance services in South Australia be granted to the St John Council, subject to certain terms and conditions specified in the Bill. There is no separate body within the St John Council which is solely responsible for the ambulance service. Many interests should be represented in the broad determination of ambulance service policy. The Bill provides for an Ambulance Board to be formed by the St John Council with an appropriate mix of expertise and representation.

The council will commit to the Ambulance Board the management and administration of the ambulance service. The Bill requires that the St John Council appoint, on the recommendation of the Ambulance Board, a Chief Executive Officer to manage the ambulance service on a day to day basis. The council will retain responsibility for all Ambulance Brigade and Ambulance Association matters. In a letter dated 12 July 1951, the St John Council undertook to organise an efficient ambulance service for South Australia on the basis that, *inter alia*, the service be provided whenever possible by voluntary personnel. Paid personnel would be used where absolutely necessary to maintain an adequate service.

Since 1952, successive Governments have endorsed the provision of ambulance services using a mix of volunteer and paid ambulance officers. The Bill makes adequate provision for this to continue. The proposed Ambulance Board will be responsible for determining the appropriate mix of paid and volunteer ambulance officers. In recognition of the need for improved communication between all parties involved in the provision of ambulance services, the Bill provides for two consultative committees.

An Industrial Relations Consultative Committee will be established to provide a forum for management and employee representatives to meet to discuss industrial matters. The St John Ambulance Brigade is responsible for providing the ambulance service with qualified volunteer ambulance officers. However, volunteer ambulance officers have previously been denied the opportunity to contribute directly to the organisation and management of ambulance services because of their brigade membership.

The brigade has recently appointed a committee, comprising brigade members who serve as volunteer ambulance officers, to advise the Commissioner of the brigade on ambulance service matters. Members of the Select Committee believe that volunteer ambulance officers should also have direct access to the proposed Ambulance Board. An elected Volunteer Ambulance Officers Advisory Committee will therefore be established to advise the Ambulance Board, and the brigade, on matters relevant to the involvement of volunteers in the provision of ambulance services.

The real level of public funding of ambulance services in South Australia is substantially greater than the Government's annual identified grant to fund the operating deficit. The total operating cost of the St John organisation in 1982-83 was $12.27 million. Of that total, the direct State Government grant was $3.23 million (26.3 per cent). A further $3.28 million (26.8 per cent) was paid by the South Australian Health Commission and public hospitals to the Ambulance Service for patient transport services.

The Bill sets formal duties of accountability of the St John Council for expenditure of Government funds. The council's accounts are to be maintained in accordance with established accounting principles. The South Australian Health Commission will continue to fund the council, association and brigade for approved community projects.

When the St John Council took on the responsibility of providing ambulance services in South Australia in 1952, it took on the role of building a co-ordinated Statewide service that, at the time, did not exist. By the 1960s, a Statewide service began to emerge. By the mid 1970s the South Australian community was being serviced by well trained paid and volunteer officers with modern facilities and equipment.

Each new service incorporated separately under the Associations Incorporation Act. Thus, whilst the council was responsible for the conduct of ambulance services, its control was diffuse. Most country services relied on the council for development and maintenance of their service, and adopted the policies of the council but were not directly responsible to it.

In the late 1970s, it was generally perceived that the organisation of ambulance services on a Statewide basis needed restructuring and, in 1979, the St John Council proposed that the separate services amalgamate into one single body. Finally, on 12 July 1981, after nearly three years of planning, negotiation and consultation, 46 of the 55 country ambulance services amalgamated with the St John Council. The relationship between the council and the nine non-amalgamating services has remained unchanged.

The nine services continue to retain their separate legal status. They essentially operate as part of the St John Ambulance Service, which provides area training officers to co-ordinate training and radio technicians to inspect communications equipment. They apply the same administrative procedures, subscription charges and carry fees as the amalgamated services. The largest non-amalgamated service, with its headquarters at Whyalla, operates the Air Ambulance Service.

The Government, the Select Committee and the St John organisation believe that the ambulance transport needs of the entire South Australian community would be best served by a single Statewide ambulance service. Such a service will provide:

- more equitable allocation of resources;
- increased co-ordination of services;
- uniform standards for vehicles and equipment.

The proposed Ambulance Board will negotiate with the nine services to achieve amalgamation, having regard to their desire to retain a degree of independence for their services and for the decision making processes of the Statewide service to be informed and democratic. Each of the non-amalgamating services will be granted a licence to provide an ambulance service for a period of three years. The Government anticipates that the necessary negotiations and agreements between the State Ambulance Board, the St John Council and the services concerning amalgamation will be achieved within that period.

Air ambulance services have a unique role to play in the more remote and isolated areas of South Australia. The relationship between road and air ambulance services in these areas and the matter of command and control of air ambulance services is to be reviewed by an independent consultant appointed by the South Australian Health Commission following consultation with the proposed Ambulance Board and the Upper Eyre Peninsula Ambulance Service.

Finally, I wish to thank all members of the Select Committee for their intelligent and constructive co-operation over the 14 months during which they conducted their investigations and deliberations. I believe that the Bill introduced today, based on several major recommendations of the Select Committee, provides the basis for the harmonious conduct of an even more effective and efficient ambulance service in South Australia. I seek leave to have the expla-

nation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 provides the interpretation of expressions used in the measure:

'ambulance service'—the service of transporting sick or injured persons:

'the St John ambulance service' means the ambulance service provided by the St John Council:

'the St John Council' means the St John Council for South Australia Inc.

Clause 4 provides that the Health Commission may grant a licence to provide an ambulance service subject to such conditions as it thinks fit (subclause (1)). Subclause (2) provides that it is a condition of every licence that the licensee must provide an ambulance service. Subclause (3) provides that, on the commencement of the measure, a licence shall be granted to St John Council subject to the following conditions:

(a) the condition referred to in subclause (2);

(b) that the council establish a board called 'the Ambulance Board' consisting of the following members:

(i) three persons appointed by the council being persons nominated by the Minister of Health, of whom:

- one must be a legal practitioner or accountant of at least seven years experience;
- one must be a medical practitioner of at least seven years experience;
- one must be a person who, in the opinion of the council, is an appropriate person to represent the interests of the general community;

(ii) two persons elected by a secret ballot (conducted by the Electoral Commissioner) of employees below the rank of Superintendent in the St John ambulance service;

(iii) one person elected by a secret ballot (conducted by the Electoral Commissioner) of persons who are engaged as volunteers in the St John ambulance service;

(iv) one person appointed by the council being a person nominated by the St John Ambulance Association South Australia Centre Inc.;

(v) one person appointed by the council being a person nominated by the St John Ambulance Brigade South Australia District Inc.;
and

(vi) two members of the council;

(c) that the following provisions apply to the Ambulance Board:

(i) a member of the Board shall be appointed or elected for a term of three years and shall, on the expiration of a term of office, be eligible for reappointment or re-election;

(ii) the office of a member becomes vacant if the member dies, completes a term of office, resigns by notice in writing to the council or is removed from office by the council for neglect of duty, misconduct or physical or mental capacity to carry out satisfactorily the duties of office;

(iii) a person appointed to a casual vacancy is appointed or elected for the balance of the term of the previous occupant of the office;

(iv) one member of the Board be appointed by the council, with the concurrence of the Health Commission, to be the presiding officer;

(v) a meeting may be convened by the presiding officer, the council or the Health Commission;

(vi) five members constitute a quorum;

(vii) a decision of the Board is one supported by the majority of the members present at a meeting;

(d) that the council delegate and commit to the Ambulance Board the whole of the management and administration of the St John Ambulance Service;

(e) that the Board develop, in consultation with the council, policies for the efficient management and administration of the St John ambulance service including policies providing for:

- the appropriate balance between employees and volunteers;
- the qualifications of employees or volunteers;
- the training and development of employees or volunteers;
- the discipline of employees and volunteers;
- the administrative procedures to be observed in relation to the St John Ambulance Service;

(f) that the council take any necessary action to implement the policies and decisions of the Board;

(g) that there be a Chief Executive Officer of the Board appointed by the council on the recommendation of the Board;

(h) that employment of staff in the St John ambulance service be on terms and conditions approved by the Health Commission;

(i) that the council establish a committee called the Ambulance Service Industrial Relations Consultative Committee consisting of the following members appointed by the council on the nomination of the Board:

- the Chief Executive Officer or nominee;
- a member or officer of the Health Commission;
- a representative of the Ambulance Employees Association;
- a representative of the Federated Miscellaneous Workers union;
- a representative of the Federated Clerks union;

(j) that—

(i) the council establish a committee called the Volunteer Ambulance Officers Advisory Committee;

(ii) the committee consult with and advise the Board and the St John Ambulance Brigade South Australia Inc. on matters relating to the St John ambulance service;

(k)-(o) these paragraphs make provision for accounts, audit, budgets, reports and inspection of documents.

Clause 5 provides that a licence may be granted on a permanent basis or a term specified in the licence. The licence granted to St John is granted on a permanent basis. Clause 6—A licence is not transferable. Clause 7 empowers the Commission, with the concurrence of the Minister, to add

to, vary or revoke the conditions of a licence (other than St John's licence). Clause 8—In the case of a contravention of or non-compliance with a condition of a licence, the Supreme Court may on the Minister's application grant an injunction—

(a) prohibiting the licensee or a delegate of the licensee from further contravention of the condition; or

(b) requiring the licensee, or a delegate of the licensee, to take specified action to remedy non-compliance.

Clause 9 provides that a person who provides an ambulance service for fee or reward while not licensed is guilty of an offence, penalty $10 000. Subclause (2) provides that a person who, being a licensee, contravenes or fails to comply with a condition of the licence, is guilty of an offence, penalty $10 000. Under subclause (3) this clause does not prevent an unlicensed person from providing an ambulance service for fee or reward in these circumstances—

(a) the service is provided in an emergency;

(b) ambulance services are not provided by the person regularly;

(c) there is no holding out to the public that the person is prepared to provide ambulance services for fee or reward.

The Hon. J.C. BURDETT secured the adjournment of the debate.

QUESTIONS ON NOTICE

NATURAL GAS

The Hon. K.L. MILNE (on notice) asked the Minister of Agriculture:

1. Is it intended that the proposed second natural gas pipeline in South Australia, at a cost of $22 million, will be under the control of the Pipeline Authority as it is at present operating?

2. In view of the fact that there will be an increase in the price of electricity, as had been announced, can assurance be given that the removal of the levy on the Electricity Trust of South Australia will not be utilised merely to increase the profits of the producers of natural gas?

The Hon. FRANK BLEVINS: The replies are as follows:

1. Yes.

2. Yes.

MURRAY RIVER

The Hon. K.L. MILNE (on notice) asked the Attorney-General: Will the Premier initiate a co-ordinated programme by all relevant authorities, that is the Departments of Planning and Environment, Education, Fisheries, Lands, Police, Engineering and Water Supply, and Local Government to—

1. Implement a public awareness campaign through schools, mass media, tourist offices, park and campsite officials, and so on, to educate users of the Murray River and its environs about that region's ecological and conservation requirements?

2. Introduce to the Murray River and environs a system of zoning to delineate for what each area is suitable, and what rules and conduct apply therein?

3. Erect notices and signs to make people aware of the above?

4. Prohibit permanent and long-term camping on the banks of the Murray River?

5. Provide facilities in all places where campers and picnickers are known to congregate—such to include (where possible) toilets, water taps and fireplaces equipped with coin-operated gas or electric barbecues?

6. Adequately police the Murray River and its banks, and especially its islands?

7. Investigate the possibility of creating inspectors and honorary wardens—under provisions similar to those in the Aboriginal and Historic Relics Preservation Act, 1965 (clauses 8 to 9, and 11 to 15)—to assist with the control of vandalism and environmentally damaging behaviour?

8. Undertake immediate tree plantings to replace trees recently chopped and sawn down for the probable purpose of domestic heating?

9. Support research and experimental plantations into the possibility of growing eucalyptus trees (especially certain subspecies of *E. Camaldulensis*) in swampy, salt-affected lands for coppice harvesting for firewood and to reclaim land?

10. Negotiate with the Forestry Commission of Victoria for the supply of surplus wood from the Barmah Forest?

11. And, finally, introduce strong legislation to ensure the enforcement of those conservation measures necessary to protect the Murray River and its environs?

The Hon. C.J. SUMNER: The matters raised in the question have been investigated by officers of the Department of Environment and Planning. The recommendations in their reports, copies of which have been made available to the honourable member, are being considered by the Government. In the meantime, regional officers of the Government departments concerned will continue to monitor the cutting of trees on the banks of the Murray River.

ACCIDENT TOWING ROSTER

The Hon. K.L. MILNE (on notice) asked the Minister of Agriculture:

1. *(a)* Can the Minister provide information on the effects of the roster system on the time taken between the occurrence of an accident and the arrival of a tow truck at the scene compared with tow truck arrival time prior to the roster system?

(b) (i) Has the traffic movement been disrupted because of delay in the arrival of rostered tow trucks?

(ii) If so, to what degree?

(c) Is it correct that tow truck travel times under the roster system are greater than those experienced prior to the introduction of the roster system?

2. *(a)* What fees associated with accident towing have been increased as a result of the accident towing roster system and by how much have they increased?

(b) What is the expected annual increase in receipts by the Government as a result of the accident towing roster scheme regulations?

3. *(a)* Is it true that if an accident occurs near the northern boundary of a zone, established under the accident towing roster system, a towing operator near the southern boundary of that zone might be called to attend, being the next towing operator on the roster system, notwithstanding that other towing operators may be closer to the scene and in a position to undertake the tow at lower cost?

(b) What assessment has been made of the increase in overall cost to the motorist as a result of the new scheme?

4. What has been the cost to date incurred by the Government in implementing and administering the scheme?

5. *(a)* Is it true that a motorist requiring an accident tow, who has had satisfactory dealing with a particular repairer who operates tow trucks, is not permitted to request that operator to tow his vehicle?

(b) If so, why cannot an arrangement whereby motorists have a freedom of choice of towing operator be superimposed

on the roster system to retain some of the benefits of competition?

6. What action can be taken to advise the motoring community of details of the declared area within which the roster system operates, with the boundaries of the area presently defined on the basis of municipality boundaries, district council boundaries and parts of local government areas?

7. *(a)* Is it the intention of the accident towing roster system to cover situations where vehicle wheels are damaged through striking a kerb, where vehicle damage is sustained through striking a pot-hole on a substandard section of road, or where a tow is required because of a mechanical defect but where minor damage is sustained through the vehicle subsequently striking a kerb?

(b) Are such situations intended to be embraced by the roster scheme?

8. Is it true that smaller one tonne tow trucks are the only type of tow truck able to be used to rescue vehicles from multi-storey car parks and that these vehicles have been banned from accident towing?

9. Is there any evidence to suggest that non-attendance of tow trucks at accident scenes has resulted in vehicles requiring accident towing being driven from the scene without a call for a tow truck being made?

10. Could the Minister specify what exemptions and how many exemptions from the requirements of the accident towing roster regulations have been made by the Registrar as a result of his wide exemption powers under regulation 59a?

11. For what reasons was the Registrar given the unusually wide power, under regulations 24 (1) *(l)* and 28 *(d)*, to require tow truck operators' registered premises and tow trucks to meet any conditions stipulated by the Registrar, in addition to specific requirements already prescribed?

12. What was the reason for introducing regulation 30 which requires that no approved tow truck shall be sold, transferred, given away, lent, wrecked or disposed of in any other manner unless the Registrar has been advised in writing of the intention to dispose of the tow truck?

13. Why was it necessary to specify, under regulation 33 *(c)* and regulation 46 (1) *(g)*, that a tow truck operator must employ at each of his registered premises, not less than the equivalent of four persons whose combined hours of work per week amount to not less than 160 hours per week and who are engaged in the business of towing, storing and repairing vehicles, each of whom must be paid by the tow truck operator either a wage of not less than the award rate applicable to him or, in the case of a manager, an annual salary commensurate with his duties?

14. What has been the overall effect on employment in the industry as a result of introduction of the accident towing roster regulations?

15. *(a)* Why was it necessary to specify, under regulation 46 (1) *(h)*, that a towing operator must have at all times at his registered premises or within the zone for which he holds a roster position, not less than one approved accident tow truck for the first position which he holds on the roster and one additional tow truck for each additional position?

(b) (i) Does this mean that each tow truck driver must reside within the zone?

(ii) If so, has this precluded any operator from obtaining a roster position?

(c) Are all towing operators complying with regulation 46 (1) *(h)*?

16. *(a)* Why was it necessary to specify under regulation 46 (1) *(p)* that a tow truck operator's storage area be used for no other purpose than the storage of vehicles which have been towed in compliance with accident towing directions?

(b) Does this regulation make it illegal for a tow truck operator to use part of that storage area to park a domestic trailer or boat, for example?

17. Do all tow truck operators involved in the accident towing roster scheme hold policies of insurance with a recognised insurer in respect of all liability that may be incurred by them in respect of any loss, theft or damage to any vehicle, vehicle accessory or any chattels in or about any vehicle which is being towed, or has been towed, in compliance with an accident towing direction, as required by regulation 46 (1) *(s)*.

18. Why was it considered necessary to empower the Registrar, through regulation 59a, to exempt any person whatsoever from compliance with any regulation, or provision of Part IIIc of the Motor Vehicles Act?

19. Why was it necessary to require, under regulation 61, that a person must get written permission from the Registrar to be able to use the official accident towing telephone number in any form of communication whatsoever?

20. *(a)* Why should people who are involved in a motor vehicle accident have to telephone the police to get a tow truck?

(b) Does the Minister still consider that this is a good idea?

The Hon. FRANK BLEVINS: The commencement of the accident towing roster scheme on 14 October 1984 was the culmination of many years of research and investigation by industry based committees concerning problems directly associated with the operation of the tow truck industry.

The Accident Towing Roster Review Committee, established pursuant to regulations contained in Part II of accident towing roster scheme regulation 170 of 1984, has the day to day responsibilities to:

- advise the Minister and Registrar on matters applicable to the administration and operation of the roster scheme;
- consider the methods and procedures used in administering the scheme;
- make recommendations on any matter pertaining to the roster scheme; and
- to inform the Minister and Registrar of practices within the tow truck industry.

The intent of the establishment by regulation of the committee has always been directed towards communication between the involved parties, which is highlighted when the structure of the review committee is analysed:

- the Chairman is an independent appointment with substantial knowledge of the tow truck industry;
- the tow truck industry has two representatives per medium of nominations from the South Australian Automobile Chamber of Commerce and the Tow Truck Operators and Owners Association;
- the motorist is represented via the Royal Automobile Association;
- the Commissioner of Police in his capacity of being responsible for road traffic matters is represented; and
- the Department of Transport supplies the Secretary to the committee.

There are a number of subcommittees to assist the review committee, which are constituted principally by industry personnel; and it has been said by representatives of the industry that the administrative structure is such that it is basically a self-regulatory operation. The Registrar has publicly stated that unless a recommendation made by the review committee is contrary to Government policy he will in the main act upon that recommendation.

The Accident Towing Roster Review Committee is extremely industrious. It has met on 22 occasions since being established and has considered or is considering advis-

ing or acting on numerous issues, the majority of which are contained in these questions; this committee is the obvious vehicle to investigate and research matters associated with the roster scheme. Substantiated complaints concerning the operation of the roster scheme are in the minority and a survey of users of the service suggests basic achievement of the original objectives, which will continue to improve as the sectors of the community involved in the traumatic happening of a road accident become more experienced in their operational role and conversant with procedure. Interest has been shown from interstate and overseas in the adoption of the procedure associated with this State's accident towing roster scheme, and to date it has received nothing other than the highest of praise. The reply takes up five more pages. Do honourable members want me to read them?

The Hon. M.B. Cameron: I think they should be incorporated in *Hansard* without being read.

The Hon. FRANK BLEVINS: Certainly. There is a great deal more detail to be given. The detail of the question itself takes up three pages, and I think the reply runs to six pages.

The Hon. R.I. Lucas interjecting:

The Hon. FRANK BLEVINS: The Hon. Mr Lucas wants to look at the reply; he is welcome to do that. Given the length and detail of the reply, which has taken the Government a great deal of time and expense to compile, I seek leave to have the remainder of the reply incorporated in *Hansard* without my reading it.

Leave granted.

Remainder of Reply

1. *(a)* No—Statistics on arrival times of tow trucks prior to the roster scheme have not been recorded.

(b) (i) On occasions. Traffic movement has always been affected by major and minor accidents and this situation has not changed, but it is far more orderly at accident scenes since the introduction of the roster scheme. A senior police representative on the Accident Towing Roster Review Committee states that the role of the traffic police officer is now substantially easier.

(ii) Traffic movement held up on two occasions for in excess of one hour.

(c) No.

2. *(a)* New fees were introduced as a result of the roster scheme, namely:

	$
Application for one position on roster	100
Application for renewal of each position	50
Application for reinclusion	100
Late application for a renewal	50
Forms	
Authority-to-tow form (book of 10)	50
Direction to remove vehicle (book of 20)	10
Quotation-to-repair-vehicle contract (20)	10
Storage notice (book of 20)	10

Existing fees were increased from $15 to $25 for tow truck certificate and from $2 to $10 for duplicate tow truck certificate.

(b) The increase in receipts is anticipated to be $57 500 which will be derived mainly from the authority-to-tow documents, which represent $5 per authority. This additional revenue will only partly offset the recurrent expenditure for the Tow Truck Inspectorate.

3. *(a)* Yes. Initially it was recommended that the declared area be divided into 26 zones to ensure amongst other things that cost attributed to kilometres travelled was controlled and as low as possible. However, those opposing the roster scheme forced the issue and the zones were reduced to 16 in number, thereby increasing travelling time and distance in some instances to the scene of the accident.

(b) The overall cost to motorists should be less.

4. The cost of implementing and administering the Scheme as at 31 March 1985 was approximately $120 000.

5. *(a)* Yes, however, contracts entered into with the two heavy vehicle tow truck operators allow the motorist to request such operator to tow his vehicle. To allow the contract system to apply to the general accident towing roster would be virtually impossible to control administratively and the response time of tow trucks to an accident scene, for example, Gawler Towing Service as the required tow truck operator being directed to attend at the scene of an accident at Christies Beach, could mean the complete blocking of an intersection by damaged vehicles for lengthy periods of time. Manipulation of the contract system is a distinct possibility, if not a probability.

(b) Consideration will be given to the possibility of superimposing freedom of choice of towing operator.

6. Regular publicity using all forms of the media, especially radio and local newspapers.

7. *(a)* No. The definition of an accident has and is being reviewed by the Accident Towing Roster Review Committee in conjunction with the Crown Solicitor, and advice received indicates that a logical and commonsense interpretation by all parties involved would remove difficulties allegedly being experienced.

(b) No. The Crown Solicitor's advice supports this comment.

8. Yes, in some multi-storey car parks only the smaller one tonne tow trucks can be used to rescue vehicles. These vehicles can be used to tow the damaged vehicle to the roadway for the purpose of allowing an approved tow truck to complete the rescue. The multi-storey car park situation has been researched by the Accident Towing Roster Review Committee and the RAA representative on the committee is further investigating the matter to make recommendations.

Advice from industry personnel has indicated that the one tonne tow truck is unstable in many instances and as a tow truck operator on the roster scheme is supplying an emergency service at an accident scene it is highly possible that he may be required to tow a damaged vehicle that is in excess of the towing capacity of that one tonne tow truck.

9. No.

10. The Registrar of Motor Vehicles has exempted tow-truck operators from:

- fencing requirements to conform with local government requirements;
- for a second tow truck to be exempted from requirements temporarily;
- some insurance requirements; and
- official business signs.

11. To cover unforeseen and unusual circumstances, however, any additional conditions stipulated by the Registrar requires the recommendation of the Accident Towing Roster Review Committee, which is an industry based committee.

12. To ensure that the operator did not infringe against the requirements to maintain the stipulated number of tow trucks.

13. To ensure that a tow truck operator could give a 24 hour, seven day emergency towing roster service and that the persons employed by the tow truck operator were his employees and were paid by him at the appropriate award rates.

14. It is understood that a few retrenchments have occurred in the industry, but this statement cannot be substantiated.

Additional positions on a roster within a zone are calculated on qualifications which include the number of

employees employed by a tow truck operator. There have been a number of applications for a second/additional position on a roster due to an alleged increase in staff numbers, which suggests that there may have been an increase in employment within the industry, not a decrease.

The introduction of the roster scheme meant a more equitable distribution of the workload across the industry and, as there is the same number if not more vehicles to be repaired each year, the number of employees in the industry will be approximately the same overall; however, the 'accident chasing' tow truck driver may no longer be required by the tow truck operator (employer).

15. *(a)* To ensure that a tow truck operator can respond immediately to a towing direction and have a vehicle available for that purpose. If a vehicle was not in readiness but was on a mechanical tow, the operator would not be meeting his obligations under the regulations to provide a prompt and efficient emergency service to the motoring public.

(b) (i) No.

(ii) No.

(c) Yes.

16. *(a)* To ensure that the damaged vehicle of the motorist is in a safe and secure area. Damaged vehicles have been 'buried' under and behind other vehicles so that they could not be released on request to another repairer, or solely to cause inconvenience. Allocation of a specific area or storage has appeared to eliminate this problem since the introduction of the roster sheme.

Damaged vehicles towed from the scene of an accident have been left in the streets within the vicinity of registered premises after being towed, thereby allowing vandalism, theft and weather damage; allocated storage ensures security.

(b) Yes, however, common sense would prevail.

17. Yes, however, no insurer is prepared to give a tow truck operator a policy of insurance at a reasonable rate to cover loss, theft or damage to any vehicle accessory or chattels in a damaged vehicle which is stored at the operator's premises.

18. To facilitate the administration of the scheme and also to allow an operator time to comply with the provisions of the Act and the regulations made under the Act.

The accident towing roster is a completely new concept and accordingly flexibility to act quickly with the unforeseen is necessary. Therefore, the need for those exemptionary powers which are not unusual.

19. To ensure that the telephone number was not used for any commercial or illegal purposes. Generally it ensures the control of the 'official' telephone number.

20. *(a)* The police communications system is the best facility available at present for giving towing directions to operators, which is a cardinal requirement of the legislation.

Cost factor is an extremely important issue and a similar service supplied by the RACV to the Victorian accident towing allocation system is believed to cost in the vicinity of $200 000 plus per annum, as in comparison to approximately $17 000 for the service supplied locally.

It also allows for and creates police awareness of the occurrence of major accidents so that they can swiftly arrange traffic control, which is the Commissioner's responsibility. In identifying hazards, which may include the drunken driver, road safety is also served.

(b) Yes, for the reasons given in *(a)*.

CONSUMER CREDIT ACT AMENDMENT BILL AND CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Orders of the Day, Government Business, Nos 1 and 2.

The Hon. C.J. SUMNER (Attorney-General): I move:

That Orders of the Day Nos 1 and 2 be discharged.

In moving this motion (and later I will move to withdraw the Consumer Credit Act Amendment Bill and the Consumer Transactions Act Amendment Bill), I wish to announce the Government's intention in relation to the Bills and the future action to be taken. The Bills had two main purposes: to make more realistic the monetary limits contained in both Acts, and to extend the application of the substantive requirements (but not the licensing requirements) to those presently exempted from the Act generally (banks, building societies, credit unions, etc.).

As I stated when introducing them, the Bills were to lie on the table to enable consultation with interested parties. The consultative process has now been completed. Discussions with those concerned on a day-to-day basis with the business of the provision of credit have taken place.

The aim of the Government in amending the legislation in the manner foreshadowed in the Bills was to acknowledge the substantial, indeed fundamental, changes in the financial system that have occurred, are occurring and will continue to occur in this 'post Campbell and Martin' era. In 1972, when the Consumer Credit Act was passed, most significant consumer credit was provided by finance companies; very little credit was provided by way of credit card; banks were not substantially involved in the provision of so-called consumer credit; and the share of credit unions of the consumer credit market was smaller than it is today. Thirteen years later, credit cards are all pervasive; the market share occupied by finance companies has shrunk considerably; the share of the market now occupied by bank personal loan lending has increased enormously; and the share occupied by credit unions has also increased. Building societies are seeking the right to make personal loans.

The financial system generally is undergoing a period of major change. Not only is the distinction between 'bank' and 'non-bank' financial institutions blurring, but the traditional market niches of the non-bank financial institutions are no longer being regarded as exclusive preserves. The simple fact is that the Consumer Credit Act has not kept pace with these changes. The exemptions contained in the legislation mean that it primarily regulates finance company lending and there is little protection for borrowers in any of the now more significant lending by banks, building societies and credit unions.

The Government has decided that the time has now come to recognise that the credit legislation needs major overhaul, not simple tinkering. What is needed is credit legislation which is effective to protect all who borrow money, regardless of source, in a manner which does not advantage or disadvantage one group of lenders over another. The Government seeks legislation which is competitively neutral, which does not stifle innovation in the financial market place, which does not impose undue burdens or costs, and which provides effective protection for borrowers. The Government believes that borrowers have a right to know the full cost of their borrowings before entering into a binding contract; that borrowers are able to effectively compare the cost of credit from different sources; and that therefore credit legislation for the 1980s and 1990s must have a broader sweep than credit legislation of the 1970s—but greater flexibility and effectiveness.

Since the Bills were introduced in December of last year, there have been significant developments interstate in the

regulation of consumer credit. New South Wales, Victoria and Western Australia have enacted substantially uniform Credit Acts and each of these is now in operation. This legislation, whilst drawing heavily on the South Australian experience over the past decade not only represents a substantial advance on the legislation which previously existed in those three States, but also represents a substantial advance on the legislation in South Australia. A comparative study of the South Australian legislation and the uniform legislation has been completed, and the conclusion is clear: adoption of the uniform legislation will produce significant benefits for consumers, an advance on our existing laws, and uniformity will produce significant benefits for the industry.

I should pause here to recognise the foresight of an Attorney-General of a previous Government. In late 1969 the Standing Committee of Attorneys-General decided that the uniform regulation of consumer credit in this country was desirable. The then Attorney-General (Hon. Len King) decided that the uniformity process would take too long, perhaps as long as five years, and that the need for regulation in the area was urgent. The result was that South Australian consumers have enjoyed protection for 13 years—protection only now being conferred on the residents of New South Wales, Victoria and Western Australia.

The Government has therefore decided to withdraw the Bills presently before the Council and proceed to substantially adopt the uniform legislation enacted in New South Wales, Victoria and Western Australia. The Government will prepare for the consideration of this Parliament a Credit Act, a Credit (Administration) Act and a Credit Home Finance Contracts Act, based upon the New South Wales equivalent of that legislation. So far as is practicable, the Government will adopt not only the spirit but also the letter of the uniform law; it will preserve the existing South Australian law wherever it represents a demonstrably superior regulation of a business practice. It will also advance a number of proposals for improvements on the model. Specifically, the reforms to be effected by the Bills that the Government has decided to withdraw will be reflected in the new legislation which I hope can be put before this Parliament before the end of this year.

To summarise, the Government is determined to ensure that the regulation of consumer credit in this State is effective, relevant and even handed. The package of legislation the Government will be bringing forward will represent a very significant reform of consumer credit legislation and will bring major benefits to all parties involved.

Motion carried.

The Hon. C.J. SUMNER: With the leave of the Council, I move:

That the two Bills be withdrawn.

Motion carried.

POULTRY MEAT HYGIENE BILL

Adjourned debate on second reading.

(Continued from 2 April. Page 3706.)

The Hon. PETER DUNN: I oppose this Bill in its present form. I do not oppose its object, but I oppose the method by which the Government has set out to control the hygiene of the slaughtering of poultry. The Bill is very wide in its coverage, covering all poultry that are killed for human consumption and all birds that may be sold. It gathers up pretty well anybody who keeps poultry for consumption or for reward. The Bill could be handled in a far different way than that presently proposed by the Government. It runs parallel with the Meat Hygiene Act and picks up most of the legislation that is in that Act, but that is not terribly applicable to this industry.

I understand that the processing of poultry for human consumption is fraught with problems, that contamination can be high, and that the mere fact that the bird is not skun but is just defeathered and has its epidermal layer still exposed and still has contact with bacteria and microbia means that it still has a possibility of contamination about it. However, how much of this is a health problem? I am not sure that we are not endeavouring to cure a relatively small problem with a very heavy hand, because this Bill sets up another army of people looking over one's shoulder and having to be paid to do so.

There is nothing productive in this legislation at all: it is only restrictive. The reason for the restriction obviously is health, but I am not totally convinced that the processors of poultry are to blame for the contamination of this food. It is handled by a number of other people and by a number of retailers, who, for reasons best known to themselves, may have to or may for their own reasons, decide to hold that meat and therefore allow the build up of those bodies that will cause stomach upset in the consumer or other problems. So, the processor here seems to be the butt of the legislation, but I would be interested to see, should this legislation be put into practice, whether there is an improvement in the number of those cases of health or stomach upset reported to the Health Commission.

I was in contact with the Health Commission, which indicated that poultry is a significant problem when it comes to food poisoning, but it was not able to indicate that the processor caused that because of the chain of events that takes place after the bird has been defeathered and disembowelled. The problem in South Australia, as the Minister says in his second reading explanation, is that poultry naturally carry more organisms capable of producing food poisoning than do other animals. I have already pointed that out, but we must look at the extent of it. The Minister goes on to say that there are 39 poultry processing works, of which four process about 90 per cent of the poultry produced in South Australia. I am not sure that he is correct when he says that there are 39 poultry processing works. I know of a number of smaller works—individual primary producers who for reasons of their own breed poultry, slaughter it, for instance, around the Christmas period and sell it to the local butchers or local people.

This Bill will encompass all of those people and create in them some problems. But the Minister says that four of those manufacturers process 90 per cent of the poultry produced in South Australia. He goes on to say that works that operate at high speed—up to 4 000 birds an hour—have a further problem in that it is difficult to sanitise effectively processing equipment between each bird. Consequently, hygiene and construction standards are essential to reduce the spread of food poisoning. That paragraph indicates that the processors of those birds are the source of all food poisoning. That statement, therefore, begs the question of what is the problem. If that is the method of slaughtering and processing those birds, how do we go about altering it? It implies that there will have to be significant changes in the present methods, which will be extremely costly. To be told that they must do it is something that I doubt will get their total approval. I have contacted a great number of those processors, and I must admit that there has been very little reply from them.

The Hon. Frank Blevins: They are on the committee that recommended it.

The Hon. PETER DUNN: I am aware of that, but I am also aware of a number of rural producers further afield, not just around the metropolitan area. Having to travel a fair way to the Parliament myself, I tend to take up their

cudgel. I have spoken to a number of people in my area. One of them, who lives at Lock, buys day-old chickens, raises them to approximately eight weeks and slaughters approximately 50 a week and supplies the local butcher and local delicatessen with those processed birds. Should we introduce this legislation, we will require him to upgrade his works to such a degree that they fall into line with whatever regulations are proposed by the Government. The Minister in his second reading explanation stated:

The Committee—

this is the Poultry Meat Industry Committee—

recommended that hygiene standards should apply equally to all processing works, regardless of size, but that construction standards should be applied flexibly to the smaller works. This will be done.

That means that those smaller poultry works will have to use enormous resources for a product and a service that they supply to the local people. The person to whom I spoke at Lock said, 'If I have to go to those standards it would not be worth my while. That would lower my income.' So, that service would not be provided locally.

That will mean that people living further away from the city will have to pay the added impost of extra freight charges on birds not processed locally. I believe that local producers can produce the poultry more cheaply because they have excess grain and screenings that can be used as relatively cheap food. They can feed these products to the poultry purchased or hatched locally, thus producing chickens at a much lower cost than can commercial producers who must purchase food stocks at commercial rates. Therefore, this Bill will impose a further impost on these people.

How many members are aware of sickness caused by food poisoning from poultry? The occurrence of this is very low. I have heard of many more people getting food poisoning from eating bad seafood than from eating bad poultry. The fact is that this problem can be overcome if cooking standards are raised. It may be that we should be discussing a Bill today requiring chefs and people who cook food to cook poultry more thoroughly. We regularly hear on radio, and see on television, representatives of health bodies saying, 'Please cook poultry totally so that there is no partly cooked meat within the body.'

I believe that poultry is slaughtered and dipped in chilled water to lower body temperature and to give a better keeping quality. That results in a considerable amount of water being left in the carcass, which is then snap frozen. If a chicken is not properly thawed before being placed in the oven it takes some further time to cook and it is at that stage that the problem arises. I do not think that this Bill will correct this problem, which must be corrected in the kitchen and not in the process works. I do not deny that hygiene standards must be high, but the way in which this Bill attacks this problem is not a way I would recommend it be done. Industry representatives say that they agree with this Bill and the proposed regulations, but are wary about what the regulations may eventually be. I have gone through the Bill clause by clause and found clauses about which I have queries. I will go through the Bill and explain the way in which I think we should be handling the matters mentioned in it. The Minister will use the Meat Hygiene Authority, which is already in place, to administer this legislation. Clause 8 states:

The Minister may appoint a committee entitled the 'Poultry Meat Hygiene Consultative Committee' to advise the Authority on any matter relating to its functions under this Act or the administration of this Act.

The members of the committee mentioned in this clause will have to be paid for their time and effort and it will be another user of public funds. I do not believe that this committee is necessary and that this matter could be handled using self control. I will expand that argument further later. Clause 10 states:

The person for the time being holding or acting in the office of the Chief Inspector of Meat Hygiene shall be the Chief Inspector of Poultry Meat Hygiene for the purposes of this Act.

In other words, one person from the Meat Hygiene Authority can be the administrator of the Act. Clause 14, under the side heading 'Grant of Licences', states:

Subject to this Part, where application is made under this Part for a licence in respect of an existing poultry processing works or a poultry processing works that the applicant proposes to establish, the Authority shall determine whether a licence should be granted having regard to—

(a) the suitability of the applicant to be granted the licence; . . .

I ask, who is 'a suitable person'? Why are we worried about whether or not a person is suitable to process poultry? I suggest that that requirement is unnecessary. If a person can demonstrate that his factory meets the necessary hygiene standards, why is it necessary for that applicant to be deemed to be 'a suitable person' before being granted a licence? I believe that clause 16 is unnecessary and inhibits entrepreneurial approaches and development in areas where development could easily be carried out. For instance, the Bill talks of limiting the maximum throughput of the poultry processing works. That is a non issue. That requirement need not be in the Bill because, if a works comes up to required standard of hygiene, why limit the throughput?

There are times when there is a preponderance of poultry in one area and not enough in another. This Bill will result in animals or birds being carted from one area to another causing the birds stress and loss of body weight, thereby decreasing the end quality of the product for the consumer. I believe that this has no use in a Bill of this kind. The same provision exists in the Meat Hygiene Act. This provision has been seen (and it has been proven) as an impediment to the development of slaughtering in some areas. We saw this when the Meat Hygiene Act was proclaimed in 1982 when there were about 130 slaughterhouses in the State—there are now about 70. It was necessary for some slaughterhouses to upgrade their hygiene. However, the limit to the maximum throughput in the processing works is not necessary. That is totally unnecessary, provided that the works meets the hygiene standards required.

The Hon. Frank Blevins: Who put that in the Bill?

The Hon. PETER DUNN: Who made the regulations? Who deemed the number? Where in the regulations are the numbers spelled out? I believe that this was a direction from the department about which the Minister did not come back to the Parliament. If we are to put a number in the Bill let us put it in in this place so that there is not an arbitrary figure inserted by the Minister or his advisers, who decided in relation to the Meat Hygiene Act that 8 000 units was a suitable figure, one unit equalling one sheep, or 10 sheep equalling one beast.

We have seen under that Act where butchers have had to take their stock to other slaughter yards many miles away, expose those stock to stress and then bring back the carcass because the local slaughter yard has been beyond its capacity. All that does is add cost to a product today that is already dear enough. The red meat producers of this country do a remarkable job to grow this product and sell it for the amount at which they do so, especially when compared to overseas countries. The Minister would know this, because he has just been away, although he has probably not been in countries where the standard of living is similar to ours, and therefore he probably could not compare meat prices.

This limiting the maximum throughput of poultry process works is not necessary and I believe should be amended. Paragraph *(a)* of clause 16 (1) limits that maximum, and paragraph *(b)* refers to a prescribed standard; that is, the

works will comply with the prescribed standard. I do not believe that that is a very welcome part in this Bill. It is not in the meat hygiene legislation, but it is in this Bill.

If a producer falls foul of the authorities or the inspector, I venture to suggest that he will need to upgrade his works to the prescribed standard. That is a very flexible clause, which will cause ill feeling. I do not believe it is a very acceptable method by which one can control the slaughtering of poultry or the buildings within which the slaughtering is carried out, because it can be changed from time to time and very rapidly. The authority will have that ability to alter the standard. So, at its whim, the authority will be able to put a legitimate processor out of business. I do not believe that that is acceptable, if the processor's establishment is up to the hygiene standard required. We are putting in all these other furphies.

Regarding inspectors of these works, I have received a number of complaints from butchers, not in the metropolitan area or close by but from those farther away, and I refer particularly to Eyre Peninsula. In one case, where a new slaughterhouse was built at a cost of about $30 000, the butcher concerned very nearly got to the stage when the building was complete of giving it away and trying to sell out, because of the problems that he had experienced with those people who were inspecting and authorising the building of that slaughterhouse. It did not stop there. The person concerned carried on and completed the building but, on doing that, thought, 'Well, my problems are over.' In fact, however, they were not. This man, who lives more than 600 kilometres from Adelaide, is repeatedly visited by an inspector. His methods of slaughtering or the structure of his building are constantly altered and, to be quite honest, the butcher is fed up to the back teeth with it: he is fed up to the back teeth with a Government inspector who is constantly looking over his shoulder and telling him what to do.

Once again, I say that, if the butcher's hygiene is suitable, he should not be harassed and harangued by somebody who does not even consume his product. I hear of no complaints from the area about his product. In fact, I have inspected the slaughterhouse and thought that it was of superb standard and was servicing the community perfectly. However, this man is constantly being harassed, and I believe that this Bill will do exactly the same thing. Those small processors who live in the country will have to be serviced by an army of inspectors who will constantly give them a harsh time in the name of hygiene in this case. Sensibility seems not to reign supreme in that case.

These inspectors can be very powerful men and, if they get a warrant issued by a justice, they will under clause 26 be able to stop and enter into or upon and inspect any vehicle that they believe on reasonable grounds is being or has been used for the transport of poultry products. Where necessary, for the purpose of this provision *(a)* and *(b)*, the inspectors can break into or open any part of or thing in the place or vehicle.

They are very strong powers that are being given to an inspector, who has powers that are probably as great as, if not greater than, those of members of the Police Force. I have some problem in justifying that, because he may suspect that somebody is doing something incorrectly, get himself a warrant and carry out these deeds at his own behest, without the necessary safeguards of having people witness what he is doing.

It does not end there. The Bill provides that there shall be an inspector in every poultry processing works. Clause 28 provides that on or after the declared day the holder of a poultry processing works licence shall not cause, suffer or permit any bird to be killed at the works unless an inspector is present at the works. I cited the case of the person some 600 kilometres from here who slaughters 50 birds a day, and, if the provisions of this Bill are carried out to the nth degree (although it is proposed that that clause will not be proclaimed until some time in the future, but it does say that that shall happen), those people will need to have an inspector there.

Can one imagine, at 4 o'clock on Friday afternoon the farmer coming in and saying, 'We will slaughter the 50 birds for the weekend for the local butcher and delicatessen.' He will then have to ring up and have an inspector come to his aid so that he can inspect those birds while they are being processed. This is a farce. If that is 1984 gone wrong, I do not want it. I do not believe it is necessary at all. Why cannot we have more self-regulatory works? I suggest that we do this by a method called negative licensing. I will move some amendments later that will introduce negative licensing. I have given instructions to Parliamentary Counsel to provide for the negative licensing of all poultry processing premises under the poultry meat industry Act.

Therefore, it would remove it from the meat hygiene legislation. An Act already deals with the poultry meat industry and it need not be repealed, as proposed in the Bill. Rather, it could be used as a vehicle to provide the necessary clauses to handle this aspect. Secondly, it would provide for an industry consultation process to determine health and hygiene standards.

That is the crux of this matter—health and hygiene standards are industry determined. They will be controlled by the industry. Certainly, it will not be long, if it is found by the public or other processors that a processor is producing a below standard product, before such a producer will be asked by his own peers to rectify the problem. We will provide for the inspection of those standards by an existing health board inspectorate that already exists. We do not need to set up another army of inspectors to peep over one's shoulder once a week to see that everything is up to standard. That has not applied in the past.

Further, the community is obviously not affected by sickness or diseases in the industry and, until someone can provide me with that evidence, I do not believe that it is necessary to regulate an industry which at this stage is not showing visibly to the public that that is required.

Finally, if the processor infringes these standards he can be dealt with by the local courts. That is the correct process that should take place—not by his being inspected by someone. The processor develops antipathy towards the inspector and does not carry out his job immediately he leaves. Self-regulation will prove to be a much better and more suitable method of controlling hygiene in the industry than exists at present.

I would like to explain to the Council the negative or co-regulation method. It really means that no licence is issued but that the industry would draw up a code of ethics, no doubt with the help and advice of other health and hygiene authorities in the State. That code would be given the force of law and, where there was a complaint, the person concerned could be called before a tribunal which, upon hearing both sides of the evidence, would have power to restrain or suspend a person from operating or allowing that person to operate subject to the conditions, or fining or repremanding that person.

Negative licensing is really a means of giving teeth to an industry self-regulation system and making it apply to all members of the industry concerned and not just to members of the relevant industry organisation. The Liberal Party is satisfied that it is necessary to set up negative licensing systems in co-operation with industries concerned and, in particular, the poultry processing industry.

I flag that I will move amendments to the Bill, and I hope that they get the necessary support to enable me to

achieve what I believe will allow the industry to control and regulate itself and enable it to work at a cheaper and lower cost to South Australian consumers. We continually hear about the cost of protein in this country. That cost seems always to be increasing. Here is a direct method whereby we can reduce that escalating cost. For those reasons, I oppose the Bill.

The Hon. K.T. GRIFFIN: It is not generally my form to get involved in matters of poultry and meat hygiene, but it is a good opportunity to make several comments about negative licensing, to which my colleague the Hon. Mr Dunn has just referred. This Bill provides an ideal opportunity for us to consider the alternative to setting up a new licensing and regulatory structure in favour of co-regulation or negative licensing.

At present in the Bill we have a whole new bureaucracy being established to regulate in fine detail the poultry processing industry when, in fact, I think an alternative would result in as effective a control as we need, and it would certainly reduce both the bureaucratic costs as well as the impositions upon any particular processor, whether in business in a big way or just a small country farmer supplying the local butcher.

The principles of co-regulation or negative licensing are fairly clear. No board is established to assess the capabilities of a particular processor or to register premises. However, there will be an inspectorate, as there is at present, which will be responsible for ensuring that certain standards are maintained. Those hygiene standards—a code of conduct, if one cares to describe it that way—would be established by regulation after consultation between the Government and industry, so that there was a measure of self-regulation as well as some direct involvement of Government in partnership developing standards to which the whole industry would be required to adhere.

If a processor (again whether in a big way or a small way) was not to comply with those standards of hygiene and conduct, an inspector would be able to lay a charge in the ordinary courts, and the courts themselves would assess whether or not the charge relating to a breach of the standards established by regulation had been proved. The court would be able to do a number of things: impose a fine, make an order for the suspension of the business for a period, make a permanent order in respect of the conduct of the business so that the person convicted in serious cases would not be able to continue in operation, or make an order allowing the continuation of the business, but subject to certain conditions, which of course would have a sanction attached if they were not complied with, and they could be monitored by the existing inspectorate.

There is a structure that removes bureaucratic controls, establishes clear standards and allows for prosecution of those who breach those standards. That is the best way in which we can deal with the poultry processing industry. I am therefore pleased to be able to support the second reading of the Bill.

The Hon. J.C. BURDETT secured the adjournment of the debate.

STATUTES REPEAL (LANDS) BILL

Adjourned debate on second reading.
(Continued from 3 April. Page 3795.)

The Hon. PETER DUNN: This is a very small Bill, which I support. It repeals four Acts, some of which were very old: the Pooindie Exchange Act, 1895; the Nomenclature Act, 1935; the Eyre Peninsula Land Purchase Act, 1946; and the Camels Destruction Act, 1925-1973. These Acts are no longer required, as honourable members would understand. The Camels Destruction Act really allowed people to destroy vermin camels that were in profusion in the northern part of the State. Because camels are now reasonably well controlled, this Act is no longer required. It has not been used for many years, and therefore it is only sensible to repeal it. Under the Act the Minister could capture camels, but how he would do that today I do not know—I am sure it would be interesting to observe.

The Eyre Peninsula Land Purchase Act dealt with the parcel of land that surrounded the township of Tumby Bay. That land was purchased and used for soldier settler blocks. The Act is no longer required, and therefore it can be repealed without imposing any hardship or incurring change to ownership of that land. The Nomenclature Act is probably the most interesting of the four: it deals with the change of names of Klemzig, Hahndorf and Lobethal. Klemzig was renamed Gaza; Hahndorf was renamed Ambleside; and Lobethal was renamed Tweedvale.

The Hon. Frank Blevins: From German to Australian—very Australian!

The Hon. PETER DUNN: I thought so. Gaza is Turkish and Ambleside and Tweedvale are English. I presume the names were changed when we were at war with Germany and the authorities of that time deemed that the original names were not indicative of our British background, and so they were changed. That was a pity. It did nothing for us as a nation. Those original names did not affect the defending of this country, as many of our soldiers of German extraction, who had been out here for a number of generations, would testify. I do not believe it can be demonstrated that those soldiers were any different from the British subjects who were performing the same job. It was a pity that the names were changed. However, they have reverted to their original names and this Act is no longer required. The Pooindie Exchange Act is no longer required. It was introduced last century; it has finished its task and therefore it can be repealed. I support the Bill.

The Hon. J.R. CORNWALL (Minister of Health): I thank the honourable member for his succinct contribution. As he said, this Bill repeals four Acts of Parliament that are no longer relevant except in the historical sense. This is probably not the greatest deregulation initiative of this triennium but nevertheless it is encouraging to note that people are scouring the Statute Book at last to remove such things as the Camels Destruction Act, 1925-1973, the Eyre Peninsula Land Purchase Act, 1946, the Nomenclature Act, 1935, and the Pooindie Exchange Act, 1895. I thank the Hon. Mr Dunn for his contribution and I ask all members to expedite the further passage of this Bill.

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

URBAN LAND TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 27 March. Page 3602.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition opposes this Bill. The Urban Land Trust, which is the principal subject of the Bill, was reconstituted in the early 1980s from the former South Australian Land Commission. The aim of the legislation at that time was to establish the Trust as an effective land bank, not as a developer in its own right with the power to compulsorily acquire land. The present Bill before the Council introduces

a number of significant amendments to the principal Act. The first proposal is to provide the Trust with limited powers of compulsory acquisition of land. During the period of the Land Commission, public sector land purchase generated considerable controversy, mainly because the then Commission was in direct competition with the private development industry and was sure to be in a position of having an unfair advantage in securing land.

The previous Liberal Government introduced the system which currently applies and which is working well. In 1984 the Urban Land Trust Act was amended to enable the Trust, with the approval of the Minister, to undertake development on a joint venture basis. We expressed concern at the time of that debate that that provision might be broadened to such an extent that we would see a considerable number of joint ventures occurring. At that time some concern was expressed by the private sector that perhaps that may have been the start of the return to the days of the Land Commission. One cannot blame the private sector for being very nervous about that. The private sector is generally satisfied and was very supportive of the direction that the Government took in regard to the Golden Grove development and the joint development procedures there.

The Opposition has had considerable consultation with the Urban Development Institute over the reintroduction of limited powers of compulsory acquisition. Despite earlier support for such a move, the Institute has swung a little on this issue. When first consulted, the Institute expressed strong support for the need for some form of compulsory acquisition. However, that support is not as strong as it was initially. The powers for the Government compulsorily to acquire land for development purposes having been removed, and there being a recognition that the rights of private ownership are so strongly supported by the Liberal Party, the Liberal Party is opposed to and will not support the reintroduction of compulsory acquisition provisions in this legislation.

I know that there are some safeguards and I know that the opportunity is provided in this Bill for a person or organisation that owns land to commence to develop, and if they have not commenced within a two-year period, compulsory acquisition can proceed. If there is a sign that the owners of the land intend to develop the land privately, compulsory acquisition cannot take place. We are not even convinced by that. We are not convinced that there is a necessity to reintroduce compulsory acquisition. It goes right against the principles for which our Party stands. We certainly are not prepared to support it.

I believe that, if a person has property, they should have some rights in relation to it. If they do not want to develop it, why should they be forced to? Why should they be forced to proceed in a manner contrary to their initial intention when they acquired the land?

There are other matters in the Bill: the development industry has made clear that it is not happy with and is opposed to some of the other provisions that have been included in the Bill. The provision that one of the members of the Trust is to be a person nominated by the Minister after consultation with the Commonwealth is to be removed, and the Opposition supports that. There is no need for Commonwealth involvement at this stage.

Many of the problems that were previously experienced at that level were ironed out and there is not now Commonwealth involvement in the Urban Land Trust. However, this Bill provides that that person is to be replaced by a person having appropriate knowledge and experience relating to the development and provision of community services. It is obvious that the present Government is on a community services waggon: we have already seen it in the Planning Bill.

There is already an opportunity for two officers of a Government department or agency to serve on the Trust. One of those people could, if it is the wish of the Government, contribute as far as community services are concerned. I see a very real need to have on the Trust someone who has appropriate financial expertise. That is essential. If we look back over the history of the Land Commission and the many difficulties in the latter days of the Land Commission we see very clearly that it is very important that we have someone on that Trust who has financial expertise.

Anyone who was around during the latter days of the Land Commission will recall the financial trouble incurred by the Commission through an obvious lack of understanding of the need to reign in the costs that were arrived at by the Commission. If the same number of people are to be retained on the Trust, I give notice now that on coming to Government we would look very closely, as the new Government, at that number. However, recognising the number that are now there, it is important that we have someone who is able to present to the Trust the financial expertise that is very much needed. So, the Opposition opposes what the Government is doing in that regard.

Regarding the Trust's powers and functions, the Act provides that the Trust shall be subject to the general control and direction of the Minister. This Bill provides that the following should be added:

> . . . the proper co-ordination of the Trust's activities with those of other public authorities and the creation of a sound physical and social environment in any new urban areas developed with its assistance.

The Opposition is opposed to that amendment for the following reasons: in relation to the provisions in proposed new paragraph *(a)* of section 14 (6), referring to 'the proper co-ordination of the Trust's activities with those of other public authorities', the Opposition and the private sector are concerned that this could lead to the Minister or the Government directing the Trust to sell land to the South Australian Housing Trust or to any other Government authority at a price less than market value, once again leading to a heavily subsidised public sector. I can assure the Government that the private sector is concerned about this matter.

In relation to proposed new paragraph *(b)*, referring to 'the creation of a sound physical and social environment in any new urban areas developed with its assistance', there is concern that the Minister could direct the Trust to fund community facilities from the sale of broad acre land. That used to happen, and there is concern that that might occur again, and to a much larger extent. It is considered that this could reduce the amount of funds available for the purchase of broad acre land and thus reduce the supply of land for the land bank. This could again see the return of a system where funds have to be borrowed and interest added prior to land being made available to the private sector, thus inflating land prices.

A certain amount of nervousness is prevalent in the private sector, and we certainly recognise this. I understand that provision exists under the New South Wales legislation that allows for developers to be levied for community facilities, that that legislation is now being used extensively, and that, in turn, it has forced up considerably the price of land for first home buyers. We certainly do not want that situation to occur in South Australia.

The Bill extends the 'disclosure of interest' provisions and stipulates that they will apply to members and officers of the Trust, and that appropriate penalties will attach thereto. Obviously, the Opposition supports that provision, as it is important. However, when considering the rest of the legislation, we do not think it is important enough to justify support of the Bill. The Opposition does not support

the Bill. I will be interested to hear the Minister's response to some of the points that I have raised. The private sector is seeking clarification in a number of areas through this debate.

I repeat that the Opposition opposes the legislation and certainly strongly opposes the reintroduction of compulsory acquisition of land, no matter how it is done, no matter whether or not the people who own the land are given the opportunity to develop. The fact is that people who purchase land do so for their own purposes. The Opposition does not believe that those people should be directed either immediately or at some time in the future and that they should be told by the Government what they will do with their land. We do not believe that, if they do not comply with that direction, the land should be taken away from them and the Government should proceed to do what it wishes with the land in relation to development. That is not proper and it certainly cuts across completely the concept of people having rights to their own properties. So, the Opposition opposes this Bill.

The Hon. K.T. GRIFFIN: As the Hon. Martin Cameron has indicated, we oppose this Bill for a series of reasons. Some minor matters are incorporated in the Bill, but they are insignificant compared with the issues of major principle that relate to compulsory acquisition of land, the co-ordination of the Urban Land Trust activities with those of other public authorities and the power of entry conferred by the new section 21a.

The Urban Land Trust (formerly the Land Commission) was the subject of major surgery during the time of the previous Liberal Government because we believed that it should not be in the business of developing and subdividing land in competition with the private sector and that it should be a land bank. So, the power of acquisition and its other powers relating to development were removed as recently as three years ago, but now we find that there is to be a power of compulsory acquisition under the Land Acquisition Act, with the prior specific approval of the Minister. I do not think the fact that the acquisition occurs only with the prior specific approval of the Minister is relevant to the issue of principle: that is, whether a Government instrumentality should have the power compulsorily to acquire land, subdivide it, develop it and then resell it—probably at a profit, but that aspect of it is irrelevant—to the community. The power of acquisition ought to be used sparingly by a Government for a public purpose which is clearly identified and which is in the clear public interest and does not, except in exceptional circumstances, override the rights and interests of the private citizen.

We have had a number of controversies about compulsory acquisition. One, under the Dunstan Administration, related to Theatre 62. There was a great deal of controversy where private land was acquired purportedly for highway purposes, was then discovered—quite coincidentally, but I suggest by preconceived plan—not to be necessary for highway purposes, and then was made available to one of the friends of the Dunstan Administration at a very low price, thus overriding the established interest of private citizens who previously owned Theatre 62.

Other areas of controversy have related to acquisition of land by the Government compulsorily and its forcing the citizens out of property that may have been their homes for a considerable period. This Bill gives to the Urban Land Trust power compulsorily to acquire any land other than land that is a dwelling house occupied by the owner as his principal place of residence, any factory, workshop, warehouse, shop or other premises used for commercial or industrial purposes, any premises used for the purpose of an office or rooms for the conduct of a business or profession, or any land with respect to which subdivision development is being or has been carried out.

It is interesting that any dwelling house that is occupied by the owner as his principal place of residence is to be excluded from the compulsory acquisition process, but what about a dwelling house that is occupied by a relative, a friend or even another tenant unrelated to the owner? In those circumstances the Urban Land Trust would be able to acquire compulsorily. What about a dwelling house that might be not the principal place of residence but a holiday retreat, a second home that is not the principal place of residence, perhaps in the Adelaide Hills? This means that the Urban Land Trust will have power to acquire compulsorily, regardless of whether the land will ultimately be subdivided and then resold. It also allows the Urban Land Trust to acquire compulsorily any factory, workshop, warehouse, shop or other premises that may not at that time be used for industrial or commercial purposes. What about premises used as an office or rooms for the conduct of a business or profession but which might happen to be vacant at the time of the acquisition and therefore not at that time be used for the purpose of a business or a profession?

The Urban Land Trust will have power to acquire any land in respect of which subdivision development is being or has been carried out. That means that the private developers who have work under way are under threat. There is a certain measure of protection, but very limited, in subsequent subsections of the new section 14a, but they are inconsequential because they only place a brake for a period of up to two years.

This Bill means that the Urban Land Trust, an agency of Government subject to the general control and direction of the Minister—that is, an instrumentality of the Crown—will have power to acquire a great deal of land compulsorily, not just in the metropolitan area but throughout South Australia, for the purpose of resale and in some instances for resubdivision, development and resale. That may very well be against the intention and wishes of the person who may be the owner. Take a situation where perhaps there is a small hobby farm, where there is a house, or even if there is not, in an area where some development may be proposed at some time in the future. Why should the owner of that property be subject to compulsory acquisition by a Government instrumentality? Why should that person not be able to retain ownership and possession of that property for his or her own personal use and enjoyment?

I remember a few years ago the development of the Marion shopping centre, which is south of Adelaide, where a little old lady had a home in a corner of this vast expanse of land that had been her home for many years—60 or 70, I think. She would not sell out to the private developers. If that had been a Government development, the Government could have compulsorily acquired it through the Urban Land Trust and removed her in some circumstances—if she had been sent to hospital for treatment or was in an infirmary.

I do not think that the private citizen ought to tolerate that sort of intervention by Government and compulsory acquisition of property. That is the problem that I see with giving the Urban Land Trust a power to acquire compulsorily. The second reading explanation states that this is really only to deal with those private developers or private citizens who have a piece of land in the middle of an otherwise larger development and who want to hold on just for the purpose of getting a bigger profit. That is a bit trite and does not deal with the essential difficulty with the Bill.

If a person is holding on to land for that purpose, then why should he not be able to do so? Why should the Government be given the power to acquire that land, subdivide it and resell it? It may be, too, that there are many

other reasons why a person in the middle of a proposed development, maybe undertaken by the private sector, for example, does not want to sell. It may be that that person wants to reside in a particular place because he likes the surroundings, regardless of the fact that on the outskirts there will be a major resubdivision and development.

I do not see that the Government has any place acquiring compulsorily a citizen's land just because he wants to stay put in what to him is a desirable area. On the other hand, if there is a major development such as a port facility, which is of widespread interest to the whole State, then there are different considerations that may well apply. However, one cannot apply those considerations to the sorts of broadacre redevelopments to which this Bill applies.

The Hon. J.R. Cornwall: If you follow that through logically, shouldn't you have repealed the Land Acquisition Act?

The Hon. K.T. GRIFFIN: The Minister has missed the point that I have been making, that for a major development such as a port, or some other major public purpose by Government, one could justify, subject to fairly stringent controls, the right of a Government to compulsorily acquire. However, what we have here is the Urban Land Trust not acquiring for a public governmental purpose but for the purpose of cutting up land and selling it off for building blocks at large. I do not regard that as a governmental purpose for which there ought to be a power of compulsory acquisition.

The Hon. J.C. Burdett: It is a commercial purpose.

The Hon. K.T. GRIFFIN: Yes, it is a commercial purpose. There is a need, in fact, to review the Land Acquisition Act, but that is for another day. What I want to do on this occasion is stress again that the power of compulsory acquisition ought not be given to the Urban Land Trust, a land bank itself now with powers of development, resubdivision and resale because it is not for a governmental purpose.

The Hon. K.L. Milne: Can you define the difference? I think that there is one, but can you define it in legislation?

The Hon. K.T. GRIFFIN: The Land Acquisition Act makes some reference to that. I do not have it here, but I will certainly address this matter later, or ensure that one of my colleagues addresses it.

The Hon. J.R. Cornwall: If it gets past the second reading.

The Hon. K.T. GRIFFIN: One of my colleagues might be able to address the matter before the second reading is put. I have not been caught and there is no Freudian slip here. The Land Acquisition Act empowers Government to acquire for the purposes of Government. I will get the specific definition for the honourable member, but the legislation can extend the purpose for which land is compulsorily acquired. In this Bill the Land Acquisition Act would not apply unless the Parliament decided that the Urban Land Trust should have the power to acquire compulsorily and then, of course, the procedures in the Land Acquisition Act would be followed.

The other area to which I was proposing to direct some attention is clause 8, which inserts new section 21a. This relates to powers of entry, and states:

(1) A person authorised in writing by the Trust to do so may enter upon any land and conduct any survey, valuation, test or examination that the Trust considers necessary or expedient for the purposes of this Act.

It does not limit it but merely says, 'for the purposes of this Act', and they are now to be fairly wide. New section 21a (2) states:

A person shall not enter upon any land under this section unless he has given reasonable notice of his intention to do so to the occupier of the land.

There is no protection in that. New subsection (3) states:

A person shall not hinder any authorised person in the execution of his powers under subsection (1) of this section.

New subsection (4) states:

The Trust shall be liable to pay to the owner of any estate or interest in land that has been entered in pursuance of this section compensation for any damage or disturbance caused by the entry or by any survey, test or examination conducted on the land in pursuance of this section.

That is little consolation to somebody who has been given notice and who finds the Trust's contractors traipsing across their land, drilling holes, taking all sort of soil tests and undertaking other sorts of examinations of the property such as surveys which are not necessarily for the purpose of compulsory acquisition but for any of the purposes of this legislation.

I think that that is a particularly wide power of entry that the Trust ought not have. I see no reason why it ought to have that power of entry because it is, after all, a land bank, although the Government wants to make it a land developer. Even if it is a land developer, why should it have the power to enter upon private land, a power that is not given to the private sector? It seems to me to be incompatible with principle that this body, a Government agency, should have this very wide power of entry. The other area appears in clause 5, which seeks to widen the powers of the Trust to enable it to co-ordinate its activities with those of other public authorities. I am not sure what that means. It may be, of course, a joint venture with the Housing Trust. It may be the acquisition of land and then re-sale to the Housing Trust or some other agency of Government. It could be for any of a number of reasons not specified. Again, I see no reason why it ought to be given the power to co-ordinate its activities with other public authorities that are likely to be in competition with the private sector and, in a sense, in a state of unfair competition because of the advantages of exemption from taxes, other charges, and rates, that the Urban Land Trust is able to obtain as a Government instrumentality. Therefore, it is really an opportunity for unfair advantage. They are the three major areas of concern that I have with this Bill and are the three reasons why I think that the Bill ought to be rejected at the second reading stage. Accordingly, I will be voting against the second reading.

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

[Sitting suspended from 5.8 to 7.45 p.m.]

STATUTES AMENDMENT (COURTS) BILL

In Committee.

(Continued from 2 April. Page 3711.)

Clause 2 passed.

Clause 3—'Amendment of s. 11 of the Supreme Court Act, 1935.'

The Hon. K.T. GRIFFIN: I oppose clause 3, which relates to acting judges of the Supreme Court. Section 11 of the present Supreme Court Act was enacted in 1981 to give some flexibility in the appointment of acting judges or acting masters. There is no need to take the appointment of acting judges or acting masters any further than that which is already contained in section 11. This clause of the Bill suggests that there is at least the prospect of some judicial promotion, and I did speak at length on this matter in the second reading debate.

The concept of judicial promotion should be resisted as stongly as possible because there ought not be any expectation in the main by those who are appointed to judicial office

that they will, by making certain decisions, be eligible for so-called promotion to a higher judicial office. That concept has been resisted throughout the common law system, and it has been resisted in Australia, although, of course, that does not mean to say that there should not occasionally be appointments from one level of the judiciary to another where exceptional merit is demonstrated. However, there should not be any greater expectation of that sort of elevation in judicial rank.

The amendment to clause 3 appears to enhance or emphasise that position, and for that reason I certainly do not want to support any variation from the present section 11, which, as I say, gives adequate flexibility to the Government of the day to deal with acting appointments to judicial office.

I see no reason at all why there ought to be any involvement by the Chief Justice in the appointment of acting judges, although I know that he has wanted to become involved in some instances. In fact, the Chief Justice did make representations to the previous Liberal Government in relation to an acting judge in the Licensing Court and, obviously, in the present instance, has made certain recommendations to the current Government about appointments to his bench.

The appointment of both judges and acting judges is a matter for Executive Government and, while there may well be opportunities for consultation with different senior judicial officers, I do not see that there ought to be any enshrining in legislation of an automatic consultation or obligation to consult with senior judicial officers about appointments. Appointments made to judicial offices by any Government ought to be the prerogative of that Government and should stand or fall according to the merit of the particular appointment. It is for those reasons that I oppose clause 3.

The Hon. C.J. SUMNER: The Hon. Mr Griffin's objection to this clause is misconceived. He criticises the notion of judicial promotion, yet under existing legislation there can be judicial promotion: acting judges can be appointed to the Supreme Court or the District Court, or acting magistrates can be appointed to the Magistracy. Indeed, magistrates can be appointed to the District Court on an acting or permanent basis, and District Court judges can be appointed to the Supreme Court on an acting or permanent basis.

Presently there is hardly any restriction on judicial promotion within the Judiciary or on the appointment of someone from the bar or the private profession as an acting judge or magistrate. The Chief Justice has taken the view that acting appointments are undesirable, and I suppose in the perfect world that might be a reasonable position to take. However, unfortunately, from time to time acting appointments need to be made in order to overcome problems with the staffing of courts. One of the more difficult tasks is to ensure that there is adequate staffing of the courts. One must take into account the various leave obligations owed to judges, whether it be annual leave or sabbatical leave, which, in the case of judges, amounts to six months every seven years.

It may be, as we have at present in the District Court, that a number of judges are unable to perform their duties because of sickness. All that creates pressures, and there is a need for flexibility in the system so that judicial officers can be shifted around the system and enabled to act in different jurisdictions to overcome those sorts of problems.

I say that the honourable member's criticism of the clause is misconceived because there is, with respect to judges under the clause that we propose, greater restriction on how a person can be appointed an acting judge. At present, the Executive Government without any fetter can choose a judge of the District Court to be an acting judge of the Supreme Court. At present the Executive Government can choose a President or Deputy President of the Industrial Court to be an acting judge of the District Court or the Supreme Court without any fetter.

The Chief Justice would argue that that is a less desirable situation from the point of view of judicial independence than the position that is outlined in clause 3. In clause 3, any existing judicial officer could only be made an acting judge with the consent of the Chief Justice, that is, on the recommendation of the Chief Justice to Executive Council. In the case of the Industrial Court, it requires the concurrence of the President of the Industrial Court. In the case of the District Court, it requires the concurrence of the Senior Judge of the District Court.

In regard to the honourable member's criticism, this legislation in fact restricts judicial promotion to a greater extent than the situation under the present law, where the Executive Government has virtually an unfettered discretion with respect to judicial promotion, that is, with respect to appointing inferior judges as acting judges of a superior court. Under this proposal those acting appointments would have to be made on the recommendation of the Chief Justice. So, it places into the system a judicial control, if you like, of acting appointments that can occur within the judicial system as between the Supreme Court, the District Court and the Industrial Court. I do not believe that the honourable member's criticism is justified. It would still be possible to make acting appointments from the bar (the private profession) to any of the positions mentioned in the Supreme Court Act and the Local and District Criminal Courts Act, or to positions in the Industrial Court.

It would still be possible for a member of the private profession to be appointed an acting magistrate. I suppose one anomaly in the situation is that it would still be possible to appoint a magistrate as an acting judge of the District Court or the Supreme Court. The important thing in regard to judicial administration is that it is probably desirable that, if there is to be an interchange on an acting basis between the senior courts in the State—the Supreme Court, the District Court and the Industrial Court—it ought to be done on the recommendation of the Chief Justice. In fact, that narrows the discretion that the Executive Government has in determining who should be placed in acting appointments. I would have thought that that was consistent with the principle that the honourable member was outlining in opposing the clause. I would have thought, using all the arguments that the honourable member has used, that he would have supported the clause, because it is more consistent with his argument than the present law.

The Hon. K.T. GRIFFIN: I do not accept all that the Attorney has said in regard to this clause 3, which has to be read in conjunction with clause 15, which relates to amendments to the Industrial Conciliation and Arbitration Act. Notwithstanding that it has to be on the recommendation of the Chief Justice and with the concurrence of the senior judicial officer of the other jurisdiction from which the judge is to be appointed, there is enshrined in the Bill (thus in the principal Act, if this provision is passed) a recognition that there can be that judicial promotion. I do not deny that it can occur now. It does not occur frequently but I have the concern that, because it is to be specifically enshrined in the legislation, it will be more conducive to Executive Government to arrange for the changing around of judicial officers, in effect, on the basis of promoting judicial officers to a higher jurisdiction.

The other difficulty with the clause is that it removes the limitations on the appointment of acting judges anyway because, under the present Act, if a judge or master is on leave or is unable to discharge the duties of his office, the Governor may appoint a suitable person to act in the place

of that judge or master. It is limited to certain circumstances where an acting judge can be appointed.

The Hon. C.J. Sumner: Someone is always on leave.

The Hon. K.T. GRIFFIN: That is all right. These days, with the accumulation of sabbatical leave, I can imagine that there will probably be more than one person away at any time. That is another matter. Under the provisions of the Bill, where it appears necessary or desirable to do so in the interests of the administration of justice the Governor may appoint acting judges or acting masters. That is subject to a limitation: if a judicial officer of another jurisdiction is to be appointed, it must be on the recommendation of the Chief Justice, or with the concurrence of the President of the Industrial Court or the Senior Judge of the District Court, whatever the case requires.

In any event, their opportunity to appoint acting judges is much wider and that, together with the enshrining in the legislation of specific provisions about judges of other jurisdictions, suggests to me that it is likely to be a procedure much more widely practised than it is for the temporary promotion of judicial officers from one jurisdiction to another. It is for those reasons that I have concern with the clause.

The Committee divided on the clause:

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

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

Pair—Aye—The Hon. C.W. Creedon. No—The Hon. R.I. Lucas.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 4 passed.

Clause 5—'Interpretation.'

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

Page 2, lines 25 and 26—Leave out 'one hundred and fifty thousand dollars' and insert 'seventy thousand dollars'.

This is the most important aspect of the Bill from the Opposition's point of view. It deals with the jurisdictional limits of the local court. It needs to be recognised that in 1982 the civil jurisdiction of the local court was increased from $20 000 to $60 000 for personal injuries claims, and from $20 000 to $40 000 for all other claims (such as those for other tortious acts or for breaches of contract and other disputes). All those cases where the claim is in excess of those amounts are matters which since 1982 have been dealt with by the Supreme Court. The Government's Bill, some three years later, now proposes to increase the $40 000 quite dramatically to $100 000, and the $60 000 for personal injuries claims to $150 000.

The Opposition is concerned that that is far in excess of any increase which ought to be passed by Parliament. During the second reading debate I made the point that the equivalent intermediate court in New South Wales has a jurisdiction of $100 000; Queensland of $40 000; Western Australia, I think, of $50 000; and in Victoria it is $100 000 for personal injuries claims and $50 000 for all other claims. Therefore, it can be seen that the proposed amendments by the Government will take the South Australian local or district court to the highest in Australia. I suppose that in itself would not be such a bad thing if it were not for the fact that in New South Wales, for example, where the limit is $100 000, judges in that jurisdiction have been specifically appointed with that very large jurisdictional limit in view.

In South Australia up to 1982 appointments to the bench of the intermediate court—the district court and the local court with a jurisdiction of $20 000—were made on the basis of the necessary competence to deal with those sorts of matters, as well as some of the criminal matters which are of a less serious nature. Incidentally, the criminal jurisdiction of the district court was also increased quite significantly in 1982, and from that date in 1982, when the increased jurisdictional limits came into effect, appointments have obviously been made on the basis of competence to deal with matters up to $60 000 for personal injuries claims and $40 000 for all other claims.

The problem I see with the significant increase proposed by the Government is that people with a dispute involving, say, $100 000 in a building matter will regard it as a very substantial claim and will want the superior court in South Australia to hear it. I recognise that there must be some jurisdictional limit which will be the line below which cases must be heard in a court other than the Supreme Court. Let us not forget that the Supreme Court has a trial jurisdiction and has dispensed its responsibility with considerable competence and that the citizens of South Australia have a right to expect that when they have serious claims they will have a right to go at first instance to that superior court (namely, the Supreme Court) and not only on appeal.

During the second reading debate I indicated that I was also concerned that there is a significant waiting list for matters in the district court: in 1982-83 it was 32 weeks from the time a case was ready for trial until the actual time of trial; and in 1983-84 the waiting time had increased to 38 weeks. If the district court is given additional jurisdiction, I can envisage that there will have to be some extra judicial appointments or the waiting time will expand even further. I think the other more serious concern is that the Supreme Court, with its, I think, 14 judges, will become more of an appeal court and less of a trial court. That concerns me for the status of the Supreme Court and in relation to the access to that court by the citizens of South Australia. Perhaps that is part of a general trend towards a national integrated courts system, which I think has some problems for the less populous States such as South Australia, Western Australia, Tasmania, and Queensland. I think the problem is in ensuring that South Australian citizens bring their matters before judges who are familiar with the South Australian environment, in more ways than one.

It may mean that, because of the preponderance of highly developed and technical work in the Eastern States such as Victoria and New South Wales, our own judges in any integrated court system would be swamped by the judges appointed in other States and the South Australian citizens would thus suffer. That is speculation to some extent, but I would be concerned about the Supreme Court's not having a considerable trial jurisdiction and becoming more of a court of appeal. If there is a desire for the Supreme Court to develop more of an appellate jurisdiction and a specialty in that, let us consider seriously establishing an appellate division of the Supreme Court in South Australia.

I am not sure that we have the volume of work for that, but it ought to be considered before we push down the line the sort of significant cases that the change of jurisdiction in this Bill represents. We have already a land and valuation division in the Supreme Court. There has been some discussion about a commercial division, but one has to recognise that many significant commercial cases now go to the Federal Court if they are litigated in South Australia. Many are litigated in the Eastern States, but the loss of jurisdiction to the Federal Court should be of considerable concern to all governments in South Australia, of whatever political persuasion, and to the profession and to the community at large. To some extent, that is because of the different procedures of the Federal Court and the wider remedies that are available in some cases by taking action in the Federal Court.

The other matter to which I referred during the course of the second reading debate—and it is a sensitive matter, which could easily be misconstrued—is that I am not convinced that some of the judges of the District Court are appropriate for the cases that are presently within the jurisdiction of the Supreme Court. I said then, and I say it again now, that that is not intended as any indication of disrespect because, generally speaking, the judges of the District Court display competence in the matters that they presently consider, but that has to be taken into consideration and that is why I am proposing an amendment that will merely increase the personal injuries jurisdiction from $60 000 up to $70 000 and the other civil jurisdiction from $40 000 to $45 000. A few thousand dollars here or there does not really make that much difference, but I am trying to assert the principle as one that ought to be of concern to the Parliament in the way in which this Bill seeks to divest the Supreme Court of significant jurisdiction.

I raised some questions during the course of the second reading debate, including questions about the current waiting list in the District Court and in the Supreme Court civil jurisdictions. I would like to know whether the Attorney-General has some information that he can make available to us on that. I would also like to know what the estimate of the number of cases that might go from the Supreme Court to the District Court might be as a result of his Bill and what change in workload would be envisaged in the Supreme Court, and whether or not as a result of that he would envisage a reduction in the number of Supreme Court judges presently sitting to hear the volume of cases in the Supreme Court. Whilst not detracting from the major arguments that I put in favour of a much reduced jurisdiction for the District Court, he might be able to give information to us that would identify the impact of this on both the Supreme Court and the District Court.

The Hon. C.J. SUMNER: The current situation is that in Queensland in the general jurisdiction the limit for the District Court is $40 000; for personal injuries it is $40 000. In New South Wales the general jurisdiction is $100 000; for personal injuries it is $100 000. In Victoria the general jurisdiction is $50 000; for personal injuries it is $100 000. In South Australia the general jurisdiction is $40 000; for personal injuries it is $60 000. In Western Australia the general jurisdiction is $50 000; for personal injuries it is unlimited.

So, it is clear that South Australia is at the lower end of the spectrum of the jurisdictional limits of intermediate courts. I should say from information I have received that there is likely to be some movement in those limits in Victoria. Furthermore, there has been a suggestion in Queensland that the personal injury limit be increased to $250 000. Indeed, there was a suggestion there that it should be unlimited. So, these jurisdictional limits are moving.

I do not think that the proposition that I have put up of $150 000 for personal injury really can be criticised to any great extent when one considers that in Western Australia it is unlimited, in Queensland it may be increased to something like $250 000, in Victoria and New South Wales it is $100 000, and in Victoria also there may be some movement. The proposition that we have put forward is not out of the ordinary or out of the range that is currently being considered in other States in Australia as the appropriate jurisdictional limits for an intermediate court. I have said before that I believe that the District Court in South Australia should be a significant trial court. One of the ways of ensuring that is to see that the jurisdictional limits are increased and that the court performs a more substantial amount of first instance work than it does at present. It does not have the same appeal role as the Supreme Court, although obviously some appeals go to the single judges of the District Court.

The Supreme Court has a very important appeal role. If the pressure exists on the Supreme Court with trials and Full Court work, the quality of judicial work in the courts can suffer and the amount of time that is put into judgments of the Full Court can be less. It is to the judgments of the Full Court of the Supreme Court that the whole of the legal profession, all of the courts below the Supreme Court, and all of the single judges of the Supreme Court look to primarily as the guiding lights as far as the law in South Australia is concerned. Therefore, it is important that the Supreme Court has the time to deal adequately with its appeal work without the pressure of very long trial lists. On those two grounds I see the District Court as an important trial court and the Supreme Court as the acknowledged appeal court (albeit, not exclusively an appeal court, and I do not think that it should be), the superior appeal court—

The Hon. K.T. Griffin: It is becoming more and more so.

The Hon. C.J. SUMNER: That is not really true. There are 14 Supreme Court judges who I believe (and I cannot give precise figures) do not sit on the Full Court as often as twice a year. It is certainly not a matter of a Supreme Court judge sitting on an appeal court every month. The Supreme Court is not an appeal court in the same sense as the High Court where the judges, if available, generally sit as a Full High Court on every case. The Supreme Court is an important trial court, and will continue to be so, but we should not underestimate the importance of its appeal jurisdiction. I therefore consider that the proposition put forward by the Government is not unreasonable.

I do not have precise details of waiting lists, but I will provide that information for the honourable member. The lists are not satisfactory and are too long at present, but court trial lists are always too long. There seems to be a little confusion amongst my advisers as to what the lists are, but I will certainly supply that information for the honourable member later. The Chief Justice has prepared a report that will be tabled this week. It is a report of the judges of the Supreme Court made pursuant to section 16 of the Supreme Court Act, which apparently gives them the right to present an annual report to the Parliament. This right has never been used before, but has been revived by the present court. It states that the average interval from grant of leave to set down to date of trial was 12.8 months in 1984. The Chief Justice says that he regards that as unacceptable.

The Hon. K.T. Griffin: Is that civil cases?

The Hon. C.J. SUMNER: Yes. He says that the present situation calls for remedial measures. Then, not surprisingly, he says that the first is a substantial increase in the jurisdictional limits of the District Court. He then goes on to argue that the monetary limits of the jurisdiction of the District Court should be abolished and says that the means of determining where people take their cases should be by way of some cost penalty and suggests that a figure of $75 000 should be the figure above which the plaintiff would be able to claim costs, and $50 000 in other cases if the action were taken in the Supreme Court.

If the action were taken in the Supreme Court and less than that amount were obtained then there would be a cost penalty. I think that what the Chief Justice has in mind is that a plaintiff would not recover any costs if he took an action in the Supreme Court and did not receive a judgement for more than $75 000. The Supreme Court suggests that the alternative is that the monetary limits for jurisdiction for the District Court be increased to $150 000 in personal injury cases and $100 000 in other cases. Those, surprisingly enough, are the figures that appear in the Bill the Government has brought into the Parliament.

The Hon. K.T. Griffin: Either he's been talking to you, or you've been talking to him.

The Hon. C.J. SUMNER: We have discussed the matter. The Bill presently before the Parliament was made available to the Chief Justice, who fully supports it, including the increases in jurisdictional limits. It was also made available to the President of the Industrial Court and the Senior Judge of the District Court who have not raised any objections to it, so far as I am aware. I am not in a position to indicate precise lists, but I think that I provided such lists for the honourable member a short time ago.

The Hon. K.T. Griffin: The Attorney gave them to the Council at the time of the Estimates Committees.

The Hon. C.J. SUMNER: I will get an updated list for the honourable member. In any event, he is quite right in saying that if one increases the jurisdictional limits of the District Court and the lists in that court are unacceptable then all one does is shift the problem from one court to another. During last year the lists in the District Court, both civil and criminal, were in reasonable shape with, from my recollection, a wait of some 20 weeks in the civil jurisdiction of the Local and District Criminal Court.

The Hon. K.T. Griffin: It was 38 weeks in 1983/84. The information you gave the Estimates Committees related to 1983/84.

The Hon. C.J. SUMNER: Was that not a particular date?

The Hon. K.T. Griffin: It just says in 1983/84, 38 weeks.

The Hon. C.J. SUMNER: At one time last year the lists in the District Court were reasonable, my recollection being about a six months wait in the civil jurisdiction and two months wait in the criminal jurisdiction. It was at that stage, after consultation with the Chief Justice, that it was decided to make some District Court judges available to act as commissioners on circuit for the Supreme Court. Unfortunately, in the latter part of last year, and early this year, it was the District Court that was in trouble with its lists. There are a number of people on the sick list: Judge Ward is away on sick leave; Judge Boylan was away on sick leave for most of last year and has just returned; Judges Stevens and Roder are away on sick leave at the moment, so the situation is not particularly satisfactory. I think there are also one or two judges away on sabbatical leave. Therefore, the quite reasonable position in the District Court in 1984 has changed to the point where the lists in that court have blown out to some extent. Obviously, I would not proclaim this legislation until the matter could be resolved between the Supreme Court and the District Court.

To proclaim these increases in limits at present and then allow the Supreme Court to purge its lists of anything that might come within the jurisdiction of the District Court could have a disastrous effect on the lists in the District Court. I do not believe that that can happen until such time as there has been an improvement in the situation in the District Court. This should occur when it is at full strength and when the judges who are presently on sick leave have returned to their duties. The Bill provides for a sequential proclamation of the coming into operation of the Bill and I envisage that these limits will not be altered until such time as there can be an accommodation between the Supreme Court and the District Court.

The Hon. K.T. GRIFFIN: I must say I am a little surprised that we do not have the up to date figures for the state of the various lists. I raised this matter before Easter, and I had hoped that we would have the information before us.

My other concern is that the Attorney does not seem to have made any assessment of what the likely impact would be on the District Court. He has made the comment (and it is a fair comment) that naturally enough the implementation of this legislation, if my amendment is not carried, will mean work being pushed down from the Supreme Court to the District Court, and obviously perhaps some considerable extension of the waiting time in the District Court.

Of course, that waiting time will not relate just to civil matters: it will relate also to criminal matters, because the judges do sit periodically in one jurisdiction or the other. So, while there will not just be an extension of the waiting time in the District Court, there will also be an extension of the waiting time in the criminal jurisdiction, I would presume, to accommodate the additional workload.

I am a little surprised there has not been an assessment of what the real impact will be, how many cases are likely to be involved and what that will mean, either to waiting times in the District Court or in terms of the appointment of additional judges. Is the Attorney-General able to give any information as to whether he proposes to appoint additional judges and, if he does, how many he will appoint? Has he any idea how many cases are involved in the change from the Supreme Court to the District Court? What will be the real impact of this, apart from relieving the pressure on Supreme Court judges?

The Hon. C.J. SUMNER: I do not know how many cases in the Supreme Court might be referred to the District Court if this Bill were to pass and come into effect. I do not really think it matters all that much. The fact of the matter is that we have two courts. We have certain lists in both those courts, and the length of those lists varies.

One of the objectives of this Bill is to see greater co-operation between the superior courts in this State, and I certainly hope, given that this Bill specifically gives a Supreme Court judge jurisdiction to deal with a District Court case, that some balance would occur. Certainly, the Government would want some guarantees from the Chief Justice before proclamation that the Chief Justice of the Supreme Court is not just going to say, 'I am going to get rid of all my cases that might conceivably come within the increased jurisdictional limits of the Supreme Court. Thereby I will end up with three or four months delay in my court and the District Court will end up with 18 months or two years delay.' That is not a situation that I would countenance. I would want some guarantees that some balance would be maintained between the two courts.

For instance, if we had a situation where the Supreme Court had a waiting list of only six months and the District Court a waiting list of 12 months, I would expect judges of the Supreme Court to be made available to assist some balancing out of those lists—just as when the District Court lists last year were seen to be in reasonable shape—about six to eight months—and the Supreme Court list was a bit longer, some District Court judges were made available to assist in the Supreme Court.

It would be quite unacceptable to everyone if, on the day this was proclaimed, the Chief Justice sent in one of his judges as a hatchet person and cleaned up all the cases in the Supreme Court list that might conceivably come within these jurisdictional limits, and then caused a problem for the District Court. That is obviously not the way in which it ought to work, and I believe that by way of co-operation between the Chief Justice and the Senior Judge we can work out some balance.

If additional judicial resources are needed, that will have to be coped with. Obviously, there is resistance to appointing more judges. There is already a significant number of judges in this State. In fact, for some peculiar reason that I have never been able to ascertain, there are significantly more in the Supreme Court and District Court level in this State than there are in Western Australia, for instance, where the population is the same. I have asked for work to be done on this to ascertain what the difference is, and no-one seems to be able to come up with any sensible answer. However, that is the fact of the matter. We have a large number of judges, and it costs the public purse a significant amount

of money to appoint an additional judge. One hopes that the length of trial lists can be dealt with in other ways.

One of the proposals is that contained in this Bill, namely, to give greater flexibility between the higher courts in South Australia. Another proposition will be the greater use of pre-trial conferences, which have been used quite successfully, I understand, in Victoria, New South Wales and Western Australia, and an additional master will be appointed to the Supreme Court to facilitate that situation.

We must look at other means of trying to deal with the length of lists in our courts other than just saying that we will appoint more judges. If that is necessary, we will do that. However, as far as I am concerned, it will not be a matter of the two courts competing, and the Chief Justice saying, 'Now, under this new Bill, they are properly cases for you, District Court, to hear, so I will get my lists in order and you can do what you like. Sort out your own problems with the Government.'

A co-operative approach is developing between the chief judicial officers—the Chief Magistrate, Senior Judge and Chief Justice—about the administration of justice, and I hope that we see co-operation in this respect. Certainly I want some understandings from the Chief Justice, before proclamation of this legislation, with respect to the effect of it on the District Court. But, if the end result, taking into account both their needs, is that we need additional judicial people appointed, that is something that the Government will have to consider.

The Hon. K.T. GRIFFIN: I am not sure that it is entirely a good thing to have litigants shunted from one court to another depending upon workload. Litigants are entitled to expect that they will get before the court they have chosen, provided that they come within certain criteria. So, I just sound a note of caution about that.

I guess the other problem which I addressed in the second reading debate is that of costs. There is a differential between District Court costs and Supreme Court costs now. I can only anticipate that because of the increased jurisdiction which is proposed, if the Bill is successful, there will be a quite substantial increase in costs to litigants by involvement with the District Court.

There is one other matter of some sort of sensitivity which I think needs to be addressed and which generally is not discussed openly in public but about which one hears within the legal profession and from litigants, namely, the attitude of some judicial officers, although not in respect of the Supreme Court. I have received a number of complaints about certain magistrates, and in due course, whilst I will not raise them publicly here, I will be drawing them to the attention of the Attorney-General and the Chief Justice, in their attitude towards litigants. I have had complaints about several District Court judges. However, the real difficulty with the District Court judges is that their only accountability is to the Parliament, in the sense that a resolution of both Houses of Parliament is required to be passed before they can be ultimately accountable.

I have raised the question of judicial accountability in the context of the integrated court system because in that context, with judges being part of an integrated court system, there is even less opportunity for judges to be accountable to the respective Parliaments. I have raised in that context the experience in Ontario, where there is a special judicial commission which has the responsibility for dealing with complaints against judges. As I say, they are not frequent in this State, but I have had them from members of the legal profession, and I presume that the current Attorney-General has had them.

The real difficulty is how one deals with such complaints. If there is to be a much broader jurisdiction in, say, the District Court with additional judges ultimately being appointed, we, as a Parliament—not just the Government of the day but the Government and the Opposition—must come to grips in conjunction with the Judiciary on the question of judicial accountability. It is important not to impinge upon judicial independence but, on the other hand, for judges to recognise that they are servants of the people appointed independently, to act independently of the Parliament and the Executive but, nevertheless, with a very real responsiblity to the people of South Australia and particularly the litigants. I raise that issue here in the context of this debate only because it will become a more difficult problem. I wonder whether the Attorney-General has given any attention to that matter, either in the context of this Bill or otherwise, because of what I suspect to be a likely increase in the number of judicial officers.

The Hon. C.J. SUMNER: That is another issue. It does not have any relevance to this Bill. The honourable member has raised this matter in this Chamber before and I have responded on previous occasions. The point that the honourable member makes is not unreasonable. I would certainly be interested in exploring with him, on a bipartisan basis, means of achieving greater judicial accountability.

If there are complaints about judicial officers, they are now dealt with by the senior judicial officer of the court concerned, usually because the poor old Attorney-General ends up getting the irate letter. The only thing that the Attorney-General can do is refer it to the judge of the court concerned. Usually some reply comes back, and that is sent to the litigant; that is about all that can be done.

One very serious point that the honourable member raises is whether that is adequate in terms of judicial accountability. One could look at a number of options. One could perhaps look at a commission, a judical ombudsman or a Parliamentary committee, as Parliament ultimately has the responsibility to remove judges should it ever get to that point.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: Yes, that is right. Whether there needs to be a Parliamentary committee to deal with complaints against the Judiciary is another option. All those matters are options that may need to be looked at. There is a feeling at the moment that the situation is unsatisfactory. It is the Attorney-General who often receives the complaints, and he has to take it up with the senior judicial officer concerned. But, of course, if the judge concerned says to the senior judicial officer, 'I am not going to take any notice of this complaint, and I will not not respond to any of your requests or the Attorney's requests,' that is the stone end of the matter, unless the Attorney-General wishes to raise the matter in the Parliament. One does have to ask the question whether that is satisfactory.

For my part, when I have received complaints about delays in judgments or other matters involving the Judiciary, I have communicated those complaints to the senior judicial officer of the court concerned and I have had, on the whole, a prompt and reasonably adequate response. However, the point that the honourable member raises does have some validity, and I have no doubt that many propositions could be put forward to achieve greater judicial accountability.

At one stage one of the senior judicial officers at one of the courts decided that he ought to keep running lists of times that the individual judges worked and spent in court. That faltered because judges refused to provide him with that information. If that is the attitude adopted by the judges, there are no remedies or sanctions as things stand at present.

I cannot be any more specific than that about the situation for the honourable member. I note his interest in achieving greater judicial accountability. I also note his concerns in the area and, if there are any propositions that he wishes

to put to me, I would be interested in conveying them to the Chief Justice and other senior judicial officers in the system with a view to seeing whether or not there needs to be some additional mechanism to deal with complaints against the Judiciary. However, that is another issue. I have canvassed the issues raised by the honourable member in relation to this matter.

The Hon. K.T Griffin interjecting:

The Hon. C.J. SUMNER: Yes, I will. There is one other point which I should make and which should be put on the record concerning jurisdictional limits. If at present a plaintiff takes an action in the Supreme Court, his costs are usually protected if he receives over half the jurisdictional limit of the District Court. Under the new proposals if a litigant goes to the Supreme Court and secures $51 000 in general jurisdiction from the Supreme Court, the costs of that litigant in the Supreme Court would be protected. That is the current situation in respect of the practice regarding costs in the District Court.

Section 42 of the Local and District Criminal Courts Act provides that, if a person takes action in the Supreme Court, costs are protected if that litigant receives over half the amount. When that is taken into consideration increases in the jurisdictional limits are not quite as dramatic as they might appear to be on the face of it. The present situation means that, if one achieves over $20 000 in the Supreme Court, one's costs are protected in general jurisdiction claims. If one receives over $30 000 in the Supreme Court in personal injury claims, one's costs are protected. This Bill increases those amounts to $50 000 and $75 000, and seen in that light they are not quite as dramatic.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (11)—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, C.J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 2, lines 30 and 31—Leave out 'one hundred thousand dollars' and insert 'forty-five thousand dollars'.

I will not divide on the amendment because I have already lost the battle but, as a matter of principle, I will still move the amendment and, if I lose on the voices, that is the end of it. The amendment reduces the $100 000 to $45 000, which is a more reasonable increase than that from $40 000 to $100 000 as set out in the Bill.

Amendment negatived; clause passed.

Remaining clauses (6 to 15) and title passed.

Bill read a third time and passed.

REMUNERATION BILL

In Committee.

(Continued from 27 March. Page 3596.)

Clauses 3 to 10 passed.

Clause 11—'Evidence and submissions'.

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

Page 3, lines 20 and 21—Leave out subclause (4) and insert new subclause as follows:

(4) A person whose remuneration is under consideration in proceedings before the Tribunal—

(a) may appear personally in those proceedings; or

(b) may be represented in those proceedings by a person who has a common interest in the result of those proceedings.

This amendment seeks to enable a person affected by the proceedings to appear personally or where a number of people have a common interest for one of their number to appear. The Opposition believes that people whose salaries will be determined by the Tribunal are such that they are competent to and capable of making representations on their own behalf should they so desire, or through a representative who is one of their number. Members of Parliament have, in the past, been represented by a colleague on various occasions when putting their case before the Parliamentary Salaries Tribunal.

Such a practice involving a representative of a group with a common interest should be allowed to continue. I acknowledge that on most of these occasions representations have been made by counsel who is also an MP, but that need not be the case. We do not believe that every person whose salary would be determined by the new Tribunal should be able to be represented by counsel. If this was allowed, in our opinion, chaos could potentially result, with every person who appears or has an interest in the Tribunal having representation.

The Hon. C.J. SUMNER: I oppose the amendment, which is really quite unnecessary and may in fact have some undesirable effects. At the present time there is no prohibition on counsel appearing for members of Parliament before the Parliamentary Salaries Tribunal. That has not created any problems. I do not believe that people should be deprived of their right to be represented before tribunals by advocates, if they so desire. I should say that there is one additional reason in this case, apart from the general principle of the right to representation before a tribunal, which needs to be considered, that is, that judges and magistrates are being brought within the jurisdiction of the Remuneration Tribunal.

I think that judges would feel most unhappy about having to appear personally before the Remuneration Tribunal. I think they would much prefer to have their case presented to the Tribunal by someone whom they instructed on their behalf. The situation could become somewhat unsatisfactory if judges were seen to be involved in a public brawl about salaries, and I think they would certainly feel some difficulty in appearing personally in a public tribunal to advocate a wage rise. I think that is a practical consideration which should enable us to see that representation before the Tribunal by counsel should be allowed. There are two things: first, I do not see why people should be deprived in principle of representation and, secondly, I think there is a practical problem as far as judges are concerned.

Amendment negatived; clause passed.

Clauses 12 to 22 passed.

Clause 23—'Limitation on powers of Tribunal with regard to members of Parliament, etc.'

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

Page 6—

Lines 8 and 9—Leave out 'affecting the salary payable to a Minister of the Crown, or a member or officer of the Parliament,'

Line 14—Leave out 'Ministers of the Crown and members and officers of the Parliament' and insert 'persons whose remuneration is capable of determination by the Tribunal under this Act.'

New amendments standing in the name of the Attorney-General suddenly appeared this afternoon following a considerable Parliamentary break. Those amendments cut right across the original intention of the legislation. My amendments, which have been on file since Parliament last sat, are quite clear in their intention. The clause seeks to limit the powers of the Tribunal when it comes to making determinations involving members of Parliament. In other words,

whilst establishing one Tribunal to look at the remuneration of the Judiciary, members of Parliament and holders of statutory office, the Government seeks in this Bill as it stands to split the mechanism between MPs and others.

Our position is clear: we oppose this distinction, and our amendments are aimed at ensuring consistency for all determinations affecting people who are going to be affected by this Tribunal. Clause 23 should include everyone whose salary is to be adjudicated by the Tribunal. We believe that the new Tribunal should be responsible for determining the salaries of all those embraced by the Bill in a fresh way from the very start without having to give thought to 'catch up' options for any group, in particular the Judiciary. We believe that all people have been going through a period of restraint; that restraint should continue; that people who are affected by the Tribunal should be subject to the same restraint that we have all been subject to; and that from now on they should be subject to the same restrictions in increases in salary that will occur with members of Parliament.

There is no reason for any distinction, and there is no reason for people coming before the Tribunal to be in any way affected differently by any determination, and that includes any thought of catch up. I will deal with the Attorney's amendments separately. At the moment my amendments, moved on behalf of the Opposition, are quite clear: that all people shall be treated equally before the Tribunal.

The Hon. C.J. SUMNER: The honourable member's arguments are quite flawed. It is all very well for him to say that there should be consistency. I agree that there should be consistency, but the honourable member's amendments do not in any way allow any consistency to apply in this area. What has happened in relation to Parliamentary salaries is that it has been determined by Parliament that they should only be subject to the national wage cases during the period of the prices and incomes accord. However, before that provision was placed in the Parliamentary Salaries Tribunal Bill the Parliamentarians substantially had achieved an equitable base.

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

The Hon. C.J. SUMNER: That is correct. Until the end of 1983 Parliamentarians had achieved an equitable base. During 1984 we fell behind that because we did not get the indexation in 1984, which I understand amounted to 4.1 per cent, the increase that was awarded to other people in the workforce in April 1984. So, we had an equitable base except for the 4.1 per cent that we did not get last year. That was the result of the Parliament early last year passing an amendment to restrict the salaries that Parliamentarians should have got during 1984: in other words, not allowing any increase during 1984 except the phased-in increase that had been determined prior to Christmas 1983.

The difference between that situation and that of the judges is that the judges do not have any equitable base. Indeed, at this moment they do not have the formula that was agreed to by the previous Government. The Hon. Mr Griffin agreed to a formula with the judges.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: That is right: he did, and the Government agreed to a formula of 95 per cent.

The Hon. M.B. Cameron: Then there was a wage freeze.

The Hon. C.J. SUMNER: Whether there was a wage freeze or not —

The Hon. M.B. Cameron: You do not want to hear about it.

The Hon. C.J. SUMNER: Yes, I do—there was a method of determining judicial salaries which referred to an outside criterion and which in this case was the average of the salaries in the other mainland States. Surely, that formula should still apply, irrespective of a wage pause or not and irrespective of the prices and incomes accord, because these salaries interstate are at least in some cases determined by a tribunal. So, the South Australian salaries are related by virtue of the 95 per cent formula to other salaries interstate that are determined by a tribunal. Our proposition —

The Hon. M.B. Cameron: Are you moving your amendment?

The Hon. C.J. SUMNER: Yes, but I will talk to it because they are both basically the same argument.

The Hon. M.B. Cameron: That is a different matter.

The Hon. C.J. SUMNER: It is not a different matter: they are the reverse sides of the same argument. The honourable member is saying that judges and other people who come within the scope of the Remuneration Tribunal should not have any increases at present beyond indexation; I am saying that by some means or other we should attempt to place the judges on an equitable base by returning to the formula that was established by the Liberal Government, which was 95 per cent of the average of the mainland States.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: That is not.

The Hon. M.B. Cameron: That is what you are doing.

The Hon. C.J. SUMNER: I am not throwing aside any restraint at all. In fact, that 95 per cent formula would see judicial salaries in South Australia substantially less than judicial salaries anywhere else on the mainland of Australia. It is worth pointing out that this is 95 per cent as at 1 October 1984 and that since 1 October 1984 there have been substantial increases in judicial salaries interstate, which we are not allowing to be picked up by the formula because the formula agreed to by the previous Government was as at 1 October in any year.

We could have moved to the situation where it was 95 per cent of the interstate judges' salaries as they are at present, which would have resulted in a substantial increase in judicial salaries, which the Government is not prepared at this stage to countenance. The honourable member should make no mistake that the judges in this State receive substantially less, and under this formula will receive substantially less than do their counterparts interstate.

It should also be taken into account that there is some difficulty in obtaining judges for the Supreme Court and the District Court, which is a problem that they have encountered in the Eastern States for some considerable time. Until recently, that has not occurred in South Australia, but it is now a problem in South Australia. If judicial salaries in this State fall substantially behind those in other States or substantially behind market forces in this State, we will not be able to attract to the bench the best people for the job. That is a fact of life with which we also have to live; the Government has to live with it particularly, and the whole community has to live with it because unless the salaries are reasonably commensurate with those that can be earned in the private profession we will not get the best people for the job. My proposition, to which I will now speak —

The CHAIRMAN: Could we not deal with—

The Hon. C.J. SUMNER: They are related.

The CHAIRMAN: I do not mind as long as the honourable member does not do it twice.

The Hon. C.J. SUMNER: I will certainly not speak twice.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: It is better if we deal with it: it is the same argument, but the reverse side. The honourable member does not want an increase; I want an increase based on a formula.

The Hon. M.B. Cameron: That is not true: I want the Tribunal to do the job for us.

The Hon. C.J. SUMNER: No. The honourable member's amendment pegs judicial salaries at what they are at present.

The Hon. M.B. Cameron: Plus inflation.

The Hon. C.J. SUMNER: And says that in addition to that they can get inflation.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: Yes, but members of Parliament had an increase by the end of 1983 which, by the end of 1984, had been fully picked up, and judges have not had that increase. Judges have fallen behind the formula agreed to by the Liberal Government. My proposition is for that formula to be picked up with respect to the Supreme Court judges, District Court judges (who are related to the Supreme Court judges), and we have also put in magistrates, which I will talk to separately when we get to it because there is a problem. I have put the essence of the argument.

The Hon. K.L. MILNE: We should realise that what we are discussing now will mean that our South Australian judges are using a great deal of restraint in their salaries, which I understand they will accept, although they will not be all that enthusiastic about it. Members may recall that by a series of mishaps our judges missed out on legitimate increases twice. It is therefore obvious that there is an anomaly in the salaries structures, and the judges have a very strong case for an increase, which I support. In fact, they could make a case for a much greater increase than the $5 824 and $5 211 being proposed by the Government for the Chief Justice and puisne judges respectively.

As the Attorney has said, even after that they will be on the lowest salary of any of the judges in the mainland States. Some interstate judges are now being paid over $100 000 per annum and they are no better than our judges, I am sure. I remind members that when one gets to that sort of salary about half of the wage or salary is never seen because it is deducted and goes straight back to Canberra. The judges ought to know that we realise that this is not necessarily all that they deserve *vis-a-vis* judges interstate, but it is what we believe the State can afford. I say no more, as it is undignified to go into too much detail about members of the bench, who have used restraint and courtesy in discussions on this matter. I am happy to support the Government's recommendations.

The Hon. M.B. CAMERON: I imagine that what the Hon. Mr. Milne is saying is that he intends to oppose my amendments and to support some amendments to be moved by the Attorney-General at a later stage. The Attorney has not yet moved his amendments, or spoken to them. Is that correct?

The Hon. C.J. Sumner: I have one more amendment.

The Hon. M.B. CAMERON: I want to make absolutely clear that what the Hon. Mr Milne is saying is that he will agree with the amendments of the Attorney-General.

The Hon. K.L. Milne: Yes.

The Hon. C.M. Hill: You have lost it.

The Hon. M.B. CAMERON: Yes. The Attorney will win the day with his amendment, which will bring about an automatic increase for judges of an amount that the Hon. Mr Milne seems to have access to, I think because he was taken down to have a talk with the judges. I have not done that. I have a few questions for the Attorney-General about what will be the salary increases for various judges. Should I ask them now, Mr Chairman?

The CHAIRMAN: That will cause matters to become further confused.

The Hon. M.B. CAMERON: I am confused.

The CHAIRMAN: We arranged that since both the honourable member and the Attorney-General were speaking to the same clause they would both be allowed to speak but at present we are dealing with the honourable member's amendment.

The Hon. M.B. CAMERON: I wish to speak to the Attorney's amendment so I will wait until he moves it. I believe that my amendment is the way that we should go and that all people should be treated equally by this Tribunal. The Attorney-General's proposed amendment will lead to automatic salary increases, something that we oppose. I ask that members support my amendment and, if it fails, we will proceed to debate the Attorney-General's amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (11)—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, C.J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived; clause negatived.

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

Page 6, after clause 22—Insert new clause as follows:

23. (1) The following provisions apply, subject to this section, in relation to the salaries of members of the Judiciary—

(a) as from the 1st day of October, 1984—

(i) the salary of the Chief Justice of the Supreme Court shall be 95 per cent of the average of the salaries of the Chief Justice of the Supreme Court of New South Wales, the Chief Justice of the Supreme Court of Victoria, the Chief Justice of the Supreme Court of Queensland and the Chief Justice of the Supreme Court of Western Australia as at the 1st day of October 1984;

(ii) the salary of a puisne Judge of the Supreme Court shall be 95 per cent of the average of the salaries of a puisne Judge of the Supreme Court of New South Wales, a puisne Judge of the Supreme Court of Victoria, a puisne Judge of the Supreme Court of Queensland and a puisne Judge of the Supreme Court of Western Australian as at the 1st day of October, 1984;

(iii) the salary of a Master of the Supreme Court shall be 85 per cent of the salary of a puisne Judge of the Supreme Court;

(iv) the salary of the President of the Industrial Court shall be the same as for a puisne Judge of the Supreme Court;

(v) the salary of a Judge of the Industrial Court (other than the President) shall be 85 per cent of the salary of a puisne Judge of the Supreme Court;

(vi) the salary of the Senior District Court Judge shall be the same as for a puisne Judge of the Supreme Court;

(vii) the salary of a District Court Judge (other than the Senior Judge) shall be 85 per cent of the salary of a puisne Judge of the Supreme Court;

(viii) the respective salaries of the Chief Magistrate, the Deputy Chief Magistrate, the Supervising Magistrates, the Senior Magistrates, the Stipendiary Magistrates, the Supervising Industrial Magistrate, and the Industrial Magistrates shall be increased by 4.4 per cent;

333 *(b)* as from ther 6th day of April, 1985, the salaries referred to in paragraph *(a)* shall be increased by 2.6 per cent;

(c) for the purposes of any other statutory provisions governing the remuneration of members of the judiciary, the salaries fixed by the foregoing provisions of this subsection shall be deemed to have been fixed by determination of the Tribunal; and

(d) any salary to be fixed by the Tribunal in relation to a member of the Judiciary not mentioned in paragraph *(a)* shall be fixed as an appropriate proportion of the salary of a member of the judiciary who is mentioned in that paragraph.

(2) Notwithstanding any other provision of this Act, while this section remains in force, no determination shall be made by the Tribunal affecting the salary payable to—

(a) a Minister of the Crown;

(b) a member or officer of the Parliament; or
(c) a member of the Judiciary—
(i) occupying a judicial office referred to in subsection (1) (a); or
(ii) in respect of whose salary a determination has been made in accordance with subsection (1) (d),
except in accordance with subsection (3).
(3) Subject to section 22, where a general variation of remuneration payable to employees under awards is made by order of the Full Commission under section 36 of the Industrial Conciliation and Arbitration Act, 1972, the Tribunal shall make a corresponding variation of the salaries payable to—
(a) Ministers of the Crown;
(b) members and officers of the Parliament; and
(c) members of the Judiciary whose remuneration is subject to determination by the Tribunal under this Act,
with effect from the same date as is fixed by the order of the Full Commission.
(4) This section does not affect the power of the Tribunal to make a determination affecting remuneration other than salaries.
(5) This section shall expire on a date to be fixed by proclamation.
(6) The Governor shall not make a proclamation for the purposes of subsection (5) unless satisfied—
(a) that the principles of wage fixation as adopted by the Full Commission in its decision published and dated the eleventh day of October, 1983, no longer apply; and
(b) that no other principles guidelines or conditions apply by virtue of a decision or declaration of the Full Commission that are of substantially similar effect to the principles referred to in paragraph (a).
(7) In this section—
'the Full Commission' means the Industrial Commission of South Australia sitting as the Full Commission.

I have already substantially explained this amendment. It is a lengthy one because it does not allow the Tribunal to fix judicial salaries while the prices and incomes accord is in place. It reintroduces the formula agreed to by the Liberal Government in respect to Supreme Court salaries being 95 per cent of the average of the salaries paid in New South Wales, Victoria, Queensland, and Western Australia as at 1 October 1984.

It then fixes the salaries for the other judicial officers such as Master of the Supreme Court—85 per cent of the salary of a puisne judge. The Supreme Court judges and the District Court Judges are dealt with. It also includes magistrates in the formula. Honourable members would know that some years ago a Bill passed this Parliament removing magistrates from the Public Service and making them independent judicial officers in the same way as judges of the Supreme Court and District Court are independent judicial officers.

When magistrates were removed from the Public Service, I indicated that they could not expect to be any better off from a financial point of view than they were when they were in the Public Service. I said also that I would not expect them to be in a worse position.

It was understood that when a remuneration tribunal, including judicial officers, was established, magistrates could apply to that tribunal for their wages determinations. However, as a result of this Bill and the Liberal opposition to particular clauses of it, it now has become necessary to write into the legislation for the time being the salaries of magistrates as well as those of judges.

Since magistrates were removed from the Public Service, there has been one general increase, which was applicable to public servants; that was a 3.8 per cent increase, which was awarded in January 1984. In addition, they have had the indexation increases, but, in terms of getting to what I might call an equitable base, there has been a 3.8 per cent increase which public servants have had but which magistrates have not had. The figure that therefore appears on page 2 of my amendment with respect magistrates was 3.8 per cent.

However, there is another factor which needs to be taken into account. When magistrates were in the Public Service, they were entitled to a 17.5 per cent leave loading. They do not at present get that, but, if we are to establish an equitable base for magistrates, that should be included in the formula that we are considering. So my amendment relates not to 3.8 per cent but to 4.4 per cent.

I have ascertained that the maximum annual leave loading which currently can be obtained by public servants is $350 per annum. The salary of $55 000 per year for magistrates is not applicable across the board, because there are different salaries for different magistrates However, that $350 a year would involve an increase of 0.6 per cent for magistrates, and that is the explanation for increasing the 3.8 per cent to 4.4 per cent. This will mean that in future magistrates cannot expect to apply for a 17.5 per cent annual leave loading. This does not apply to judges, and in my view it should not apply to them. It should not apply to magistrates, either.

An honourable member: Hear, hear!

The Hon. C.J. SUMNER: The honourable member says 'Hear, hear'. I am quite emphatic about that. The undertaking was given that when magistrates were removed from the Public Service that they would be in no worse financial position, nor would they be in a better financial position. However, as we are now in effect setting magistrates salaries for the time being, at least we should include that small amount of $350 a year that they got previously as part of their annual leave loading in the base from which indexation should apply.

I want to make it crystal clear to the Parliament (and this will be on the record for the Tribunal when it comes to determine magistrates' salaries) that under no circumstances should the Tribunal countenance any attempt by magistrates to re-apply for any annual leave loading. That has now been incorporated in their salary base. It should be made known to the world. I make it known to this Parliament. It should be made known to any tribunal if and when magistrates salaries are reviewed in the future.

My view is that neither judges nor magistrates should be entitled to any annual leave loading, but, because magistrates had it when they were in the Public Service, I believe that they ought to have that now incorporated in their equitable base, and that is how I have arrived at the 4.4 per cent. The 3.8 per cent is arrived at by reference to the general movement of Public Service salaries that occurred in January 1984, and 0.6 per cent is to cover the loss of their annual leave loading. I concede that this is not an entirely satisfactory way of dealing with this situation, but it is the way that the Liberals have chosen, because they have decided not to leave the matter to the Tribunal.

As the Bill was introduced by the Government, all the salaries under it would have been left to the Tribunal to determine. The Tribunal could have examined and investigated properly judicial salaries, and come down with a determination. That was not acceptable to the Liberals and was not acceptable in that form to the Democrats. For that reason, we have had to arrive at this compromise, which is to write into the legislation in effect an equitable base on top of which indexation will apply.

The Hon. M.B. CAMERON: We reach an extremely difficult situation now because the Hon. Mr Milne has obviously indicated by his vote on the previous amendment that he intends to support the Government. We have no clause at the present time, so we are faced with a clause moved by the Attorney obviously with the support of and following discussion with the Hon. Mr Milne. When this matter first came up, the Hon. Mr Milne was very strong in relation to salaries in this State. He has expressed his view very strongly in this place over a long period of time

on how we must have a big advantage over other States. If the Hon. Mr Milne believes that 5 per cent is sufficient as an advantage for this State over other States, I frankly do not, and I am not interested in catch-ups. I am not interested in the fact it is at October 1984 and not May 1985.We are dealing here with a situation where everybody in this community has been subject to some restraint. As the Attorney-General said, the Hon. Mr Griffin and the Liberal Government did establish a formula. However, that formula was put aside when there was a wage freeze, as I understand it. Following that wage freeze, everybody in this community has had some restraint. The Government has now decided to hand to the judges an automatic increase forthwith. So be it, that is their problem. They have the support of the Australian Democrats. I guess one of our problems is that the Hon. Mr Milne will always be subject to some pressure from the Judiciary, but so be it.

The Hon. I. Gilfillan: The Judiciary are under some pressure from him, I can tell you.

The Hon. M.B. CAMERON: Yes, I bet. It does not look as though there was much.

The Hon. I. Gilfillan interjecting:

The Hon. M.B. CAMERON: Yes, I will bet they were. I know why, too, but I will not go into details, because that is a private matter. I have a few questions for the Attorney. First of all, he should provide to the Council some information as to just what will be the change in judicial salaries as at the institution of this Bill; that is, what is the existing salary of each class of judge or magistrate or any other person under subparagraphs (i) to (viii) of paragraph *(a)*?

What will be their new salary as a result of the 95 per cent figure and as a result of the 2.6 per cent increase? What will be the total cost to the taxpayer of this move by the Government?

The Hon. C.J. SUMNER: Currently the salary of a judge of the Supreme Court is $74 894. The average of the four States that I have mentioned as at 1 October 1984 was $84 321; that is $10 000 odd more than the South Australian salary. This applies to a judge of the Supreme Court, President of the Industrial Court and Senior Judge of the District Court. If one takes 95 per cent of the average base salaries that I have mentioned, the average being $84 321, one gets $80 105, which gives Supreme Court judges an increase of $5 211.

I point out to the honourable member that, if one takes the salaries and allowances as at 1 January 1985, the average base salary for those four States would be $86 360 and the new base salary for South Australia—that is, 95 per cent of that figure—would be $82 042. That would, on the basis of the current salary of a Supreme Court judge of $74 894, give an annual increase of $7 148. The Government is not acceding to that, but that would be the figure if one took 95 per cent of the average of those four mainland States.

What the Government is proposing is the Liberal formula (it is as simple as that; the formula agreed to by the Hon. Mr Griffin and his Government, the Hons Dr Tonkin and Mr Murray Hill) that would apply to judges' salaries which are fixed interstate and most of which are fixed by relation to a tribunal interstate. That is the fact of the matter. If there is a wages pause or a prices and incomes accord, that is taken into account by a tribunal interstate, and it is therefore reflected in judges' salaries in this State.

So, the formula is 95 per cent of the average of those four mainland States as at 1 October 1984. This means that South Australia's judges would still be, under this formula, the lowest paid judges on the mainland. Honourable members could note that under this formula South Australian Supreme Court judges would receive $80 105. That would compare with a New South Wales Supreme Court judge's salary of $91 205. So, a judge of the Supreme Court in South Australia, under the formula that is being adopted, will receive over $10 000 less than a Supreme Court judge in New South Wales receives.

The Hon. M.B. Cameron: That is taking in the 2.6 per cent.

The Hon. C.J. SUMNER: No, this is excluding the 2.6 per cent; that is a common factor throughout the system. Our judges will receive $7 000 less than Western Australian judges; $4 000 less than Queensland judges; and $3 000 less than Victorian judges for the same work. The formula has built in it the provisions relating to the prices and incomes accord, and it still means that judges in this State are paid substantially less than their counterparts interstate. I am not arguing about that at this stage. That is what the Hon. Mr Griffin agreed to and that is the formula that we are putting up in this Bill. Honourable members opposite should make no mistake: what we are doing is adopting the formula set by them after an inquiry while they were in Government, and that is the sort of difference that one will get.

The Hon. M.B. CAMERON: That is not correct because as from 6 April the salaries referred to in paragraph *(b)* of subclause (1) of this amendment shall be increased by 2.6 per cent, as I pointed out while the Attorney was speaking. He says that it is a common factor and whilst that may be so, nevertheless, it is in addition to what is occurring to the judges. The Attorney dismisses the fact that there will be this increase by saying that he would not agree to the salaries being based on those paid to judges in other States as at 1 January. However, those judges in other States have received that 2.6 per cent.

The Hon. C.J. Sumner: Not on the figures that I have quoted.

The Hon. M.B. CAMERON: Not on the original figures but on the new figures.

The Hon. C.J. Sumner: No, that is not right. The 2.6 per cent—

The Hon. M.B. CAMERON:—is in addition to what they have received since 1 October.

The Hon. C.J. SUMNER: The honourable member is very confused and, if he gives me a chance, I will explain it again. The 2.6 per cent is irrelevant to this argument because at the time that those figures were calculated one set of figures was for 1 October 1984, which is the formula on which we are relying (the Liberal Government formula); the other figure is for 1 January 1985, when the 2.6 per cent was not heard of.

So, for the purpose of this comparison, the 2.6 has no relevance at all. It is a common factor that all judges will receive in South Australia or interstate. The true comparison is the one I have given between 1 October 1984 (the Liberal formula) and 1 January 1985, which we have not accepted but which does give a comparison between salaries for judges interstate and for South Australian judges.

The Hon. M.B. CAMERON: What will be the total cost for a whole year of the increase that is now being moved by the Government in salaries for the various classes of judges and magistrates throughout the system?

The Hon. C.J. SUMNER: I do not have that information for the honourable member.

The Hon. M.B. CAMERON: I would rather have it now.

The Hon. C.J. SUMNER: It is not a substantial amount of money. Surely to goodness the honourable member can work it out.

The Hon. M.B. Cameron: That depends on your judgment.

The Hon. C.J. SUMNER: It is $5 211 for 15 judges. The increase for District Court judges is $4 430, and there are 23 judges in that category. There is also an increase in allowances. Also, $67 743 increase in salary for 13 Supreme Court judges; Industrial Court judges, 23—

The CHAIRMAN: Order! The Hon. Mr Milne knows well that he cannot conduct business with people in the gallery even though the Council has no-one in it.

The Hon. C.J. SUMNER: $101 890; plus the Chief Justice, $5 824; plus the President of the Industrial Court and the Senior Judge of the District Court. There would also be increases in allowances.

The Hon. M.B. CAMERON: Whilst I accept the inevitability of the final result predicated on the previous amendment, I do not want the Hon. Mr Milne in future to talk in this place about restraint in the community because he has turned around completely from his previous statements. He previously made a strong point about how South Australia should show restraint. In fact, he lambasted honourable members of this Chamber on that issue. At times we have had a real serve from him. We gave him an opportunity earlier to hold the lid on the situation but he has lifted the lid off a little. The Hon. Mr Milne has not shown the sort of genuineness that I would have expected, but that is his problem. The way that this situation has come through is a great disappointment to the Opposition and it is unfortunate that we did not stick to the original amendments which I moved and which would have ensured restraint within the community at a level that we all accepted.

It is unfortunate that the Government has shown some weakness in the fact of pressure from one section. Again, that is the Government's problem. However, it could well be our problem in the near future when we take office, because we will have to meet the bills that the Government is now running up. That is another matter. The final vote on this issue was decided on the last amendment. The Government has now given in to a section of the community and provided it with an automatic increase that I believe is not justified. That is the Government's problem and it is one it will have to justify in the face of community reaction to this matter.

New clause inserted.

Remaining clauses (24 to 26) and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (REMUNERATION) BILL

Adjourned debate on second reading.

(Continued from 20 March. Page 3382.)

The Hon. M.B. CAMERON (Leader of the Opposition): I do not intend to speak at length on this Bill, which is consequential on the passage of the previous Bill and the matters contained within it have been well canvassed.

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

URBAN LAND TRUST ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3882.)

The Hon. K.L. MILNE: There are one or two matters that I will refer to: first, I foreshadow that my colleague, the Hon. Mr Gilfillan, will move an amendment to clause 3. The amendment has been discussed with the Government and I understand that it is prepared to accept it. There is also an amendment to clause 5 which has been discussed with the Urban Development Institute of Australia, a representative of the Urban Land Trust and the Minister. Clause 5 *(c) (b)* provides:

> . . . the creation of a sound physical and social environment in any new urban areas developed with its assistance.

We believe that the words 'in any new urban areas developed with its assistance' are superfluous and could be misleading and that it is probably better to say, 'the planning of a better physical and better environmental development'—

The PRESIDENT: Order! I do not wish to inhibit the Hon. Mr Milne, but he is describing his amendments while we are still at the second reading stage. The honourable member should be speaking to the Bill in general rather than in detail at this stage.

The Hon. K.L. MILNE: Earlier speakers referred to the right of acquisition. The Opposition complained about the power of compulsory acquisition. On discussing this matter with others it seems to us that the right of acquisition with certain restrictions is necessary in certain circumstances, for example, if there were four reasonably contiguous areas and it was decided that a better development would be created if they were made into one separate area. The four owners would be approached, and they would know that they were going to be approached. The first one would drive a bargain, the second would want a better bargain, the third would make a hard bargain, and the fourth would drive a very hard bargain indeed.

In a case like that it would be better for the developer, the Trust, the community and the purchaser of the blocks for the matter to be compulsorily organised by the Trust. The Land Acquisition Act already allows compulsory acquisition, but for Government purposes. In this case the acquisition is for community purposes, because it is a bank of land being sold to the private sector. It is not private sector land being sold to the Government compulsorily. It is the other way around: it is Government land being sold to—

The Hon. J.C. Burdett: It's being taken away from the private sector.

The Hon. K.L. MILNE: The whole object of the Trust is to have a bank of Government land to sell to the private sector.

The Hon. J.C. Burdett: But it takes it away from the private sector in the first place, by compulsory acquisition.

The Hon. K.L. MILNE: I have given one example where that is in the interest of the community, so that there is a decent price when the land is resold to private developers from the land bank. A number of cases are set out in the Bill where the Trust shall not acquire land by compulsory process, and also where the owner may notify the Trust of the intention to develop the land himself or herself. If the owner does that, the land which was proposed to be acquired by the Trust cannot be acquired for two years from the date of service by the proprietor to the Trust of notification that the proprietor intends to develop the land himself or herself. If that is so, the owner must commence the development that he foreshadowed within a period of two years and make a substantial start. I can see nothing wrong with that provision, which provides checks and balances to some extent.

As always with compulsory acquisition I share the Opposition's fears, but I think that in this case, where the Government is acquiring a land bank to resell land at the lowest prices for redevelopment, this power could well be in the interests of the community. Clause 8 provides:

> A person authorised in writing by the Trust to do so may enter upon any land and conduct any survey, valuation, test or examination that the Trust considers necessary or expedient . . .

The proprietor must be given reasonable notice, and the Trust shall be liable to pay to the owner compensation for any damage or disturbance caused by the entry, and the Land and Valuation Court may assess compensation in the unlikely event it is necessary.

I point out that licensed surveyors, if they are required to do so, already may enter upon properties and carry out their profession. I think that that is not as dangerous as has

been stated by other speakers in this debate. It is a natural thing in this kind of case involving the control of land. The haphazard control of land in the early 1970s was very bad indeed and, in fact, there was none at all. The first Land Commission was a failure and this Bill is an attempt by the Government to create an entity that will act solely as a land bank. I hope that we have all noted that the actual function of the Urban Land Trust has not changed. When the legislation was introduced, the Trust could enter into joint ventures in certain circumstances for a special purpose as approved by the Urban Development Institute of Australia and the Real Estate Institute.

The conditions were approved, but it is substantially a land bank. Going back for a moment to the question of compulsory acquisition, I point out that the Urban Development Institute of Australia, with which I have had four discussions during today, does not oppose this: in fact, it welcomes it and has given other instances of where it believes that in the community interest the Government should have that power. If the Government misused that power, which I doubt, that would be another matter, but the Institute does not object to it: rather, it has supported it. I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I shall be brief in my reply to the second reading debate. This is not a piece of legislation of the moment that the Opposition has tried to pretend. It is not a return to the days of the Land Commission, even in anyone's wild imagination. It is a simple Bill, in essence, which gives the Urban Land Trust the powers to compulsorily acquire land under certain very clearly defined conditions.

The Bill has the full and enthusiastic support of the Urban Development Institute. I would have thought that to any reasonable person that would be an indication that it is hardly a dark or a socialist plot. It is a very reasonable exercise in planning to expedite sensible development in certain circumstances. There are adequate safeguards in the legislation which were outlined by the Hon. Mr Milne. He also gave an example of using these acquisition powers to expedite the putting together of a reasonable parcel of land for development by private developers. The Urban Land Trust is not a land developer. As the Hon. Mr Milne pointed out, if one has three, four or five separate areas of land that a private developer or the Urban Land Trust wishes to acquire to put in a sensible and orderly urban development, it is true that the opportunity exists of buying the first one at prevailing market prices and that from then on there is an enormous escalation, ending potentially, at least, with the third or fourth property in a situation where the owner can hold the gun at the head of the private developer or the ULT. That is what this Bill is about.

As I said at the outset, the Bill has the strong support of the Urban Development Institute, which by no means could be regarded as a left wing organisation but as an organisation that is very much commercially oriented. I commend the Bill to the Council for what I hope will be swift passage through Committee.

The Council divided on the second reading:

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

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

Pair—Aye—The Hon. M.S. Feleppa. No—The Hon. L.H. Davis.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Constitution of the Trust.'

The Hon. I. GILFILLAN: I move:

Page 1—

Line 16—After 'amended' insert—

'—

(a)'.

Line 17—Leave out 'paragraph' and insert 'paragraphs'

After line 20—Insert—

'*(ca)* one shall be a person who in the opinion of the Minister has appropriate knowledge and experience of commercial finance;

and

(b) by striking out from paragraph *(d)* of subsection (1) the passage 'two shall be officers' and substituting the passage 'one shall be an officer'.'

I move this amendment to extend the expertise of Trust personnel by including different experience as detailed. It is important that the Trust is fully capable of making decisions on the basis of commercial criteria. That is why I have moved that one person shall have knowledge and experience in the commercial field. The number of people on the Trust is to remain the same. Paragraph *(b)* of my amendment seeks to reduce the stipulation for two members to be officers to a demand that one member be an officer. The intention of the Bill is that one person will be experienced in development and the provision of community services. My amendment allows for such a person as well as for the appointment of a person with appropriate knowledge and experience of commercial finance.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5—'Powers and functions of the Trust.'

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

Page 2, lines 27 and 28—Leave out paragraph *(b)* and insert paragraph as follows:

'*(b)* the planning of a desirable physical and social environment.'

I have moved this amendment to tidy up clause 5 *(c)*. This is done at the request of the Urban Development Institute of Australia after discussions with representatives of that Institute and of the Urban Land Trust. Paragraph *(b)* in clause 5 *(c)* provides:

(b) the creation of a sound physical and social environment in any new urban areas developed with its assistance.

It was felt that this provision was not firm enough. Who could tell what a 'sound physical and social environment' was? In New South Wales, where a similar situation exists, the Commission has made it extraordinarily difficult for developers by demanding what the developers consider to be excessive community services and then charging the developers for these services. This has involved up to $3 000 to $4 000 per block. This, of course, has increased the price of blocks for purchasers, who are mainly young people. This should be avoided, if possible.

After much discussion, I asked representatives of the Urban Development Institute of Australia if they would accept the words of my amendment, namely, 'the planning of a desirable physical and social environment'. They said that they would, so I have moved my amendment. If this amendment is carried it will leave the Minister with a situation where he still has the general power to oversee the Act. This amendment merely highlights certain matters that they do not wish to be forgotten. There have been instances where the physical and social environment have been overlooked, either deliberately or for other reasons.

The Minister particularly wants this matter included so that it is written into the legislation. It involves two major things, one being proper co-ordination of the Trust's activities with those of other public authorities. That is essential, and the Trust agrees with that, as does the Institute. I certainly

agree with this, because there must be co-ordination in relation to the provision of roads, electricity, water, and so on—that is self evident. I believe that the second part of the clause was open to criticism, and that is why I have moved this amendment, for which I seek the Committee's support.

The Hon. M.B. CAMERON: The Hon. Mr Milne obviously thinks that this is a major change to the Bill. Frankly, I think it is crumbs for the sparrows. I really do not think it is of any huge consequence compared with the actual effect of the Bill. The Opposition will support the amendment, but then it is our intention to oppose the clause, because the clause is one of the clauses that deals with property acquisition. This clause gives the Trust the opportunity of acquiring such land as it considers necessary or expedient for the effective performance of its functions.

What about the person to whom the land belongs? What rights has he got in relation to his land once the Trust makes this decision? What the Hon. Mr Milne has done is make a very minor cosmetic change to a Bill that will take away the property rights of individuals. I intend to say a little more on this matter in clause 6, because I intend to oppose that also. I am quite happy to debate both clauses together so that I do not repeat the matter. I intend, on behalf of the Opposition, to oppose both clauses. The Trust can decide to acquire at that time, and the proprietor must give notice within a period of three months that he intends to develop the land within two years. If he does not do that, he is gone. His interest in the land is taken over. However, there is no requirement on the Trust to proceed, as I understand it. I would like to know whether there is a requirement on the Trust to then proceed with development of the land.

Under clause 6 the Trust then has to lease the property back to the original owner on fair terms, but for how long? He might have to sit there leasing what was his land that was acquired from him for a period of 10 years, when he had to develop it in two years, but there being no requirement on the Trust whatsoever to develop it.

The Hon. K.L. Milne: They wouldn't buy it if they didn't want it.

The Hon. M.B. CAMERON: Come on!

The CHAIRMAN: I remind the honourable member that he is speaking of the similarities between clauses 5 and 6. However, if the honourable member is going to ask questions, it should be related to clause 5 at this stage.

The Hon. M.B. CAMERON: I will go on to clause 6 in a moment. In the meantime, I indicate that this minor amendment has our support, although I am very disappointed in the Hon. Mr Milne. It does not seem to put a lot of value on property rights, which I think is unfortunate. I thought that the honourable member was gradually coming around to recognising the need for property rights. They really are being taken away from people, and the Opposition fiercely opposes this clause.

The Hon. K.L. MILNE: I should explain that the Minister is to give instructions to the Urban Land Trust. It does not involve the Minister giving instructions to the developer. Let me make that quite clear. That is what it is. If the honourable member read the original Act, he would find that that is what it is.

The Hon. M.B. CAMERON: I know what it is. It means that the person involved is going to lose the land and it is going to be in the hands of the Urban Land Trust.

The Hon. K.L. MILNE: Clause 5 has nothing to do with that. Clause 5 refers to the duties of the Trust and the Minister's duty to advise and control the Trust. This clause refers to the Minister's obligations to direct the Trust, not the developer.

The Hon. M.B. CAMERON: That is very obvious, but it provides the Trust with the opportunity of acquiring land under the Land Acquisition Act. This is the beginning of the land acquisition, and that is what I am saying. I am totally opposed to that, because that is taking away people's property rights. If the honourable member does not understand that, he had better go back and read the original Act and the amendment.

Amendment carried.

The Hon. K.T. GRIFFIN: I repeat what I have said already. This is an offensive clause in the Bill. It gives to the Urban Land Trust, a Government agency acting under the general control and direction of the Minister, power to compulsorily acquire land for the purpose of redistributing it to other people. I find that particularly offensive: it is being acquired not for a governmental purpose but simply to subdivide and allow a developer to resell it at a profit to other people. We have seen instances of that in other countries, where Governments expropriate property for the purpose of redistributing it to others. I find that particularly offensive and speak most strongly against it. I have no doubt that after the next election the Liberal Government will take moves to rip the power off the Urban Land Trust.

The Hon. K.L. MILNE: I will repeat briefly what I said in the second reading, namely, that the Urban Development Institute of Australia not only does not object to this but supports it because it can see value for it in acquiring property.

Members interjecting:

The Hon. K.L. MILNE: The Institute can see the value for it in keeping down the price of land so that it can carry out, with the Urban Land Trust, development for housing projects at a reasonable price. It estimates that it will keep land cheaper in South Australia than in any other State. Members can ask the Institute themselves.

The Hon. M.B. Cameron: I have already spoken to them.

The Hon. K.L. MILNE: I do not know why it has given us a different answer from that to members opposite.

The Hon. M.B. Cameron: We know what it is on about.

The Hon. K.L. MILNE: They would be the people objecting to it. Nobody else has come to us but the Land Development Institute. It supports this. If it is supporting it I do not see why we should be making this fuss.

The Hon. M.B. CAMERON: They are the only people who come to the Hon. Mr Milne. It is hard to get an opportunity for the ordinary citizen, who does not know that he will have his land acquired until he gets a notice served on him, to know that he will be affected. He will not have a clue! The Hon. Mr Milne is taking land away from unknown numbers of people. I am not interested in the people who have come to the Hon. Mr Milne: they have come only between 6 p.m. and 10 p.m. tonight. That is what has happened because before this the Hon. Mr Milne indicated that he wished to have some discussions on the matter.

The problem is that we do not know and he does not know who will be affected, so how on earth anybody who will lose their property rights can come and put a case I do not know. They cannot do it: they will not have a clue until this Bill goes through and somebody sends a telegram or comes to the front gate and says, 'Righto, Joe Bloggs, you have two years to develop this property that you know and love, otherwise it is off you, somebody else will have it and it will become part of the Urban Land Trust holdings, and the Trust will hand it on to a developer at an unknown time. There is no refinement even in that. The original owner has three months to make up his mind and two years to do it, but no-one else has.

The Hon. K.L. Milne: Why has not the Real Estate Institute come out?

The Hon. M.B. CAMERON: The Real Estate Institute does not represent the ordinary landholder. The Hon. Mr Milne does not know what he is talking about—it is time he retired. I frankly find it impossible to argue at that level if he thinks the Real Estate Institute represents the ordinary landowners of the State. That is absolute nonsense.

The Hon. Frank Blevins interjecting:

The Hon. M.B. CAMERON: The Hon. Mr Hill would know; he would not pretend to believe that that was the case. The Hon. Mr Milne just does not understand what he is doing. He has had a bit of a discussion over the evening meal and now people will wake up tomorrow morning with a Government with the power to acquire their land, yet they will not know it. I had a friend in another State who went through this process, and it is a very demoralising experience to get a telegram or a visit from an officer saying, 'You no longer own your land as from now. There is a notice of acquisition; it is gone.'

In this case, it was a piece of land of which the person was very fond. Do not let honourable members talk to me about what can or cannot occur. That person did not have a clue, until the notice of acquisition arrived, that there was even any interest. That will happen again. I hope that the Hon. Mr Milne knows what he is doing. Property rights have already been taken away by other Bills of this Parliament. At the moment I am sitting on a Select Committee trying to straighten a bit of that out with the Hon. Mr Milne. Now we are to go through the whole process again. Frankly, I do not understand why the Hon. Mr Milne takes this view because in other matters he seems to be a reasonable man.

The Hon. J.R. CORNWALL: I speak very briefly, because I do not think that there is much to respond to. The Hon. Mr Milne is doing very well anyway despite the abuse being heaped upon him by the Leader of the Opposition. I do not wish to respond at all to what the Leader said. It has been a fairly characteristic and not very thoughtful tirade. I am less than impressed with the performance in this debate of the Hon. Mr Griffin, who normally gives us the sort of contribution that we might expect from someone learned in the law.

Members interjecting:

The Hon. J.R. CORNWALL: Yes, reasonably boring but usually relatively accurate. On this occasion we have had a rather extraordinary rhetorical outburst in which the honourable member referred to expropriation experienced in other countries, which he did not specify, but presumably there was some innuendo that it is the sort of thing one might expect in the Eastern Bloc. That is absolute nonsense. The narrow circumstances under which land acquisition can occur, with the full protection of provisions of the Land Acquisition Act, are spelt out very clearly in clause 6.

As I said, this Bill is a very good piece of legislation in that it protects legitimate commercial interests; it provides for orderly urban development. In practice, it will have a significant impact on holding down developed urban land prices, in particular, and since the Democrats have been involved in discussions we have been able to satisfy not only the requirement through the amendment to clause 3 that has been carried by this Committee that there will be someone of appropriate knowledge and experience in commercial finance but that there will also be, at the Government's instigation, someone who is skilled in the community services area. That is something that has been missing over many decades in this State in the planning area even in some of the very good developments—even in a development as good as West Lakes, which is an example in many ways for the rest of Australia.

The Hon. Diana Laidlaw: What about capital gains?

The Hon. J.R. CORNWALL: I am pleased to say that at last the capital gains are approaching the expectations that I had when I succumbed to the advertising slogans of 1974. However, even at West Lakes originally there was a rather poor input in regard to community services and human services generally.

As the Cabinet Minister specifically charged with liaising on behalf of the Human Services Subcommittee of Cabinet, I have a particular interest in seeing that in developments like Golden Grove, Morphett Vale East, Seaford and those in other areas of outer metropolitan Adelaide we have that sort of orderly development.

The Hon. C.M. Hill: You were not going to Seaford. You were not going to go down there.

The CHAIRMAN: Order!

The Hon. C.M. Hill: You were going to concentrate on Morphett Vale East and not along the coast.

The Hon. J.R. CORNWALL: This Bill goes a significant way towards embracing those very good and orderly aspects of planning. More importantly, it takes account of those little people about whom the Hon. Mr Hill normally professes such great concern.

The Hon. I. GILFILLAN: I want to assure the Leader of the Opposition that our discussions with the Urban Development Institute encompassed more than just today. I was involved in discussions at the end of March, and I have two pieces of correspondence of 2 April. I have had no cause to consider that they have had any second thoughts about their opinion given to me then which clearly indicates support for the general thrust of the Bill. They recommended that someone of commercial/financial experience be included, which we have instituted and, as far as we were concerned, there was no reason to think other than that the Bill has in substance the support of the Urban Development Institute of Australia.

My leader, as is his right and responsibility, checked a little later into the findings and, as a result, there have been further discussions today. Substantially, the work that the lower echelons of the Democrats did some five or six weeks ago has been reaffirmed. I assure the Leader of the Opposition that this is the result of long deliberation and much study.

The Hon. DIANA LAIDLAW: Will the Hon. Mr Milne answer a question that has arisen from his comments on this clause? I understand that there is no limit on the amount of land that the Trust can acquire and in giving his reasons for supporting the clause the Hon. Mr Milne said that it would result in keeping the price of land down to a lower level. In his view, how much land would it be necessary for the Trust to hold to keep prices at a desirable level?

The Hon. K.L. MILNE: I cannot remember the figure that I was told today, and I would like to inquire from the Minister what is the position. What area and how much land in hectares does the Trust now hold? Where is that land? How much land does it intend to acquire? What is the Trust's opinion of the result if it is reimbursed to keep its holding at about the present level? Would that do what the Hon. Ms Laidlaw suggests? I believe it would. I hope the Minister can provide that figure.

The Hon. M.B. CAMERON: It appears that there was a lack of communication between the back bench and the leadership of the Australian Democrats. Let me assure the Australian Democrats that the decision they make tonight will not be the final decision that they make on this issue, because they will be faced with it again after the election—

The Hon. K.T. Griffin: Only one of them.

The Hon. M.B. CAMERON: Yes, perhaps we will get on better—

The Hon. K.L. Milne: If I am provoked enough I may have to come to the rescue.

The Hon. M.B. CAMERON: I know the honourable member has some difficulty. The Democrats will have to make another decision. In Government this power will go; it will disappear; it will be got rid of; it will be moved.

Perhaps when the Minister answers this question we will find out a little more detail about what the Urban Land Trust has in mind and from what areas it intends to start acquiring land, because I think that people in the community who are about to be deprived of their property rights would be interested to know tomorrow morning what will occur under this Bill, which has not received a lot of publicity but which could well receive a lot of publicity once the machinery starts. When that occurs I shall be making absolutely certain that the blame for people's losses lies very squarely with the Government and the Australian Democrats. If the Minister now has those details perhaps we could listen to what he has to say and perhaps he can provide some other details that might be interesting.

The Hon. J.R. CORNWALL: I must say that it never fails to amaze me how the Opposition deludes itself into supporting its natural but very small constituency. In this case the Opposition is supporting people who, for anti-social reasons, and in extreme cases for reasons even verging on financial blackmail, would resist reasonable development at fair and equitable prices.

The Hon. M.B. Cameron: Anti-social is wanting to hang on to your land?

The Hon. J.R. CORNWALL: It is anti-social to want to hang on to land and to want to hold the gun at the developer's head, which quite clearly is what the Leader of the Opposition and his colleagues are advocating. Specifically, with regard to the Hon. Mr Milne's question as to how much land is held by the Urban Land Trust at the moment, in total it is about 3 000 hectares. To put that into perspective, I point out that 1 200 hectares of that 3 000 hectares, or about 40 per cent, is held at Golden Grove; about 800 hectares of that 3 000 hectares is at Munno Para; a further 250 hectares or thereabouts is at Morphett Vale East; and a fairly sizable parcel (the figures for which I do not have at this moment) is at Seaford. Therefore, the great majority of the current land bank is held at those four outer suburban areas.

The Urban Land Trust of course is about land banking, which was the reason why the Urban Land Trust legislation was introduced by the previous Government, the Tonkin Government, in I think about 1980. At that time the Liberal Party seemed to be reasonably enthusiastic about land banking. Indeed, it would have been desirable if the Government had held considerably more, considering the very substantial boom in residential land which has occurred in the past 18 months or thereabouts, and which, I might say, is continuing at this moment.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: I would be even more pleased if the previous Government had not disposed of some large areas that could have been held in the land bank, and I refer particularly to Monarto. The Hon. Mr Cameron wants me to inform the Council where acquisitions are likely to occur. Of course that would be grossly irresponsible.

The Hon. Diana Laidlaw: You have already named Golden Grove.

The Hon. J.R. CORNWALL: Any reasonable person would know that it would be quite grossly irresponsible to speculate on where acquisitions might occur, and I am not about to do it.

The Hon. M.B. CAMERON: It now appears that, if a person has a piece of land and does not want to sell it, it is anti-social. If a person wants to hang on to his land it is anti-social behaviour. That is what the Minister is saying—that we are condoning anti-social behaviour on the part of people who may want to hang on to their land, never mind how long they may have owned it.

The Hon. Diana Laidlaw: It's not social justice.

The Hon. M.B. CAMERON: It is not social justice. That is a fair description, and the Hon. Mr Milne is supporting that view—that it is anti-social for you to hang onto your land.

The Hon. Diana Laidlaw: It's anti-social for anyone to have property rights.

The Hon. M.B. CAMERON: I think that is what it probably gets down to when one looks at the base line. I find that an extraordinary statement by the Minister, and extraordinary behaviour by the Hon. Mr Milne in supporting that statement by supporting this Bill. That is what he will be doing. We oppose land acquisition involving a group of people who want to hang on to their land for their own reasons, not necessarily for profit—and the Minister is not anti profit, as he said earlier. In fact, the Minister is quite happy for his own property to rise in value, as we all are. There is nothing wrong with that, but according to the Minister it is anti-social for other people to hang on to their property to make a profit or because they do not want to sell it.

The Hon. Diana Laidlaw: For sentimental reasons.

The Hon. M.B. CAMERON: Precisely. What happens to a person who has owned property for 50 or 100 years and they are suddenly told that it is no longer their land because the Trust wants it? The people will have no idea who has shown an interest in the land: it could be a developer who has purchased a pocket of land alongside their land and he wants the whole area. The Minister is saying that in that situation it is anti-social for those people not to agree to sell their land forthwith because to do otherwise would stop the development. That is an absolutely unacceptable point of view from the Minister. The Minister's attempt to override the Opposition's argument plumbs the depths of debate in this Chamber, and that is something for which he is well known.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: The Minister should not talk to me about attitudes to people.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: The Minister is not very pleasant at other times. In fact, the Minister would be one of the worst debaters in Parliament when it comes to personal reflection.

The CHAIRMAN: Order! That is not relevant to the debate.

The Hon. M.B. CAMERON: It is in some ways.

The CHAIRMAN: Not at the present time.

The Hon. M.B. CAMERON: The next time the Minister rises and derides the Opposition or one of its members I will rise and give him a bit of 'Whato' because he really plumbs the depths. We strongly oppose this provision which will take away unknown people's property rights in favour of other unknown people. We will not know who the developers are, and we do not know whether they will have to hold a small section of land alongside the piece of land they want, in which case they could say, 'This is a wonderful opportunity; let us step in and acquire the rest of this area.' The person whose land is acquired may have held the land since the State came into being, but they will have no choice if the Urban Land Trust decides that it wants the land. I just wish that the Hon. Mr Milne could be present when the acquisitions occur, because that may well cause him to reflect in the future on what he is doing tonight.

The Hon. R.C. DeGARIS: There is a case and has been for a very long time for the power of compulsory acquisition. All Governments have used compulsory acquisition for

many purposes, usually in relation to Government purposes or local government purposes.

However, I was rather surprised when the Minister referred to blackmail. There is a difference. Land that can be acquired under this provision can be handed over to another person to develop that land for profit. This is one of the things that must concern the Council. I want to take it one step further because, when one considers the question of blackmail, I have known the Government to use blackmail in regard to compulsory acquisition. I refer to cases that came before this Council where the Government decided that it would issue a letter to people to acquire their land and that the land would be acquired in a period of five years. When the Government says, 'We intend to acquire this land in five years time,' there is no sale for that land, house or building. No-one would buy land or a house knowing that, within about five years, the Government or a Government agency was going to acquire it.

I have seen miscarriages of justice in this regard. The case I am quoting is the access to the Flinders Medical Centre. The owners of about 50 houses between South Road and the present hospital were advised that within a period of five years their houses would be compulsorily acquired for road purposes. The person who gets the notice has no sale for that house. Some people had to transfer to Melbourne and had to sell their house. The only buyer was the Government, and it placed on some of those houses a price which was well below normal sale value.

Where the process of compulsory acquisition is undertaken and people are advised that their property is to be compulsorily acquired at some time in the future, the person so advised at least has the right to go to the Land Court for a reasonable valuation. In the case I have cited, there is no way in which that person can take the matter to the court; it is not possible.

I can envisage a situation where a person owns 30 or 40 acres of land and is advised that the Trust intends to acquire that land at some time in the future. That person may wish to sell that land to somebody else, but, once that letter is received, there is no way in which that block of land can be sold. There is no demand for the land, because no-one will buy a property when there is a letter stating that the Government intends at some time in the future to compulsorily acquire it.

I therefore ask that the Democrats and the Government to examine some of the problems that are involved in compulsory acquisition before they apply this measure, which I believe goes slightly further than the normal acquisition by the Government for other purposes, such as road purposes, hospital purposes, school purposes, or something of that nature.

The question of compulsory acquisition has been accepted in the community for a long time. I do not object to the Government's having the power of compulsory acquisition. But, in all circumstances the Land Court should at least have the power to make a decision on a transaction. That would then ensure that the situation would not arise, as we saw in a number of circumstances, where people were virtually forced to sell to only one buyer who offered a price well below the normal value of the property.

Although, once again, I stress that I believe in many circumstances there is a case for some compulsory acquisition powers in regard to the development of housing in the Adelaide area, I point out that I can see some dangers in this provision, particularly when I have seen what has happened in the past under compulsory acquisition.

The Hon. J.R. CORNWALL: The first part of that contribution was accurate; the second was historical; and the finale was nowhere near as good as the opening. The Hon. Mr DeGaris, in fact, was referring to the typical highways type of acquisition that used to occur 10 or 15 years ago. The acquisition that he was talking about with regard to Flinders University and Flinders Medical Centre was just such an acquisition. People were placed in some difficulties by having notice served on them that in five years or at some time in the reasonably distant future their properties would be required.

It applies to the extent in this day and age that there are appeal mechanisms, and that certainly a cash buyer is available in the event that a transfer occurs. The position would not occur in 1985 where someone who was transferred to non-metropolitan Adelaide or interstate would be unable to sell the property. The property would be purchased by the body serving notice that it intended to compulsorily acquire. So, he would in effect have a cash buyer at a fair market price. If he were dissatisfied that that was a fair market price he could appeal.

However, none of that is directly relevant to this Bill. It is not the Urban Land Trust's intention that it should operate in that way, giving notice of intention to acquire four or five years hence. There would be no virtue or value in the Urban Land Trust as a land banker acting in that way. There will be some constraints on the speed at which properties can be acquired, but certainly there will be none of this notice of intention to acquire at some indeterminate time down the track.

The Hon. R.C. DeGARIS: Can the Minister show how the Urban Land Trust could not use that process? As far as I can see, the process that I described to the Council can be used by the Urban Land Trust in the same way as it was used in the acquisition of land for the Flinders Medical Centre.

The Hon. J.R. CORNWALL: That has never been the *modus operandi* with the Land Commission or, more recently, the Urban Land Trust. As a land banker, the Urban Land Trust has an interest in maintaining reasonable stocks of land in that bank at any given time, not the acquisition of vast amounts in perpetuity or very much in advance of when it is likely to be required. But as the 1 200 hectares at Golden Grove is subdivided, sold and developed and as the 800 hectares at Munno Para is developed and sold through private development, clearly any land banking operation would wish to replace that with land suitable for urban development so that at any given time it had a buffer against what seemed to be the inevitable booms and busts that occur in land development. The whole idea of a land banking exercise, if it is done sensibly, is to ameliorate to the extent possible the sorts of peaks and troughs that inevitably seem to occur in land development.

The Hon. R.C. DeGARIS: With respect, the Minister has not answered the question that I directed to him, which was: is it not possible that with this legislation the same process that took place with regard to the acquisition of land for the Flinders Medical Centre for road purposes could apply in exactly the same way under this legislation? There is no protection to stop that happening.

The Hon. J.R. CORNWALL: There is, in fact. If the honourable member reads the parent Act and looks at the manner in which the Trust is required to operate on sound commercial principle, he will see that there is a substantial measure of protection. It is not an acceptable commercial principle to serve notice on someone that at some indeterminate time in the future you may think it desirable that a particular piece of land or pieces of land might be developed. That would be contrary to the spirit and intent of the parent Act and the current legislation.

The Committee divided on the clause as amended:

Ayes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, I. Gil-

fillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

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

Pair—Aye—The Hon. M.S. Feleppa. No—The Hon. J.C. Burdett.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clause 6—'Provisions relating to acquisition of land.'

The Hon. M.B. CAMERON: I think that the debate was extended to this clause during consideration of the previous clause. I do not know whether or not the Hon. Mr DeGaris was in any way suggesting that I was not aware that land could be compulsorily acquired: I assure him that I was fully aware of that. I am also aware that it is almost always for specific Government or other purposes. In this case it is for an indeterminate time in the future. The point made by the honourable member was very well put. There is nothing to stop notice being given that an area will be needed in the future.

That will certainly put a dampener on things. It may be that it causes vast problems for people with properties. Under clause 6 once a person receives a notice if they want to develop they have to do it within two years. However, the Urban Land Trust does not have to do that and can, in fact, as the Minister has said, establish a land bank which can exist for a considerable time and the land can be leased back to the original owner who must sit and think about what he would have done with that land that used to be his, a very frustrating position indeed. I find this an unacceptable situation, so the Opposition opposes this clause.

The Committee divided on the clause:

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

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

Pair—Aye—The Hon. M.S. Feleppa. No—The Hon. J.C. Burdett.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 7 passed.

Clause 8—'Powers of entry, etc.'

The Hon. K.T. GRIFFIN: I oppose this clause. I made comments during the second reading debate about this clause, which gives virtually unlimited authority to any person authorised in writing by the Trust to enter a property. It does not matter what the property is, that it is not likely to be acquired by the Urban Land Trust, or is not subject to a notice of acquisition: an Urban Land Trust representative can go onto any property, conduct any survey, valuation, test or examination that the Trust considers necessary or expedient for the purposes of the Act. It is very wide: it could be anywhere.

The Hon. M.B. Cameron: It could be Stirling.

The Hon. K.T. GRIFFIN: It could be Stirling, or it could be anywhere. I do not think that that unlimited power of entry ought to be given to a Government instrumentality. I recognise that there are occasions where power of entry must be given. However, those powers of entry are generally in relation to licensing provisions—for example, the tow truck operators, and the Woods and Forests Department in relation to the preservation of State forests. But—those powers of entry are related to a specific breach of the law or suspected breach of the law, not as in this Bill—just to go on properties for the purpose of doing some tests. For that reason, I do not believe clause 8 ought to pass.

Only a few weeks ago we were talking about trespassing on rural land. We were worried about magic mushrooms. We ended up ultimately just increasing some penalties and not really coming to grips with the real issue. There we were looking to preserve the freedom of individuals and the rights of property owners.

Here, we have a Government agency being legitimised in its trespassing on private land for the purpose of doing some tests which are totally unrelated to the benefit which the landowner will get from the property or the use to which it is being put. So, I oppose the clause.

The Hon. Frank Blevins: It wouldn't be trespassing.

The Hon. K.T. GRIFFIN: It is in a sense trespassing. I called it trespassing, but the Minister of Agriculture is correct technically in the sense that it is not legally trespassing if it is authorised by the Statute. However, it is akin to trespassing, in the sense that there is no lawful purpose other than for this Government agency to go on and do some surveys, valuations, testings or examinations.

Sure, the Hon. Lance Milne will respond and say that there is power to require reimbursement or compensation for damage or disturbance and reasonable notice is to be given. But, that does not alter the basic fact that this Bill legitimises intrusions into private property by the Urban Land Trust, and I oppose the clause.

The Hon. M.B. CAMERON: I want to give total backing to the remarks of the Hon. Mr Griffin. Just imagine: the Trust gives reasonable notice (that is what it says) to the person that it is going to come on to the person's property. The person decides that he does not want them on there. If the Trust meets the person and he says 'I do not want you on my place; get off,' that involves a $1 000 penalty. That is an incredible situation for a person who owns his own property and who finds that, because he does not want somebody on it and tells that person to clear off (and some of these people will no doubt be told in no uncertain terms when they get into some of the market garden areas what to do with their Urban Land Trust) it will cost a landowner $1 000 straight away.

Such persons will be gone, because they will have no defence other than saying, 'I just did not want him on the place.' That does not mean anything. It is quite an unreasonable provision and one which, along with the whole of this Bill, is designed by unreasonable people for unreasonable purposes. I really think that the Hon. Mr Milne and the Hon. Mr Gilfillan ought to give very serious consideration to opposing this clause.

The Committee divided on the clause:

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

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

Pair—Aye—The Hon. M.S. Feleppa. No—The Hon. J.C. Burdett.

Majority of 1 for the Ayes.

Clause thus passed.

Title passed.

Bill reported with amendments; Committee's report adopted.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a third time.

The Hon. M.B. CAMERON: The Opposition opposes the third reading. The Bill is totally unacceptable in the form in which it has come out of Committee. I have been surprised at the lack of consideration given by the Govern-

ment and, more particularly, by the Hon. Mr Milne, for the rights of people in this community—the ordinary people. He seems to have been mesmerised by the people who will benefit from this Bill, but has taken no regard whatsoever for the people who will be deprived by it of their property rights.

As I stated previously, I am already sitting on a Select Committee where we are trying to rectify a situation where people's property rights have been damaged, and here again it is happening with another issue. I find that a great disappointment and it is certainly a situation that the Opposition does not accept. I assure the Council that, after November, this matter will be rectified. The Hon. Mr Milne will not be here, so we may get on a little better the next time around.

When we take Government in November this matter will be rectified, when the Minister in charge of the Bill is back practising as a vet. People will get back the rights of which they have been deprived. This Bill really causes a problem for people who want to hang on to their land for their own purposes. They should be allowed to do that unless there is a specific purpose of government. This is not a specific purpose: it can be a vague purpose. It can create the very situation to which the Hon. Mr DeGaris referred. I know one of the people to whom he referred who was caused very serious trouble indeed. No matter what the Minister says, that situation can occur again. We intend to oppose this Bill and to divide on the third reading.

The Council divided on the third reading:

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

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

Pair—Aye—The Hon. M.S. Feleppa. No—The Hon. L.H. Davis.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

STATE SUPPLY BILL

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

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

Because of the relative lateness of the hour, I seek the indulgence of the Council to have the second reading explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Purchase of the goods and services necessary to carry out the business of Government is now widely recognised, by the public and private sectors alike, as an important vehicle for industry and employment within the State. Through their procurement of goods and services, Governments have the opportunity to assist the development of local industry by providing a market for its products and the scope for co-operative action between industry and purchasing agencies in developing and adopting new product and process technologies. The changes embodied in the proposed new State Supply Bill are designed to enhance the scope for using Government procurement in this way by:

- ensuring that Government agencies are bound by the Government's purchasing preference and related policies; and
- increasing the opportunities for local industry to compete successfully for Government contracts.

The supply and procurement function in the public sector accounts for considerable financial expenditure and investment in inventories, assets, and personnel and this has considerable impact on the State Government's Budget and on opportunities for local industry and employment. In 1983-84 in excess of $200 million of stores, materials and requisities were purchased by State Government departments. In addition the South Australian Health Commission purchased approximately $190 million of stores, materials and requisites and it is estimated that other statutory authorities expended a similar amount. There are in excess of 250 storehouses holding inventories valued in excess of $26 million in South Australian Government departments and the South Australian Health Commission.

In light of the substantial economic impact of this area of Government operations, revamping of the State Supply legislation is an important part of the Government's strategy for ensuring an efficient and effective system of public procurement. The supply function in the public sector and the governing legislation have been subjected to scrutiny and action over the past four years by a succession of Governments. That review process included:

1. The Richardson Committee of Inquiry into the Public Sector Procurement and Supply Function appointed in 1979 by the Corcoran Labor Government. The committee was later reappointed by the Tonkin Liberal Government without change in its terms of reference or membership. The committee reported to the then Deputy Premier, the Hon. Roger Goldsworthy, in 1979.
2. In 1980, at his request, Mr B. Guerin reported further on the matter.
3. Later that year, the Public Supply and Tender Act was amended to allow the Supply and Tender Board to delegate any of its powers or functions.
4. As a result of recommendations from the Richardson and Guerin reports the former Tonkin Government approved the establishment of a steering committee to prepare detailed proposals for the revision of the Act to meet the needs of modern purchasing and supply management.

A creditable feature regarding the interest and concern for effective supply management in the public sector has been the bipartisan approach to the subject. All of the general principles and strategies on supply have been consistently endorsed by both major political Parties. As a major step forward, this Government, in 1983, approved the preparation of new State Supply legislation which is now presented to this Council. The aim of this legislation is:

- to provide a flexible framework for the management of supply to cater for changing Government policies and priorities and the development of new and enhanced management methods and processes; and
- to clearly establish responsibility for ensuring that all public sector supply activities are carried out economically and ethically with an independent Board which will:

  —be the principal source of advice to the Government on the conduct of supply;

  —oversee any centralised supply activities, for example, tendering, contracting and warehousing; and

  —review, guide and assist in the improvement of the performance of decentralised supply functions.

The underlying philosophy of the new legislation is to establish centralised control with decentralised day-to-day management of the supply function. The new legislation will:

- Establish a State Supply Board to control the supply operations of public authorities.
- Exclude the following statutory bodies from the application of the legislation: State Government Insurance Commission; State Bank of South Australia; Pipelines Authority of South Australia, each on the basis that they are essentially commercial operations. Local government bodies are also excluded.
- Provide flexibility for the Government of the day to determine, by regulation, which Government agencies shall be, in the terms of the Act, prescribed public authorities. Such prescribed public authorities shall be subject to the control of the State Supply Board for those supply matters approved by the Minister responsible for the prescribed public authority. This arrangement will, *inter alia,* facilitate the co-ordination of supply matters, where it is advantageous to do so, and at the same time permit the prescribed public authority to carry on its day-to-day supply operations unencumbered by the State Supply Board. Major Government agencies proposed for inclusion in this category are as follows:
- Electricity Trust of South Australia; South Australian Housing Trust; State Transport Authority.
- Provide the authority and means for the State Supply Board to efficiently and effectively control the supply activities of all State Government agencies other than the agencies excluded by the Act or designated by regulation as prescribed public authorities. This will allow the State Supply Board to control the supply operations through the issue of policy and guidelines, to co-ordinate supply activities where it is appropriate to do so, and to arrange for public authorities to undertake their own supply activities in an efficient and ethical manner.
- Extend the criteria for membership of the Board to allow for the appointment of a member from outside the public sector, who in the opinion of the Minister would be able to provide assistance to the Board through experience gained in private industry and commerce; and a member nominated by the United Trades and Labor Council, so that, for the first time, employees will be represented on the Board.
- Require the Board to have regard to the policies of the Government whilst guarding against unethical practices or the exercise of political patronage.

It is intended that the Act be proclaimed and the regulation be brought into effect at the same time. This is essential to ensure an orderly introduction of the legislation for 'prescribed public authorities'.

In one sense, the proposed legislation does not represent a 'radical' extension or departure from the existing legislation namely the Supply and Tender Act, 1914-1981. The existing legislation in the Crown Solicitor's opinion has always applied to all statutory authorities except those where their Acts have specifically excluded them. The proposed legislation specfically excludes the Pipelines Authority of South Australia, the State Bank of South Australia and the State Government Insurance Commission.

However, the Government believes it is necessary from a State viewpoint for all agencies in the public sector to comply with Government policies on supply aimed at efficiency, effectiveness and economy from a wider perspective than a single agency viewpoint. The wider perspectives relate to State development and economic matters, State purchasing preferences, offset agreements and to common approaches to procurement which reduce the costs to the private sector business and public sector agencies. It is desirable for this supply policy to be co-ordinated and where appropriate controlled by the State Supply Board.

At the outset, I referred to the Government's strategy of ensuring that the opportunities for assisting local industry development and local employment, through procurement of goods and services by the public sector, are grasped. I want to take this opportunity to outline for the record this Government's policy on procurement. While this State has strongly supported the abolition of purchasing preferences, and currently has a bilateral preference abolition agreement with Victoria, it is the firm policy of the Government that all Government agencies will continue to accord a margin of preference in favour of local goods and services against those from overseas or from those States which have not dismantled their preference schemes. This policy will continue until all of the other States have agreed to abolish preferences.

Consistent with its policy to assist industry through its procurement, the Government intends that introduction of this new legislation will be accompanied by a conscious effort on the part of purchasing agencies to afford local enterprises every opportunity to compete for Government contracts by:

- avoiding procurement practices which discriminate, for example, by specification, against local products;
- improving communication with local industry both to ensure that industry is aware of contracts being let and has adequate time to tender; and
- working with industry to develop new products and to test local products where appropriate.

The concurrent development of a data base on South Australian industry, to improve public sector awareness of the capabilities of local industry, should facilitate this process.

The Government is firmly of the view that assistance provided through Government procurement should not encourage the development of uneconomic or inefficient industries which require continued Government support, such as guaranteed Government orders, in order to survive. Our aim is to ensure that local industry is given the best possible chance to obtain access to markets, and thus strengthen and prosper.

The measures incorporated in the Bill will strengthen our capacity to directly encourage production opportunities in the State and allow appropriate influence over the purchasing policies of statutory authorities.

The reconstituted Board will enable it to take greater advantage of private sector expertise in making significant Government purchasing decisions. Its broadened representation will ensure that the Board is fully aware of the South Australian employment opportunities involved in its decisions. The Board will be better equipped to look first at local supply capabilities and make sure that local industry is given a full and fair chance to bid for contracts, and to plan ahead in the light of future public purchasing programmes.

Clauses 1 and 2 are formal. Clause 3 repeals the Public Supply and Tender Act, 1914. Clause 4 defines certain terms used in the measure. Among the more important definitions are those of 'goods', which includes any movable property or anything attached to or forming part of land that is capable of being severed for the purposes of acquisition or disposal; 'management of goods'—the care, custody, storage, inspection and stocktaking of the goods; and 'public authority'—a department of the Public Service or other instrumentality or agency of the Crown, a body corporate established for a public purpose and comprised of or including or having a governing body comprised of or including a Minister or Ministers or a person or persons appointed by the Governor or a Minister or other instrumentality or agency of the Crown, or a body or a body established for a

public purpose and declared by regulation to be a public authority. The definition of 'public authority' does not include a 'prescribed public authority' (a body established for a public purpose and declared by regulation to be a prescribed public authority).

Clause 5 excludes the Pipelines Authority of South Australia, the State Bank of South Australia, the State Government Insurance Commission and local government bodies from the scope of the measure. Clause 6 continues the Supply and Tender Board in existence under the new name, the 'State Supply Board'. The Board is to continue to be a body corporate with perpetual succession and common seal, to be capable of suing and being sued, and of dealing in property. Subclause (4) provides that the change in name of the Board shall not affect its rights or obligations, and that all references in any other Act or document to the Supply and Tender Board shall be read as references to the State Supply Board. Clause 7 provides for the constitution of the Board. There are to be five members, of whom one (the Chairman) shall be the person holding or acting in the office of permanent head of the Department of Services and Supply. The remaining members are to be persons appointed by the Governor and, of them, not less than two are to be members or officers of public authorities and one is to be a person who should, in the Minister's opinion, be able to provide particular assistance to the Board through experience gained in private industry or commerce.

Clause 8 deals with terms and conditions of office of appointed members. An appointed member is to be appointed for two years upon conditions determined by the Governor, and at the end of that period may be re-appointed. The Governor may appoint a deputy of a member of the Board who may, in the absence of the member, act as a member of the Board. Under subclause (3), an appointed member may be removed from office by the Governor for non-compliance with his terms of appointment, mental or physical incapacity to perform his duties satisfactorily, neglect of duty or dishonourable conduct. The office of an appointed member is to become vacant if he is removed from office by the Governor, his term of office expires, he dies or resigns. Upon the occurrence of a vacancy, a person is to be appointed to the vacant office in accordance with the measure.

Clause 9 deals with meetings of the Board. The Chairman is to preside at meetings, and in his absence the members present are to decide who is to preside (subclause (1)). Three members are to constitute a quorum, and the person presiding is to have a second or casting vote. The Board must keep accurate minutes and, subject to the Act, may determine its own procedures. Clause 10 provides for the validity of acts of the Board notwithstanding a vacancy or the defective appointment of a member. Under subclause (2), no personal liability is to attach to a member in relation to any act done in good faith. Such liability is instead to attach to the Crown (subclause (3)).

Clause 11 deals with the disclosure by members of interests. A member who is directly or indirectly interested in a contract or a proposed contract is required to disclose the nature of his interest to the Board, and refrain from taking part in any decision relating to that contract. Where a member discloses such an interest, the contract is not void or liable to be avoided by the Board on any ground arising from the member's interest.

Clause 12 provides that a member of the Board shall, if the Governor thinks fit, be entitled to such allowances and expenses as the Governor may determine. Clause 13 sets out the functions of the Board:

- to undertake, provide for or control the acquisition, distribution, management and disposal of goods for or by public authorities;
- to develop and issue policies, principles and guidelines and give directions relating to the acquisition, distribution, management and disposal of goods for or by public authorities;
- to direct the terms and conditions upon which goods may be acquired or disposed of for or by public authorities;
- to investigate and review practices of public authorities in relation to acquisition, distribution, management and disposal of goods;
- to provide advice on any matter relating to the acquisition, distribution, management or disposal of goods for or by public authorities, including the training and development of persons engaged in such work.

Under subclause (2), the Board may, for the purpose of performing its functions, hold and deal with real and personal property, enter contractual relationships, acquire rights and incur liabilities, direct public authorities to furnish documents or information to the Board, and exercise any other necessary or incidental powers.

Clause 14, provides that a public authority (including every member or officer of the authority) is bound to comply with any directions given, or policies, principles or guidelines issued to the public authority by the Board in the performance of its functions. This provision and the express power of the Board to give directions and issue policies, principles and guidelines to public authorities are designed to secure for the Board the clear legal control of the supply operations of public authorities without reliance on the more formal and cumbersome process of making regulations and giving delegations. Clause 15 provides that the Board may, if it thinks fit, provide advice or make recommendations to the Minister responsible for a prescribed public authority upon any matter relating to the acquisition, distribution, management or disposal of goods by the prescribed public authority. A prescribed public authority (including every member or officer of the authority) is to be bound to comply with any directions given by its Minister upon the advice or recommendation of the Board.

Clause 16 empowers the Board, with the approval of the Minister responsible for a prescribed public authority, to undertake or provide for the acquisition or disposal of goods for the prescribed public authority or, with the approval of the Minister, to undertake or provide for the acquisition of goods for a body other than a public authority or prescribed public authority. Clause 17 provides that the Minister may require the Board to have regard to a particular policy, principle or matter in carrying out its functions. Any such requirement must be in writing, and with that exception, the Board is not subject to Ministerial control or direction.

Clause 18 provides that the Governor may appoint officers for the proper administration of the measure in accordance with the Public Service Act. The Board may also, by arrangement, use the services of an officer of a department of the Public Service or other public authority. Clause 19 empowers the Board to delegate any of its powers or functions to a member of the Board or an officer engaged in the administration of this Act. Clause 20 deals with appropriation by Parliament of moneys required for the measure.

Clause 21 deals with the accounts of the Board. The Auditor-General is to have the same powers in relation to the accounts of the Board as are vested in him pursuant to the Audit Act, 1921, in relation to public accounts and accounting officers. Clause 22 provides that an annual report on the administration of the Act for a financial year is to be delivered to the Minister before the next thirty-first day of October and is to be laid before each House of Parliament by the Minister.

Clause 23 provides that the Minister shall cause a report on the operation and effectiveness of the measure to be

prepared within three months after the third anniversary of its commencement. Under the clause, the report must be prepared by persons not involved in the administration of the legislation and tabled in Parliament by the Minister as soon as practicable after his receipt of the report. Clause 24 is the regulation making power.

The Hon. C.M. HILL secured the adjournment of the debate.

ANZ EXECUTORS AND TRUSTEE COMPANY (SOUTH AUSTRALIA) LIMITED BILL

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

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

I seek the indulgence of the Council to have the second reading explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Government is introducing this Bill with the intention of enabling the ANZ Executors & Trustee Company (South Australia) Limited to operate in this State as an executor and trustee. The ANZ Bank Limited, the ultimate parent company of the ANZ Executors & Trustee Company (South Australia) Limited, entered into negotiations for the takeover of the Executor Trustee and Agency Company Limited during the latter part of 1984. In accordance with the spirit of legislation which was introduced originally on the initiative of a Labor Government in 1978 and confirmed by the Liberal Government in 1980, the Government informed the ANZ Bank Limited that its offer for the Executor Trustee and Agency Company Limited was not acceptable. However, during negotiations with the Government, the ANZ advanced a strong case for allowing its executor and trustee arm to operate in South Australia. The Government subjected the ANZ's proposals to the rigorous examination appropriate to the circumstances and was satisfied that the ANZ Executors & Trustee Company (South Australia) Limited could contribute effectively to services in the South Australian marketplace, while providing the security to testators and beneficiaries which is so important in this field.

The Government therefore agreed to introduce legislation which would enable the ANZ Executors & Trustee Company (South Australia) Limited (a wholly owned subsidiary of the ANZ Executors & Trustee Company Limited operating in Victoria) to operate in South Australia on the same footing as the other trustee companies.

Clauses 1 and 2 are formal. Clause 3 provides for a consequential amendment to the Trustee Act, 1936. Clause 4 contains definitions used in the measure. Of significance are the following:

'the Company' (ANZ Executors & Trustee Company (South Australia) Limited;

'officer' (of the Company)—a director or manager of the Company or some other officer or employee of the Company designated by the board of directors;

'trustee investment' (an investment authorised by law for the investment of trust funds).

Clause 5 provides that the company has the same power as a natural person to act as executor of the will, or administrator of the estate, of a deceased person (subclause (1). Under subclause (2), the Company may obtain probate of a will or letters of administration (with or without will annexed) in the same circumstances as a natural person. Under subclause (3), the Company may, with the court's approval, act on behalf or in the place of an executor or administrator, either permanently or temporarily. Subclause (4) provides that an officer of the Company may make an affidavit for the purposes of obtaining probate, letters of administration, or an approval under subclause (3).

Clause 6 provides that the Company has the same powers as a natural person to act as a trustee. Clause 7 provides that the Company may act as the guardian of a child or as the guardian or committee of a person who is not mentally competent. Clause 8 provides in subsection (1) that the Company may charge, in addition to its expenses, a commission in respect of any estate committed to it, at a rate fixed by the board of directors, but not exceeding 6 per cent of the capital value of the estate and 7½ per cent of the income received by the Company on behalf of the estate.

Under subclause (2), the Company is entitled to no greater charge than the commission to which it is entitled. Under subclause (3) where the Court considers the rate or amount of commission charged in any case is excessive, it may review the matter, and on the review, reduce the rate or amount. Under subclause (4) the rate charged shall not exceed the rate published in the Company's scale of charges at the time the commission became payable. Subclause (5) provides for scale charges in respect of perpetual trusts.

Under subclause (6), this clause does not prevent the payment with the Court's approval, of any commission directed to be paid by a settlor, or a commission or fee agreed upon between the Company and interested parties, either in addition to, or in place of, the commission to which the Company is entitled under this clause. Under subclause (7), in determining the capital value of an estate, the capital value of assets that are to be distributed shall be determined as at the date of distribution, and no deduction shall be made for debts or liabilities. Under subclause (8), the commission is not affected by reason of the entitlement of anyone other than the Company to a commission from the estate.

Clause 9 provides that the commission is payable at any time after the estate is committed to the Company. Clause 10 provides that where in the course of managing an estate the Company carries on a business, the Company may be paid (in lieu of a commission on income) such remuneration as the Court thinks fit. Clause 11 provides that the Company is entitled to charge for the preparation of income tax returns. Clause 12 provides that, subject to the terms of any relevant instrument of trust, the Company may invest moneys held by it in trust in any manner authorised by the trust instrument in any trustee investment, or in the common fund. Under subclause (2) where the Company acts jointly with another person in any capacity, the Company may deal with moneys under the control of the Company and other person, with the person's consent, in the same manner as the Company can deal with moneys under the control of the Company alone, and the other person is excused from any liability which, but for this subclause, would attach to him in respect of the money.

Clause 13 provides that the Company may establish and keep in its books one or more common funds. Subclause (2)—a common fund must be invested in such classes of investment as the Company determined before establishing the fund. Subclause (3)—no money is to be invested in a common fund unless the classes of investment in which the money could be invested on separate account are the same as, or include, the classes of investment for the common fund. Subclause (4)—the Company must keep accounts sharing the amount at credit in the common fund on behalf of each estate, trust or person. Subclause (5)—the Company may sell investments belonging to a common fund and deal with the moneys in the fund. Subclause (6)—the Company

may withdraw from the fund the amount at credit on account of any estate, trust or person and invest it separately. Subclause (7)—profits or losses of the common fund are to be received or borne proportionately by the several amounts invested in the common fund.

Subclause (8)—the Company is to determine the value of the investments of each common fund on the first day of each month. Subclause (9)—investments and withdrawals from a common fund shall, during a month, be effected on the basis of the valuation under subclause (8). Subclause (10)—the Company shall pay the income arising from the common fund proportionately to or among the estates, trusts, properties or persons entitled to the capital invested in the fund according to the sums invested and the periods for which they remain invested.

Clause 14 is an evidentiary provision. Clause 15 provides that the powers conferred by this measure are in addition to, and do not derogate from, the powers of the Company under any other Act or law.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

THE FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT AMENDMENT BILL

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

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill proposes that the Flinders University of South Australia Act, 1966-1973 be amended:

(1) to extend the full jurisdiction of the Industrial Commission of South Australia to the University in respect of general staff; and

(2) in a number of minor respects which take account of contemporary circumstances.

The impetus for this Bill arises from a need to amend section 30 of the principal Act which at present reads:

> Notwithstanding any Act or law to the contrary, the Industrial Commission of South Australia shall have jurisdiction to make awards relating to the salaries, wages and conditions of employment of officers and employees of the University.

This was inserted in the Act in 1973 after it had been discovered that the Industrial Commission has no jurisdiction at all in respect of the University. As it presently stands, this section only confers upon the Commission the jurisdiction to make awards relating to salaries, wages and conditions of employment. There are, however, other industrial matters over which the Commission would normally have jurisdiction but over which it does not have jurisdiction in the case of the University. Such matters include classification structures and promotion criteria. This defect was discovered in 1976 when section 30 was considered by the Full Court of the South Australian Industrial Court in the Flinders University (Professional Non-Academic Staff) award (Referral of Question of Law) Case.

The Government has recently been approached by the University, the Flinders University Staff Association, which covers academic staff and certain non-academic staff, and the Flinders University General Staff Association all seeking to have this section amended. All three have agreed that the full jurisdiction of the Industrial Commission should be extended to staff other than the academic staff. However, the Univerity and the Flinders University Staff Association have adopted different positions in relation to the treatment of academic staff by this section.

On the one hand, the University has proposed that section 30 confer jurisdiction of the Commission only on staff other than academic staff whereas, on the other hand, the Staff Association argues that the extension of the Commission's jurisdiction should include academic staff. While the Government does not accept the University's proposal which would involve taking away from academic staff rights which they presently enjoy, it does not support the Staff Association proposal to increase academic staff access to the Industrial Commission. Accordingly, the Government has adopted a course which extends the full jurisdiction of the Industrial Commission to the University in respect of general staff whilst preserving its present jurisdiction in relation to the salaries, wages and conditions of employment of academic staff.

As it was seeking an amendment to section 30 of the Act the University undertook a review of the remainder of the Act and has proposed a number of other relatively minor amendments. Many of these are of a housekeeping nature and others simply reflect changes in the circumstances of the University since the Act was last amended in 1973.

Clauses 1 and 2 are formal. Clause 3 amends section 2 of the principal Act by changing a reference to 'ancillary staff' to the now generally accepted nomenclature 'general staff'. Clause 4 amends section 3 of the principal Act which describes the University as consisting of 'a Council and a Convocation'. The amendment acknowledges staff and students as also being members of the University.

Clause 5 amends section 5 of the principal Act, which defines the membership of the council of the University, by

(i) changing a reference to 'ancillary staff' to the now generally accepted nomenclature 'general staff';

(ii) providing that the Pro-Chancellors and the Pro-Vice-Chancellors be *ex officio* members of the council; and

(iii) adopting the current nomenclature 'General Secretary of the Students Association' in place of 'President of the Students Representative Council'.

Clause 6 amends section 6 so that the members of Parliament appointed to the council of the University are elected by each House and not as at present selected by the more cumbersome process of ballot.

Clause 7 deletes from section 7 of the principal Act certain words which are no longer relevant. They relate to the initial appointment of council members by Parliament.

Clause 8 deletes from section 10 of the principal Act three sub-sections which are no longer relevant. They relate to transitional provisions connected with a change in the composition of the council brought about by The Flinders University of South Australia Act Amendment Act, 1973.

Clause 9 deletes from section 11 of the principal Act two subsections which are no longer relevant. They relate to transitional provisions connected with a change in the composition of the council brought about by The Flinders University of South Australia Act Amendment Act, 1973. Clause 10 changes references in section 12 to 'ancillary staff' to references to 'general staff'.

Clause 11 amends section 16 of the principal Act by limiting the number of Pro-Chancellors and Pro-Vice-Chancellors who might be appointed to two in each case. This is necessary in view of the inclusion of these officers as *ex officio* members of the council (see clause 5). Clause 12 amends section 18 of the principal Act by providing for a

Pro-Chancellor, rather than the Vice-Chancellor, to preside at meetings of the council in the absence of the Chancellor.

Clause 13 amends section 19 a of the principal Act to extend the council's powers of delegation to include any board or committee of the University as well as 'any officer or employee of the University'. This should remove any doubt which might exist as to the council's powers of delegation. Clause 14 amends section 20 of the principal Act by:

(i) deleting a sentence which is no longer relevant; it suspended operation of certain provisions pending the constitution of the Convocation; and

(ii) raising the maximum fine recoverable summarily for contravention of the by-laws from forty dollars to two hundred dollars; this takes account of the changes in monetary values since the University's establishment in 1966.

Clause 15 deletes section 22 of the principal Act which allows the University to prescribe the place of residence of students during term. This is anachronistic and not likely to be used since the University does not accept an *in loco parentis* role. Clause 16 amends section 30 of the principal Act by extending the full jurisdiction of the South Australian Industrial Commission to the University in respect of staff other than academic staff whilst preserving the existing jurisdiction of the Commission over the University in respect of academic staff.

The Hon. L. H. DAVIS secured the adjournment of the debate.

ADJOURNMENT

At 11.40 p.m. the Council adjourned until Wednesday 8 May at 2.15 p.m.