LEGISLATIVE COUNCIL

Tuesday 29 October 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:

Appropriation,
Liquor Licensing Act Amendment (No. 2),
Police Pensions Act Amendment,
Superannuation Act Amendment.

PETITION: CLEVE AREA SCHOOL

A petition signed by 29 residents of South Australia praying that the Council prevent any of the proposed staff cuts at the Cleve Area School was presented by the Hon. Peter Dunn.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Evidence Act, 1929—Report of the Attorney-General relating to Suppression Orders, 1984-85.

Rules of Court—

Local Court—Local and District Criminal Courts Act—City of Adelaide Development Control—Civil Enforcement. Planning—Civil Enforcement. Planning Appeal Tribunal—Planning Act—General Rules, 1985. Supreme Court—Supreme Court Act—Companies (South Australia) Code.

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

Pursuant to Statute—

Credit Union Stabilisation Board—Report, 1984-85.

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

Pursuant to Statute—

Food and Drugs Act 1908—Regulations—Prohibited Products.

Planning Act 1982—Crown Development Reports by S.A. Planning Commission on proposed—

Single metal classroom, Palmer Primary School.
Single transportable classroom, Palmer Primary School.

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

Pursuant to Statute—

Boilers and Pressure Vessels Act 1968—Regulations—Standards.

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

Pursuant to Statute—

Citrus Board of South Australia—Report for year ended 30 April 1985.

Pest Plants Commission—Report, 1984.

By the Minister of Tourism (Hon. Barbara Wiese):

Pursuant to Statute—

Lottery and Gaming Act 1936—Regulations—Australian Formula One Grand Prix.

By the Minister of Local Government (Hon. Barbara Wiese):

Pursuant to Statute—

City of Glenelg—By-law No. 68—Traffic.

City of Henley and Grange—By-law No. 23—Restaurants and Fish Shops.

District Council of Willunga—By-law No. 40—Vehicles on Reserves.

QUESTIONS

ROAD TRANSPORT LEGISLATION

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in the Council, a question about road transport legislation.

Leave granted.

The Hon. M.B. CAMERON: Road transport controls have been a subject that I thought would have disappeared years and years ago when the matter was fought publicly, and it ended with all parties agreeing that no form of restriction on road transport should come into being. From time to time the question of an interstate transport commission has come to the fore, but almost inevitably the proposal has disappeared.

However, I understand that the Interstate Road Transport Bill has been introduced in the Federal Parliament: it has already passed in the Lower House and it is to be discussed by the Senate. It appears that the implications of that Bill were not fully understood by the transport industry, or certainly sections of it, and therefore there is considerable concern about the impact of this legislation. What really concerned me was that, when the South Australian Government was asked whether it would introduce complementary legislation, which would be necessary, it was indicated that the Government had agreed to introduce such legislation. The Government has now belatedly agreed to discuss this matter with local transport operators and the local transport industry. This appears to be the wrong way to go about it—to agree first to introduce complementary legislation before discussing the matter with the people who will be affected and who have no real understanding of the legislation.

My information is that a simple loading agent who earns $20 each time he organises a load on a truck will have to outlay $10 000 in fees in the first year. A double road train operator will have to pay almost $8 000 a year to register his truck, and a triple road train operator will have to pay nearly $14 000, which is an enormous sum.

I am informed that one operator based in South Australia will have to outlay $624 000 in the first year and $364 000 a year in future. The result, according to my information, will be total financial collapse of that operator and 350 people put out of work. That information alone is enough to cause me a lot of concern. Will the Attorney-General agree to withdraw support for this complementary legislation, so that any discussions that take place will not do so in an atmosphere of 'You will be having it whether you like it or not'? Will he withhold support until the Government can discuss the matter with local transport operators and firm information can be given on the effects of the Bill? Then the situation will be understood and perhaps meaningful discussions can take place on what information should be provided.

The Hon. C.J. SUMNER: I will take the matter up with the appropriate Minister asking him to take into account the honourable member's suggestions in this regard and bring back a reply.

OMBUDSMAN

The Hon. K.T. GRIFFIN: Will the Attorney-General say how it is possible to distinguish on the one hand the Government's decision to investigate allegations made against an acting Ombudsman, Mr Grant Edwards, while on the other hand not seeking to obtain all the facts in relation to the Qantas airline tickets allegations involving the former Ombudsman Mary Beasley?

The Hon. C.J. SUMNER: One would have thought that the shadow Attorney-General, after his performance last week and the performance of the Leader of the Opposition, Mr Olsen, would stop trying to hound Ms Beasley out of the Public Service. They have had one aim in this matter right from the start and that aim was to chase Ms Beasley out of the job of Ombudsman.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Now, having got her out of the position of Ombudsman, Opposition members want to chase her out of the Public Service. That is a matter that can rest on their conscience. All I know is that their behaviour last week, and the behaviour of the Leader of the Opposition last week, was the most disgraceful behaviour ever committed by a politician that I have seen in the 10 years of my time here. I believe that that is definitely recognised by any fair-minded person in the community. The fact is that the Leader of the Opposition broke agreements with impunity.

The Hon. K.T. Griffin: That's not correct.

The Hon. C.J. SUMNER: He knew that there was an agreement on Tuesday at lunchtime. He knew that that agreement was consummated later in the day in discussions with the shadow Attorney-General. He knew that that was the arrangement that had been made. He then went to the *News* at 7 o'clock on the Wednesday morning, the following morning. What did he do? He decided that he was going to break that bipartisan agreement and that is what the statement in the *News* was about. There was a bipartisan agreement and he broke it. He broke it to the *News* because he thought that it could score him a few political points: he knows that!

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I am surprised and astonished that the Hon. Mr Griffin should try to justify his behaviour and the behaviour of the Leader of the Opposition last week. It has been recognised as disgraceful. It has been recognised as dishonest. It has been recognised by all right thinking members of this Parliament, and by all right thinking members of the community, as breaking agreements.

I challenge the Hon. Mr Griffin and Mr Olsen to make a few inquiries from the backbenchers in this Council and in the other place and see what they have to say about this behaviour. They know on the facts that were presented and on the basis of your personal explanation provided on Wednesday that you broke (I am not necessarily suggesting that it was the honourable member), that Mr Olsen broke—

The Hon. K. T. Griffin interjecting:

The Hon. C.J. SUMNER: Why should I go through this again and put on the record yet again—

The Hon. K.T. GRIFFIN: On a point of order, Mr President. You, two or three weeks ago, made a ruling in relation to answering questions. The Minister's answer is in no way related to the question that I asked, which was simply about how to distinguish between the Government's behaviour in relation to an investigation of the acting Ombudsman on the one hand and in not obtaining facts in relation to Ms Beasley on the other.

The PRESIDENT: In the first place, I did not make a ruling, but made suggestions in the hope that some questions and answers would be more relevant to the point of the question. It was not a ruling: I have no authority to make that ruling because my Standing Orders do not permit it.

An honourable member: Unfortunately!

The PRESIDENT: Yes, unfortunately.

The Hon. C.J. SUMNER: By way of responding to interjections, I merely wish again to put the record straight: that record is very straight and clear to anyone—and I mean anyone—in this Parliament who followed the events of last week. I would have thought that the statements from someone like the Hon. Mr Milne—and I suggest that the Hon. Mr Griffin check around with a few of his backbenchers—showed that one of them is on the spot. If it is not the honourable member, it is John Olsen. That is the situation, as the honourable member knows it. It is interesting to see the attitude of—

The Hon. C.M. Hill interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —the honourable member opposite. Essentially—

The Hon. C.M. Hill: That is what the people are screaming out about.

The PRESIDENT: Order! Will the Hon. Mr Hill come to order!

The Hon. Anne Levy interjecting:

The Hon. C.J. SUMNER: It is true, as the Hon. Ms Levy says, that a number of people moved to that sort of position when the Hon. Mr Hill was in Government a few years ago. If he would like me to go through his performance and record in that respect—

The PRESIDENT: Order! The Minister is a long way from relevance.

The Hon. C.J. SUMNER: Indeed! So are the interjections from members opposite.

The PRESIDENT: There is no need to answer the interjections.

The Hon. C.J. SUMNER: With respect to Mr Edwards, certain allegations were made on Thursday evening. Those allegations were investigated at least on a preliminary basis that evening by the Deputy Crown Solicitor's taking a statement, which will have to be added to as part of any further inquiry. Nevertheless, the Deputy Crown Solicitor (Mr Bowering) took a statement from the complainant. It was on the basis of a statement taken from a witness that the decision was taken that Mr Edwards should be requested to step aside while the inquiries proceeded—a course of action that he agreed to. I merely ask the public of South Australia and the Parliament to compare a statement taken from a witness with respect to Mr Edwards with the rumours and the innuendo that were peddled—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Just a minute. This is it: rumours and innuendo peddled by—and we know they were peddled by—members opposite.

The Hon. K.T. Griffin: They were not.

The Hon. C.J. SUMNER: Then why, on every occasion that John Olsen was asked about it, did he say, 'I have other allegations'? 'There are other allegations', he said, 'but I am not prepared to state them.' He has never at any stage stated them anywhere, except that some of them were raised in private conversation as part of the agreement as to how we would proceed to deal with the Beasley affair last week. You know what the deal was. The deal was—

The Hon. K.T. Griffin: The way you played was very dirty.

The Hon. C.J. SUMNER: You are obviously smarting.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That really is quite unfair. You know as well as I do what happens.

The Hon. K.T. Griffin: If you play rough—

The PRESIDENT: The Hon. Mr Griffin asked one question and that should suffice. If he wants to, he can ask a second question.

The Hon. C.J. SUMNER: I am sorry that the honourable member is in trouble with Mr Olsen, because I believe he genuinely tried to do the right thing last week. I made that statement publicly. He genuinely tried to do the right thing, but the irrefutable facts are that on the Wednesday morning at 7 o'clock—about deadline time for the *News*—Mr Olsen rang the *News* and said, 'I am getting out of this bipartisan agreement' and took off. Everyone knows that that is what happened. Nevertheless, as part of the discussions I had with Mr Olsen and the Hon. Mr Griffin last week there were a number of things that we were going to pursue.

We were going to pursue Ms Beasley's standing aside—which I did. We were going to pursue looking at terms of reference for any inquiry that might be necessary and we collated not allegations—rumours—that is all they were. They were rumours. The one rumour that we were able to check quickly with respect to the State Bank turned out to be an absolute lie. All I say is that the Leader of the Opposition Olsen was prepared in the public arena to raise these things not by saying what they were but by saying there were other allegations: there are other allegations that should be investigated. He never stated them. They were not allegations—they were rumours—and that is all they were. The Hon. Mr Griffin expects me and the Government to treat rumours of that kind, one of which—

The Hon. K.T. Griffin: I made no—

The Hon. C.J. SUMNER: Just a minute—rumours—

The Hon. K.T. Griffin: You are distorting it. You have double standards.

The Hon. C.M. Hill: Answer the question.

The Hon. C.J. SUMNER: I am answering it.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The Hon. Mr Griffin expects me to treat rumours of the kind that were being peddled last week about Ms Beasley—one of which had been checked and found to be utterly untrue—in the same way as a statement obtained from a potential witness: a statement, not a rumour from a journalist, which is what we were dealing with last week, but a specific statement obtained from a witness, a person who had a complaint to make. That is what occurred. Those two situations are quite different and I am quite prepared to stand by that. With regard to the Qantas matter, the allegations last week from honourable members opposite were that Ms Beasley should not remain in the position of Ombudsman because of the Qantas matter. With respect to that there is no evidence—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Again, does the honourable member want us to engage in a witch hunt?

Members interjecting:

The Hon. C.J. SUMNER: Thank you. There is no evidence of breaches of the criminal law in South Australia. The Federal Attorney-General has said that there is no evidence of any breach of Commonwealth law. What is it that the honourable member wants to be investigated? Now he has achieved his objective of getting Ms Beasley out of the Ombudsman's office there are simply no credible allegations that require investigation. As I said before, and as I said last week, if there is any new matter that has some credibility, and by that I mean not just rumour, we do not or should not as a Parliament—neither should the shadow Attorney-General— decide to pursue people on the basis of rumour. If there is any credible proposition with respect to this matter put up, then obviously the matter would be further pursued. Whether it is within the jurisdiction of the State Government to pursue it I do not know. At the present time there is nothing, as I understand it, within the jurisdiction of the State Government that can be pursued with respect to Ms Beasley.

That is the simple answer to the honourable member's question. There is clearly a distinction between the situation with respect to Mr Edwards, where there is a statement from a witness obtained on Thursday evening by the Deputy Crown Solicitor. Of course, that statement may need to be enlarged upon and perhaps supplemented as any inquiries proceed.

MINERAL EXPLORATION

The Hon. I. GILFILLAN: Does the Minister of Agriculture have a reply to the question I asked on 16 October about mineral exploration in the Flinders Ranges?

The Hon. FRANK BLEVINS: The Minister of Mines and Energy refutes the honourable member's statement that he has not made 'full and adequate disclosure of information' on the exploration being carried out along the western flank of the Flinders Ranges National Park. Parliament has been kept fully informed of progress by way of numerous ministerial statements and answers to questions without notice since the exploration was first announced in May 1983.

The Minister states that he has always been open and frank both with the Conservation Council and its Flinders Ranges Action Committee and has provided information to them as required. The fact is that both stages of the exploration program have taken much longer to complete than originally outlined in the May 1983 ministerial statement. Detailed sampling and geophysical surveys have only just been completed in the past few months. However, all the necessary field work has now been carried out, the samples are being assayed and the results are being assessed in readiness for inclusion in a detailed report which is expected to be available before the end of the year.

In answer to the specific questions asked by the honourable member, the Minister advises as follows:

1. 'Will the Minister say what decisions have been made on the exploration for minerals in the Flinders Ranges National Park?'—None.
2. 'If there has not yet been a decision, why not, and when will one be made?'—When the detailed report mentioned earlier is available.
3. 'Will the Minister report on the current status of mineral exploration in the Flinders Ranges National Park; if so, when; and if not, why not?'—The honourable member's attention is drawn to the information provided earlier.

SOUTH AFRICAN GOODS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about South African goods.

Leave granted.

The Hon. ANNE LEVY: It has been reported to me that agricultural products from South Africa are being imported and sold in this country. It has also been reported that some of these products, such as dried fruits, are packaged with a label stating, 'Produce of SA'. I realise that internationally

'SA' is usually taken to stand for South Africa. However, the situation in Australia is obviously very different.

Most Australians who pick up a package with a label that reads, 'Produce of SA' will take it to mean South Australia and not South Africa. It seems to me that this is a fairly serious situation. There are many individuals who do not wish to purchase anything originating from South Africa, but even people who do not have these feelings may often wish to be patriotic and buy things specifically produced in Australia and South Australia.

If they see a packet labelled 'Produce of SA', they will take it as being a South Australian product and react accordingly. Whether it is intentional or not, a packet from South Africa labelled 'Produce of SA' could be taken as being definitely misleading in this country. I ask the Minister of Agriculture whether he will investigate whether in fact agricultural products from South Africa are marked 'Produce of SA' and, if so, will he take it up with the relevant federal Ministers so that Australian Customs can insist that any goods from South Africa entering this country are clearly labelled as coming from South Africa and not from South Australia so that people will not be misled in their purchasing.

The Hon. Peter Dunn: You had better gee yourself up for this one.

The Hon. FRANK BLEVINS: I do not understand your remark. Would you like to explain that?

The Hon. Anne Levy: He thinks we import a lot of wheat from South Africa. That's what he is thinking: how to package South African wheat here.

The Hon. FRANK BLEVINS: Extraordinary.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: I think the question of the labelling of goods and the possibility of that being misleading is more properly the concern of the Minister of Consumer Affairs, and I shall draw his attention to the question. Certainly I take the point that we in South Australia have quite an extensive dried fruit industry and I would want to do everything that is reasonable to protect that industry, so the honourable member is quite right in addressing the question to me in the first instance.

I know that the South Australian Government has been attempting to promote the use of South Australian goods and that people should be encouraged—in fact, ought to be encouraged—to buy South Australian produce, particularly produce from the Riverland, an area that has had some economic difficulties from time to time, not the least of which are in the dried vine fruit industry and also in some of the dried tree fruits. Anything that clearly identifies the particular product as being from South Australia—and I would argue from the Riverland—certainly ought to be promoted and, conversely, if some people are promoting South African produce as coming from South Australia, then that ought to be resisted very strongly.

People feel it incumbent upon them to make a political statement by using their purchasing power quite properly for or against particular regions of the world, and I certainly see nothing at all wrong in that. I know that if I had a choice of buying South Australian dried fruit or South African dried fruit, then I would certainly take the South Australian dried fruit any day, and I would hope everybody in this Council would, irrespective of which side of the Chamber they sit on. I am sure that they would all prefer to buy South Australian rather than South African. Because of the silence that greets that very profound statement, I am sure that the Liberal Party acquiesces in that. So, to enable all members of Parliament and all members of the South Australian community not to be misled by labelling such as this, I will certainly ask the Minister of Consumer Affairs to examine very urgently whether there are any misleading labels around in order to do two things: first, to protect the South Australian dried fruit industry and, secondly, to allow people who wish to make a statement on the problems of South Africa to do so. I am sure that we would have the complete support of the former Prime Minister (Hon. Malcolm Fraser) in this request, so I thank the honourable member for her question.

LEONARDO DA VINCI EXHIBITION

The Hon. C.M. HILL: I ask the Attorney-General for an answer to a question I asked recently concerning the Leonardo da Vinci exhibition.

The Hon. C.J. SUMNER: The exhibitions scheduled to be held at the Art Gallery of South Australia in 1986 are listed as follows; precise dates are not given for they will inevitably be subject to minor variation. I seek leave to have the list incorporated in *Hansard* without my reading it.

Leave granted.

List of Exhibitions

1. Australian Art November (large exhibition) to late January 1986.
2. 'Sengai the Zen Master' (Japanese painter of the 18th century: small exhibition) to late January 1986.
3. South Australian ceramics of past 20 years (small Festival exhibition) February-April 1986.
4. Contemporary German art (major Festival exhibition) February-April 1986.
5. 'Cross Currents' (contemporary European jewellery; small exhibition) April-May 1986.
6. 'Golden Summers' (Australian impressionist painting by Tom Roberts, Arthur Streeton, Charles Condor etc.; large exhibition) May-June 1986.
7. Eugene von Guerard in South Australian (Australia's best 19th century artist; small exhibition) May-July 1986.
8. S.T. Gill in South Australia (South Australia's most popular artist) July-August 1986.
9. Early European Embroidery from the Victoria and Albert Museum, London (small exhibition) July-August 1986.
10. Edvard Munch (Europe's greatest expressionist artist, 19th-20th century; large exhibition) September-October 1986.
11. South Australian Colonial Crafts (large exhibition) October 1986-January 1987.
12. New Leathercrafts, Australia and the United States (small exhibition) November-December 1986.

The Hon. C.J. SUMNER: The honourable member is also under some misapprehension about the exhibition which he believes 'comprises drawings, pictures and models by Leonardo da Vinci . . .'. That is not so. The exhibition contains nothing made by Leonardo da Vinci. The exhibition instead comprises large photographs, on 120 panels, of Leonardo's drawings of scientific and engineering subjects and of his texts relating to those subjects; and it consists of 28 recently constructed models which are based on Leonardo's drawings of engines, weapons and other technological subjects. It seems to be a very interesting exhibition about 'Leonardo, Scientist and Engineer' (which is the exhibition's title). But it is not an exhibition of work by Leonardo and it is therefore not an art exhibition.

I have received a report on the exhibition from my Executive Assistant, who inspected it twice—once in the company of the Director of the Museum—while he was accompanying me on my recent visit to Italy. The Director provided my Assistant with detailed specifications of the travelling exhibition which is different from the static and permanent exhibition on display in the Museum. These are currently being translated in English. A report has been provided to the Department for the Arts on the exhibition and checks are being made on the costs of transport—all of which would have to be borne by the hosting organisation.

The Director's view about a venue was that the exhibition would quite appropriately be associated with a school or Institute of Technology and that there was no requirement for it to be exhibited at a gallery. Nonetheless an examination of the exhibition and the associated costs is continuing and I will discuss it with the Italian Co-ordinating Committee in due course. It appears that the Director does not require confirmation of an impending visit to South Australia for some months.

ROYAL ADELAIDE HOSPITAL

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Health a question about Royal Adelaide Hospital finances.

Leave granted.

The Hon. L.H. DAVIS: On 15 October I directed a question to the Minister about the financial situation at the Royal Adelaide Hospital. I advised him that I was reliably informed that in the first three months of 1985-86 the Royal Adelaide Hospital was $2 million to $3 million over budget, and it was arguably the worst financial situation that the hospital had faced in the past decade. The prime reasons for the overrun were apparently overtime rates for nurses and a sharp increase in the price of drugs and other hospital supplies from overseas, reflecting the devaluation of the Australian dollar. I asked 'Will the Minister confirm this alarming overrun in the RAH budget?' In his reply the Minister said that my facts were absolutely upside down. In response to my interjection, 'Are you saying that it is untrue?' the Minister said, 'I am saying that that is a lie.' He further said:

> I am saying that the Hon. Mr Davis's suggestion from a Royal Adelaide Hospital watcher that the hospital has already blown its budget by some $2 million to $3 million in the first quarter of this year is a lie. To suggest that the hospital will be over budget by a factor of some 12 per cent in the first quarter of this year is totally outrageous.

That was quite unequivocal. I have a photostat of the Consolidated Accounts for the Royal Adelaide Hospital for the three months ending September 1985. I seek leave to table this document. It is a purely statistical document.

The Hon. J.R. Cornwall: What is the document?

The Hon. L.H. DAVIS: I am quite happy to provide the Minister with a copy as well as tabling it.

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: It is not a preliminary computer print-out.

The PRESIDENT: The honourable member wishes to table the document? He does not wish to incorporate it?

The Hon. L.H. DAVIS: I am quite happy to insert it in *Hansard*. I think it should be on the record, and so I seek leave to insert it. I can assure you, Mr President, that it is purely statistical.

Leave granted.

Hospital's Finances

Hospital: Consolidated RAH Month: September 1985	Financial Report—Goods and Services					
	This Month			Year to Date		
	Budget	Actual	Variation	Budget	Actual	Variation
Salaries and Wages B/F	6 195 856	6 588 697	−392 840	20 510 953	21 580 965	−1 070 012
23 Food Supplies	219 186	244 127	−24 941	578 835	694 157	−155 322
24 Drink Supplies	415 094	694 021	−278 926	1 265 947	1 583 142	−317 195
25 Medical and Surgical Supplies	405 067	717 507	−312 440	1 434 224	2 006 897	−572 672
26 Surgical Service Departments	16 731	45 181	−28 450	63 939	82 456	−18 518
27 Electricity	86 954	80 979	5 975	298 129	301 923	−3 795
28 Other Fuel and Power	48 204	3 290	44 915	135 850	153 964	−18 115
29 Domestic	91 859	109 399	−17 540	222 046	245 988	−23 943
30 Central Linen Service	178 248	195 021	−16 773	482 319	543 174	−60 855
31 Minor Works and Services	0	0	0	0	0	0
32 Equipment: Replacement	49 947	43 584	6 364	149 866	174 754	−24 888
33 Equipment: Additional	36 180	−55 081	91 261	109 540	185 377	−75 837
34 Repairs and Maintenance	358 495	382 046	−23 551	654 355	774 755	−120 400
35 Maintenance Contracts	8 362	45 806	−37 444	94 777	174 201	−79 425
36 General Admin. Expenses	204 726	288 561	−83 835	694 699	686 930	7 769
37 Workers Comp. Premium	0	0	0	494 485	494 485	0
38 Insurance	0	324	−324	210 000	864	209 136
39 Patient Transportation	98 868	156 500	−57 632	267 465	332 365	−64 900
40 Outside Pathology	7 472	3 026	4 447	20 219	11 600	8 619
Total Goods and Services	2 225 396	2 954 289	−728 893	7 176 695	8 447 034	−1 270 339
Gross Payments	8 421 253	9 542 986	−1 121 734	27 687 648	30 027 999	−2 340 351
41 Inpatient Fees	626 600	403 836	−222 764	2 087 100	1 622 064	−465 036
42 Same Day Fees	4 000	5 283	1 283	15 500	17 931	2 431
43 Non Inpatient Fees	58 400	26 861	−31 539	159 700	177 958	18 258
44 Other Fees	0	0	0	0	0	0
45 Commonwealth Govt Grants	140 600	0	140 600	405 200	249 146	−156 054
46 Other Hospital Revenue	4 900	7 524	2 624	14 600	18 445	3 845
47 Staff Meals and Accommodation	58 400	62 799	4 399	182 600	213 781	31 181
48 Not Subject to Cost Sharing	0	0	0	0	0	0
Gross Receipts	892 900	506 303	−386 597	2 864 700	2 299 325	−565 375
Net Operating Payments	7 528 353	9 036 684	−1 508 331	24 822 948	27 728 674	−2 905 726

The Hon. L.H. DAVIS: The document shows a deficit of $2.9 million for the three months to 30 September 1985, salaries and wages over budget by $1.07 million and medical and surgical supplies over budget by $572 000. The document categorically supports the claims I made on 15 October. It shows that the reply given by the Hon. Dr Cornwall was palpably untrue. My questions are as follows:

1. Will the Minister confirm that he misled the Council on 12 October, when he denied categorically that there was a $2 million to $3 million deficit at the Royal Adelaide Hospital in the first quarter of 1985-86?

2. Will the Minister withdraw his allegation that I lied to the Council on 12 October?

3. In view of the fact that the Minister, at worst, has deliberately lied to Parliament or, at best, has been wilfully reckless in giving an untrue reply, will he act honourably and resign his portfolio?

The Hon. J.R. CORNWALL: The answer to the first question is an unequivocal 'No'. As I said at the time, these unsourced things said by so-called hospital watchers—

Members interjecting:

The Hon. J.R. CORNWALL: No. I must say that the honourable member led with his chin. These things said by unsourced hospital watchers, used by the desperate men opposite—yesterday's men—to continually try to denigrate the Royal Adelaide Hospital do them a grave disservice. They act dishonourably and in pursuing attempts to discredit the Royal Adelaide Hospital they act disgracefully. I am very pleased that the Hon. Mr Davis has asked this question—I thought he never would. I took it for granted—

The Hon. R.I. Lucas: You were hoping he wouldn't.

The Hon. J.R. CORNWALL: Oh, no.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I took it for granted that his informant, since he got that information as soon as the print-out was available and before it was provided to the financial administrator or the Administrator, before it was considered by the board of the hospital and certainly before it was available to the commission—in view of that fact, we knew precisely which one of nine people it was (and there are only nine people who could have had access to it, so, as it was given to him directly, there was only one of that nine who could have given it to the honourable member). Therefore, we took it for granted that he would eventually produce that preliminary computer print-out.

The Hon. R.I. Lucas: It is not a preliminary computer print-out.

The Hon. J.R. CORNWALL: It is a preliminary computer print-out. I know exactly what the status of the document is.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: I will give an answer. I have a minute over the signature of the Chairman of the Health Commission.

The Hon. L.H. Davis: You denied that there was a blow-out of $2 million or $3 million.

The Hon. J.R. CORNWALL: Be quiet and give me a go.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I have a minute over the signature of Professor Gary Andrews to me about the Royal Adelaide Hospital financial position. It is worth reading it verbatim, because it relates precisely to the furphy and the disgraceful performance of Mr Davis in the Council on 15 October. Again, today he attacked the financial integrity of the Royal Adelaide Hospital and all of those associated with it. I will read this minute, and we will see whether the interjections cease, as they usually do after these people have led with their chin, as the Hon. Mr Griffin did earlier today. The minute states:

> I refer to statements made in the Legislative Council yesterday (15 October) to MLC Mr Davis concerning the Royal Adelaide Hospital financial position. It appears that Mr Davis was referring to information contained in a preliminary computer print-out which compares the hospital's actual expenditures to the end of September 1985 with the hospital's initially projected monthly cash flow estimates.
>
> The information referred to by Mr Davis reflects only these preliminary figures. These figures have not yet been examined by the hospital, have not been referred to hospital's executive, and have not been submitted to the commission. In the usual course of events such preliminary figures are usually subject to considerable adjustment to take account—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I will cite the previous year's figures in a moment and then we will see on whose face the egg is.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The document states:

> In the usual course of events such preliminary figures are usually subject to considerable adjustment to take account of various factors not included in the initial cash flow estimates. The hospital's projected monthly cash flow is not a 'budget' in any real sense. It simply provides a benchmark against which the hospital is able to review its financial performance on a month to month basis. Initial figures are subject to detailed review, explanation and negotiation with the Health Commission and, where justified, budget variations are made and cash flow projections will be adjusted accordingly. In some instances this will be in response to routine variations taking account of award variations, superannuation payments, etc., as provided in 'round sum allowances' and which are held centrally until claimed by health units.

Members interjecting:

The Hon. J.R. CORNWALL: A quick consultation with Mr Lucas will not help Mr Davis at all, I assure him. The minute further states:

> In other instances, legitimate and supportable arguments for budget adjustment may be put to the Health Commission and to the Treasury. The Health Commission is currently considering the hospital's claims in respect to the impact of devaluation and the late implementation of the 38-hour week. Any suggestion that the hospital's actual expenditure at the end of September can be directly projected to imply any substantial expenditure over budget at the end of the financial year is ludicrous.

They are not my words—they are the written words of the Chairman of the South Australian Health Commission. Further, it states:

> It is elementary that there is substantial month to month variations against cash flow estimates, especially where the base line figures against which the actual expenditure is reported have been derived largely on a modified pro rata basis.

In other words, simply dividing by 12 is not the way the system works, and, of course, the Hon. Mr Davis, who somehow miraculously obtained a degree in economics as well as a degree in law, should know that. It also states:

> This method of projecting cash flows as used in the hospital's internal working papers and reports is not accepted by the South Australian Health Commission. It is, in summary, completely incorrect on the basis of the information available to suggest that the RAH is $2 million to $3 million over budget, and the suggestion that this then implies an $8 million overrun at the end of the financial year compounds the error to the extent of being nonsense.

I seek leave to insert a purely statistical document in *Hansard.*

Leave granted.

ROYAL ADELAIDE HOSPITAL: YEAR-TO-DATE AND PROJECTED END-OF-YEAR VARIANCES
(As reported to SAHC by Hospital)

Month	1985-86		1984-85		1983-84		1982-83		1981-82		1980-81	
	Year-to-date Var. $000's	Projected EOY Var. $000's	Year-to-date Var. $000's	Projected EOY Var. $000's	Year-to-date Var. $000's	Projected EOY Var. $000's	Year-to-date Var. $000's	Projected EOY Var. $000's	Year-to-date Var. $000's	Projected EOY Var. $000's	Year-to-date Var. $000's	Projected EOY Var. $000's
July	522 (u)	1 470 (u)	NIL	NIL	174 (f)	NIL	N/A	N/A	266 (u)	NIL	N/A	N/A
August	1 219 (u)	1 924 (u)	667 (f)	NIL	496 (u)	NIL	277 (f)	2 377 (u)	273 (u)	1 940 (u)	N/A	N/A
September	2 340 (u)	3 002 (u)	761 (u)	NIL	231 (u)	1 967 (u)	961 (u)	4 629 (u)	724 (u)	1 142 (u)	N/A	N/A
October			1 867(u)	NIL	616(f)	626(u)	267(u)	6 916(u)	853 (u)	996 (u)	N/A	N/A
November			1 392 (u)	1 609 (u)	141 (u)	528 (u)	1 158 (u)	4 284 (u)	845 (u)	2 792 (u)	N/A	N/A
December			2 050 (u)	3 101 (u)	836 (u)	2 804 (u)	744 (u)	2 346 (u)	1 330 (u)	3 187 (u)	N/A	N/A
January			2 283 (u)	3 048 (u)	404 (f)	75 (u)	115 (u)	1 013 (u)	1 864 (u)	3 956 (u)	N/A	N/A
February			2 337 (u)	2 061 (u)	211 (f)	304 (u)	364 (f)	267 (u)	2 596 (u)	3 836 (u)	133 (u)	6 089 (u)
March			2 374 (u)	1 824 (u)	507 (u)	218 (u)	624 (f)	13 (u)	2 115 (u)	3 549 (u)	N/A	N/A
April			1 652 (u)	1 238 (u)	428 (f)	62 (f)	598 (f)	57 (u)	3 600 (u)	5 779 (u)	382 (u)	2 389 (u)
May			2 317 (u)	1 973 (u)	916 (u)	1 179 (u)	151 (u)	108 (u)	1 007 (u)	1 423 (u)	253 (u)	2 368 (u)
June			NIL	NIL	50 (u)	50 (u)	362 (f)	362 (f)	763 (u)	763 (u)	612 (u)	612 (u)

NOTES: (1) EOY Variances are as reported on MHS and may include projected costs prior to allowing for outstanding award variations, etc.

(2) Additional funds provided

1984-85:	Air-Conditioning Eleanor Harrald	$410 000
	Increased Costs 38-Hour Week	$60 000
1983-84:	NIL	
1982-83:	Funding Supplementation	$1 700 000

18 October 1985.

The Hon. J.R. CORNWALL: It so happens that I have a marked copy as well, and I would like to walk honourable members through this document to show that the figure that the Hon. Mr Davis plucked out of the air in isolation to try to discredit the financial integrity of the Royal Adelaide Hospital has very little standing and certainly should not be used even by this recklessly irresponsible, opportunistic Opposition. The not so honourable Mr Davis now has a copy of the document—I will take him back through September of the previous five years.

He will see, for example, that in 1982-83 the projected end-of-year variation was $4.6 million with an unfavourable year-to-date performance at that stage, which again is used as a management tool, of $961 000. If the honourable member looks further to October 1982-83, he will see that there is a $6.9 million projected end-of-year variation as against $267 000 unfavourable at that point. Those figures are management tools, as I said.

It so happened that on that occasion the hospital came in at the end of June of that year marginally in a favourable position against the original projections, That was the situation in 1982-83. If we look at 1981-82, and at January of that financial year, we see that on similar figures to the ones being used by the Hon. Mr Davis the unfavourable position at that point was $1.9 million, and the end-of-year projected variation was $3.9 million, almost $4 million. In fact, the hospital in 1981-82 came in a little over budget, but certainly only some hundreds of thousands of dollars.

And so it goes on. One can go back through all these years and see that the figures produced as management tools at any given time of the year have very little relationship to the actual end of year position. In fact, in September of 1985-86 the amount is $2.34 million, with a projected end of year variation of $3 million unfavourable—certainly not $8 million. It was recklessly irresponsible and quite untruthful (whether deliberately so or not) to suggest that the hospital was ever likely to have a deficit of $8 million in 1985-86. I repeat what Professor Andrews said: to project a figure used at the end of September on a preliminary computer print-out that is used as a management tool and to suggest that a hospital (albeit, the major and biggest hospital in the system) is so out of control financially that it is likely to have a $8 million deficit at the end of the year, is disgraceful conduct and it is not I who should be apologising to the Council: the Hon. Mr Davis should apologise.

The Hon. L.H. DAVIS: Why did the Minister mislead the Council on 15 October when he categorically denied my claim that the Royal Adelaide Hospital was in deficit for the first quarter of 1985 when the tabled document (whether a preliminary statement or not) quite clearly indicates that it was in deficit to the tune of $2.9 million?

The Hon. R.I. Lucas: Got you!

The Hon. J.R. CORNWALL: Falsetto is having his little go over there again. I think he has hormonal problems, actually. It is quite stupid to suggest that I misled the Council.

The Hon. L.H. Davis: The Minister misled the Council.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I said at the time that it was recklessly irresponsible of the Hon. Mr Davis to impugn the financial integrity—

Members interjecting:

The Hon. ANNE LEVY: I rise on a point of order, Mr President. The Hon. Mr Davis, by way of interjection, accused the honourable Minister of lying. I ask for your ruling that this is against the Standing Orders and suggest that you ask him to withdraw and apologise.

The PRESIDENT: Is that what the honourable member said?

The Hon. L.H. DAVIS: Unfortunately, the Hon. Ms Levy totally misunderstood what I said. I was merely quoting what the Minister told me on 15 October when he said that my allegation was a lie.

The PRESIDENT: That is what I understood the honourable member to say.

The Hon. J.R. CORNWALL: It was a lie then, remains a lie today and will be a lie tomorrow. I explained to the Council the reasons why Mr Davis plucked that figure out of the air, taking it totally out of context. He gave a preliminary figure as a firm figure that had been assessed by the hospital, thereby impugning the financial integrity of the Royal Adelaide Hospital.

The Hon. L.H. Davis: I am quoting fact.

The Hon. J.R. CORNWALL: The honourable member is not quoting facts at all. If he is unable to read a budget or to understand, with his economics degree, the facts—

Members interjecting:

The PRESIDENT: Order! Members will cease interjecting.

The Hon. J.R CORNWALL: I pointed out then, and point out again now that it is grossly untrue to suggest that the hospital will have an $8 million overrun.

The Hon. L.H. Davis: You didn't say that.

The Hon. J.R. CORNWALL: I said exactly that: I have read the *Hansard* record several times. It was also untrue to suggest that the hospital's net budget performance and overall budget in the first quarter of 1985-86 was $3 million unfavourable. I have read into the *Hansard* record of the Parliament a minute from the Chairman of the South Australian Health Commission which confirms precisely what I have said. I have also had incorporated in *Hansard*, and will be happy to distribute to everybody who cares to take a look, the position for the previous five years from 1981-82 to the first quarter of 1985-86.

Anybody who reads that document will see that to take a figure in isolation at the end of the first quarter of 1985-86, to multiply it by a factor of four and project that as the overrun or unfavourable budget position of the hospital, is being either mischievously mendacious or worse. I confirm that what the Hon. Mr Davis said on 15 October was wrong. What did he do, the skulking Mr Davis? He rang Dr Kearney and wanted information. He was told, of course, that he was acting improperly.

The Hon. L.H. Davis: Don't tell untruths in this place.

The Hon. J.R. CORNWALL: His front knows no bounds. He went to Dr Kearney and tried to implicate him. He was told that he was on the wrong track. Despite that—

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: The honourable member is not denying that he rang Dr Kearney and tried to implicate him? He rang Dr Kearney, the Administer of the hospital, and tried to implicate him. That is the sort of skulking, dishonourable and disgraceful behaviour that we have come to expect from the not so honourable Mr Davis over the years. His performance was disgraceful on the 15th and remains disgraceful today. Until such time as he apologies to the board and the administration of the hospital it will remain disgraceful. If he thinks that there is any political point in misrepresenting the financial position of the State's biggest (and one of this country's best) teaching hospitals then, quite frankly, he has another think coming.

HYPERBARIC COMPRESSION CHAMBERS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Health a question about hyperbaric compression chambers.

Leave granted.

The Hon. ANNE LEVY: I have received a letter, as I am sure have all other members of Parliament, regarding the provision of a decompression chamber at Port Lincoln for the benefit of abalone divers and all other divers in that area. The letter suggests that, although there are very good facilities at the Royal Adelaide Hospital, there is often insufficient means of transport to enable people requiring such a chamber to be flown to Adelaide in an emergency. Does the Minister feel that there is merit in the suggestion that there should be a decompression chamber in Port Lincoln?

The Hon. J.R. CORNWALL: Time does not allow me to go into detail. It is an excellent question and I ask the Hon. Ms Levy to ask it first up again tomorrow because there are a number of matters of substantial interest that I would like to report to the Parliament.

The Hon. L.H. Davis: You just use privilege to—

The PRESIDENT: Order! Will the honourable Mr Davis come to order, or I will name him.

HOLIDAYS ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Holidays Act 1910. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends the Holidays Act 1910, by permitting a banking service to be provided for visitors to Adelaide on each day of the forthcoming Australian Formula One Grand Prix, which will be held between Thursday 31 October and Sunday 3 November 1985. Currently the Holidays Act requires all banks to be closed on Saturdays and Sundays and there is no discretionary or executive power to allow otherwise.

It is obviously essential that a convenient currency exchange service, etc., be available to the estimated 5 000 international and 50 000 interstate and country visitors who will be in Adelaide for this most important event in the State's history. The State Bank of South Australia, which has been named by the Australian Formula One Grand Prix Office as the 'Official Formula One Grand Prix Bank', wishes to open three branches of its bank in the Grand Prix vicinity and to establish a special branch within the precincts of the declared Grand Prix area during the event.

It is intended that State Bank city branches at the corner of Rundle and Pulteney Streets and Hutt Street, together with the suburban branch at Rose Park, be opened from noon to 5 p.m. on Saturday and from 9 a.m. to 5 p.m. on Sunday and the new branch within the declared Grand Prix area be open on Thursday, Friday, Saturday and Sunday between 9 a.m. and 5 p.m. While the State Bank is the only bank to have made specific proposals to provide a banking service on the Saturday and Sunday in question, the Bill does not preclude any other bank from availing itself of the concessions provided.

The provisions of this Bill have been discussed with representatives of the Australian Bank Employees Union, who have indicated their acceptance of the Government's action to ensure that visitor services of an international standard are available for the forthcoming and subsequent Grand Prix events in Adelaide.

Clause 1 is formal.

Clause 2 makes an amendment to section 6 of the principal Act which requires that banks be closed on bank holidays. Under the amendment, that section will no longer require the closure of banks on bank holidays that fall within a period that is a declared period under the Australian Formula One Grand Prix Act 1984, that is, the period immediately surrounding the day on which the Grand Prix is held.

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

QUESTION ON NOTICE

ETHYLENE DICHLORIDE

The Hon. I. GILFILLAN (on notice) asked the Minister of Health:

1. Does the Minister recognise that ethylene dichloride is a carcinogen or cancer causing substance?

2. Is the Minister aware that ethylene dichloride or EDC is an intermediate compound in the manufacturing pathway from ethane to the plastic polyvinyl chloride or PVC?

3. What is the Minister's view as regards safety and public health of a proposal to manufacture the safe and inert plastic, PVC, from safe feedstock, ethane, through a process which involves the transport of the intermediate compound, EDC, from a site, say, in Port Adelaide, to a site, say, in Victoria or Indonesia?

4. Does the Minister agree that when dangerous intermediate products are involved in a chemical manufacturing process it is in the best interests of safety and public health for the whole process to be conducted on the one site in a closed system, which also guarantees that, at any one time, the amount of material in this intermediate and toxic form is minimised?

5. Could the Minister state whether this Government is still entertaining a proposal for a petrochemical works in South Australia that would export EDC by ship or other tankers to distant plants elsewhere in Australia or overseas?

The Hon. J.R. CORNWALL: Unfortunately, the complete answer to that question is not yet available.

The Hon. I. Gilfillan: I will take it in instalments.

The Hon. J.R. CORNWALL: I can give the honourable member instalments. Everyone knows that PVC is carcinogenic: that is not hard to work out. I ask that the remaining questions be placed on notice until Tuesday next.

CRIMES (CONFISCATION OF PROFITS) BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to provide for the confiscation of profits of crime; to make related amendments to the Controlled Substances Act 1984; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It provides for the confiscation of the profits of crime. Few people would disagree that in principle no person should profit from crime. It has often been recognised that in sentencing the court should punish to a degree that denies the criminal any profit from his crime. It is rarely delivered. There are several reasons for this. In the first place, the evidence before the court may not demonstrate the extent of the profits realized by the offender.

A second problem is that the sentencing options open to the court are generally restricted to the imposition of a fine or imprisonment. Where the offender has netted large amounts from his crime the maximum fine which a court may impose can fall far short of the profits from the crime.

There is a clear need for legislation to deprive criminals (whether organised or unorganised) of their ill-gotten gains, and in so doing to supplement and reinforce the penalties applicable to criminal conduct. Besides ensuring that crime does not pay, such legislation will act as a deterrent to criminal conduct and undermine the economic base upon which organised crime operates.

Provisions exist in Part IV Division II of the Controlled Substances Act 1984 allowing a court to order forfeiture of certain property when a person has been convicted of a drug offence. The property liable to forfeiture is: any money or real or personal property received by the offender in connection with the commission of an offence; any real or personal property acquired by the offender wholly or partially as a direct or indirect result of the commission of the offence; and any real or personal property of the convicted person used in connection with the commission of the offence.

While the profits from illegal drug dealings are an obvious target for forfeiture, the argument that criminals should lose their profits has equal force no matter what the crime, irrespective of whether the criminal acted alone or in company, or employed substantial planning or organisation. However, as a practical matter forfeiture provisions should be limited to 'serious offences'. There is no entirely satisfactory way to define 'serious offences'. The category of indictable offences (including indictable offences that are dealt with summarily) forms an appropriate standing point. There are, however, summary offences to which forfeiture could appropriately extend. Accordingly, clause 2(1) provides that the provisions of the Bill apply where a person has been convicted of an indictable offence or a summary offence declared by regulation to be a prescribed offence.

While the trigger for the operation of the legislation is generally a conviction, provision is also made in clause 5 to enable the property of those who have died or who have absconded before conviction to be forfeited. The property liable to forfeiture is described in clause 4. The provision is wider than the corresponding provision in the Controlled Substances Act 1984, in that it includes property acquired for the purposes of committing the offence, and clause 4(2) caters for the situation where the offender's assets have increased but no particular property can be identified as being liable to forfeiture.

It should be noted that the civil standard of proof applies to questions of fact in forfeiture proceedings. So that an offender is prevented from dissipating his assets prior to a conviction, clauses 6 and 7 provide for pre-trial restraints in the form of sequestration orders and seizure of assets. The pre-trial restraint provisions apply prior to the institution of criminal proceedings. However, they only apply where investigations have been undertaken and a charge for an offence is soon to be laid. The efficacy of this legislation will largely be defeated if criminals can secrete their assets in other States or countries. The Commonwealth, all States and the Northern Territory are considering introduction of similar legislation.

Accordingly, provision is made for the forfeiture of assets in South Australia, which would be liable to forfeiture under the corresponding law of another State or Territory. The Federal Government has announced its intention of negotiating bilateral treaties for mutual assistance in criminal matters. These treaties will require the parties to grant to each other mutual assistance in criminal matters, including the identification and recovery of profits of crime.

This Bill is an important measure in combating crime, both organised and unorganised, and is further evidence of the Government's intention to fight crime. One further clause of the Bill to which I wish to draw members' attention is clause 10. This provides that proceeds from the confiscation of profit of crime will generally be paid into the Criminal Injuries Compensation Fund created under the Criminal Injuries Compensation Act. The proceeds of this, as members will recall and as I will announce shortly, is to be used to compensate victims of crime under the Criminal Injuries Compensation Act. An exception is made in relation to profits derived from the manufacture or sale of drugs, where the proceeds are to be applied to assist in the treatment and rehabilitation of people addicted to drugs.

These provisions will ensure that the profits of crime are used to assist victims of crime. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure. Clause 3 contains the various definitions required for the purposes of the measure. By reason of the definition of 'appropriate court', applications will be able to be made under the Act to the Supreme Court, a district court where the relevant property does not exceed $100,000 in value and a court of summary jurisdiction constituted of a magistrate where the relevant property does not exceed $10,000 in value. The Act will apply in relation to 'prescribed offences', which are to be indictable offences or summary offences declared by regulation to be prescribed offences. Under clause 2(3), a person shall for the purposes of the Act be deemed to have been convicted of an offence if the person is found guilty of an offence but discharged without conviction or if the offence is taken into account in determining the penalty for some other offence.

Clause 4 specifies the property that is liable to forfeiture under the Act. Property that will be liable to forfeiture includes property acquired for the purpose of committing a prescribed offence or used in connection with the commission of a prescribed offence, property that is the proceeds of a prescribed offence and property that is acquired with the proceeds of a prescribed offence. Where there is an accretion to a person's property but identification of specific property is not possible, the whole of the person's property will be liable to forfeiture (but only to the extent of the value of the accretion).

Clause 5 provides for the making of forfeiture orders. Applications will be made by the Attorney-General. Orders will not be able to be made against the property of a person who is innocent of any complicity in the commission of the offence. Interested parties will be entitled to receive notice of applications and to be heard.

Clause 6 provides for the making of sequestration orders. A sequestration order may provide for the management or control of property that is liable to forfeiture under the Act.

Clause 7 relates to the issuing of search warrants. Applications for warrants may be made by telephone in cases of urgency.

Clause 8 specifies the powers of a member of the Police Force who is executing a search warrant. The police officer may seize and remove property reasonably suspected to be liable to forfeiture under the Act. Property cannot be held for more than 14 days unless an order is made under the Act or the owner consents to the property being retained for a longer period.

Clause 9 creates an offence of hindering a member of the Police Force, or a person assisting a member of the Police Force, in the execution of a search warrant.

Clause 10 provides that the proceeds of forfeitures be paid into the Criminal Injuries Compensation Fund or used to assist in the treatment or rehabilitation of person's who are dependent on drugs.

Clause 11 provides that offences against the Act are summary offences. Clause 12 is a regulation making provision. Clause 13 provides for consequential amendments to the Controlled Substances Act 1984 as contained in the schedule.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Injuries Compensation Act 1978, the Criminal Law Consolidation Act 1935, the Local and District Criminal Courts Act 1926, and the Workers Compensation Act 1971. Read a first time.

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

That this Bill be now read a second time.

The measures which I bring before the Council today are a significant and far reaching set of proposals designed to alleviate the trauma suffered by victims of crime. For centuries the State has assumed responsibility for the administration of criminal justice in order to keep the peace and obviate personal retaliation. In common law jurisdictions this has made the criminal trial a State/offender relationship. The State, not the victim, is responsible for identifying, prosecuting and punishing the offender; the principal parties are the offender and the State—each represented by others who speak for them. The victim's involvement is almost entirely limited to that of giving testimony.

Recent increasing attention on the needs of victims has arisen partly from such humanitarian reasons as concern for the victim's loss or suffering, partly from the view that the State owes an obligation to the victim and partly because the success of the criminal justice system is dependent upon the co-operation of victims and witnesses of crime. Not only do the victims of crime suffer physically, emotionally, and financially, they can also suffer inconvenience, discourtesy and humiliation through their contacts with the criminal justice system. If the victim is required as a witness, he must undergo irksome and repeated questioning and will be involved in proceedings which, while they have long become routine to police, prosecutors and judges, are for the uninitiated, difficult to follow and bewildering.

The private affairs of the victim are liable to be made public and his or her character may be called into question by cross-examination designed to test the credibility of his or her testimony. Even though the system depends on the willing cooperation of victims to report crime and of witnesses to testify, until recently, their treatment within the system often did little to inspire or encourage that cooperation. The mandate of the justice system is to protect society and to deal with the offender. This has resulted in practices which have given little attention to the needs of individual victims of crime.

The need now is to identify those areas where the capacity of the criminal justice system to respond to victims' needs can be improved without jeopardising the rights of the accused or, indeed, the integrity of the system. The measures which I am about to announce achieve this aim. They constitute the most comprehensive proposals on the rights of victims of crime ever introduced in Australia.

Prior to my departure for the seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders I announced on 19 August 1985 that Cabinet had agreed to a series of further initiatives for the victims of crime which would be the subject of further detailed consideration. These included: the development of victim impact guidelines for prosecutors; legislation to enhance courts' powers to order offenders to pay compensation; and extending and widening the law in relation to the confiscation of the assets of convicted criminals.

I had also announced that the State Government had agreed to fund the Victims of Crime Service and had allocated $8 000 to it for 1985-86. A further statement by me on victim impact guidelines was reported on 4 September 1985 prior to my addressing the UN Congress. It was there-

fore pleasing to see that the Liberal Party, in announcing its policy on victims of crime that same afternoon, covered many of these proposals. This speech and the accompanying legislation gives detailed effect to the announcements I made in August and September.

I—Declaration of Victims' Rights.

Perhaps the most important criticism of current law and practice is that victims are poorly informed about the process of criminal justice, both in general terms and as it affects them in their own case. While those in the criminal justice system who come into contact with victims are generally sensitive to victims and their problems I think it desirable to formulate principles to be observed at all stages of the criminal process.

1. The Rights of Victims of Crime.

The following principles accord victims' rights at a number of stages of the criminal process and have been approved by Cabinet:

The victim of a crime shall have the right to:

1. be dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to the victim's personal situation, rights and dignity;
2. be informed about the progress of investigations being conducted by police (except where such disclosure might jeopardise the investigation);
3. be advised of the charges laid against the accused and of any modifications to the charges in question;
4. have a comprehensive statement taken at the time of the initial investigation which shall include information regarding the harm done and losses incurred in consequence of the commission of the offence. The information in this statement shall be updated before the accused is sentenced;
5. be advised of justifications for accepting a plea of guilty to a lesser charge or for accepting a guilty plea in return for recommended leniency in sentencing;
6. be advised of justification for entering a *nolle prosequi* (i.e. to withdraw charges) when the decision is taken not to proceed with charges. (Decisions which might prove discomforting to victims should be explained with sensitivity and tact);
7. have property held by the Crown for purposes of investigation or evidence returned as promptly as possible. Inconveniences to victims should be minimised wherever possible;
8. be informed about the trial process and of the rights and responsibilities of witnesses;
9. be protected from unnecessary contact with the accused and defence witnesses during the course of the trial;
10. not have his/her residential address disclosed unless deemed material to the defence;
11. not be required to appear at preliminary hearings or committal proceedings unless deemed material to the defence;
12. be entitled to have his/her need or perceived need for physical protection put before a bail authority which is determining an application for bail by the accused person, by the prosecutor (Bail Act, section 10);
13. be advised of the outcome of all bail applications and be informed of any conditions of bail which are designed to protect the victim from the accused;
14. be entitled to have the full effects of the crime upon him/her made known to the sentencing court either by the prosecutor or by information contained in a pre-sentence report; including any financial, social, psychological and physical harm done to or suffered by the victim. Any other information that may aid the court in sentencing including the restitution and compensation needs of the victim should also be put before the court by the prosecutor;
15. be advised of the outcome of criminal proceedings, and to be fully appraised of the sentence, when imposed, and its implications;
16. be advised of the outcome of parole proceedings;
17. be notified of an offender's impending release from custody.

These principles will be forwarded to all relevant Government departments with instructions to ensure that practices and procedures in departments comply with the principles. They will also be required to bring to my attention any deficiencies in the law from the standpoint of these principles. I seek leave to table a copy of the rights of victims of crime.

Leave granted.

The Hon. C.J. SUMNER: The explanation continues:

2. Legislative Initiatives.

I wish to turn now to the issues dealt with in this Bill. The Bill amends the Criminal Injuries Compensation Act, the Criminal Law Consolidation Act, the District and Criminal Courts Act and the Workers Compensation Act.

2.1 Financial Compensation to Victims.

Solatium.

The Bill gives recognition to a claim for compensation for grief consequent upon the death, as a result of a criminal offence, of certain relatives. The provision is similar to the provisions in the Wrongs Act 1936 which enable courts to award a sum of money by way of *solatium* in civil actions. In the case of an infant child wrongfully killed by the defendant, the court may award to the surviving parents a sum not exceeding $3 000 in aggregate, and in the case of a husband or wife (including a putative spouse) $4 200, as it thinks just. These amounts are the same as the amounts under the Wrongs Act which are awarded in the case of death caused by negligence in, for example, a road or industrial accident.

At present parents and surviving spouses are not entitled to obtain compensation for the loss of their children or spouse under the Criminal Injuries Compensation Act unless they can show that they are dependants who have suffered financial loss or an injury, that is, psychological harm beyond that normally caused by the loss of a close relative. This initiative will enable these relatives to receive some compensation for their loss without the need to show any injury other than the loss of their relative. This amendment, in recognising that the death of a close relative as a result of a crime is in itself a traumatic experience, is in sharp contrast to amendments proposed by the former Liberal Government in 1982 which imposed significant restrictions on victims, rights. As drafted, the 1982 Bill made it clear that it is only the person against whom the crime is actually committed who may claim compensation.

This included dependants of a deceased victim but would have excluded other relatives (such as parents for the loss of a child) from claiming for any mental injury as a result of the death. This proposal was defeated by amendments which I moved.

Ex Gratia Payments,

Two other 1982 amendments restricted victims' rights. Prior to the 1982 amendments, 'offence' was defined to mean any offence:

(a) that would constitute an offence but for (the age of the offender), or the existence of a defence of:
(i) insanity;
(ii) automaton;
(iii) duress; or
(iv) drunkenness; or

(b) that would constitute rape, but for the lack of *mens rea.*

This was amended in 1982 to provide that 'offence' only included conduct that would constitute an offence if it were not for the age of the offender or the existence of a defence of insanity. The change was apparently made because of the potential problems that might arise where the jury acquitted a person and there was no way of knowing whether the person was acquitted for one of the listed reasons or for some other reason.

The Government recognises the inherent difficulties in the pre-1982 definition but at the same time recognises that there may be cases where a victim is left without compensation when it is quite apparent that the victim should receive compensation. Accordingly, the Bill provides that the Attorney-General may make an *ex gratia* payment to these victims.

Emergency Financial Support.

Another important provision is the proposed section 11 (3) *(a)*. This enables the Attorney-General to provide interim financial assistance to crime victims in cases of *bona fide* emergency. This will do much to alleviate the difficulties faced by victims of crime who are without the resources to even, for example, pay for the funeral of their relative who has died. The provision of financial assistance to crime victims in this way was one of the recommendations of the 1981 Victims of Crime Committee.

Criminal Injuries Compensation Fund.

The Bill creates a Criminal Injuries Compensation Fund. The creation of the fund will not solve the problems of providing compensation to victims of crime on the same level as those injured in motor vehicle accidents. Those problems cannot be resolved in the absence of a National Compensation Scheme. However, the creation of the fund is a start.

I would like to draw particular attention to one of the sources of income for the fund, namely, money paid into the fund under the authority of any other Act. I have just introduced another Bill providing in a comprehensive way for the confiscation of assets obtained as a result of crime. One provision of that Act will be that the proceeds obtained from the confiscation of assets from persons convicted of indictable offences, other than drug offences (and some summary offences), will be paid into the Criminal Injuries Compensation Fund.

This is, as far as I am aware, a provision which does not exist anywhere else. It ensures that those who profit from crime pay for the harm caused by crime. In addition, Cabinet has agreed that a prescribed percentage of fines should be paid into the Criminal Injuries Compensation Fund. Any deficiencies in the fund would be made up from general revenue, but any surplus would provide scope for improving the compensation payable.

The establishment of a specific fund for criminal injuries compensation will not, unfortunately, resolve all the problems of adequately compensating those who suffer injury, loss and damage as a result of criminal acts. However it does provide specific recognition of the importance of such compensation and provide the scope for increasing it over time.

I should add that some of the research overseas indicates that it is not the quantum of compensation that is important to victims but the capacity to obtain it simply and expeditiously and also to be treated with dignity in the criminal system. These issues are covered in other parts of this package of proposals.

2.2 Legal and Court Procedures.

• Standard of Proof

The other 1982 amendment to which I want to refer is section 8. Section 8 was amended in 1982 to provide that no order for compensation shall be made unless the commission of an offence, and a casual connection between the commission of the offence and the injury in respect of which compensation is sought, are established beyond reasonable doubt.

The requirement that a casual connection between the commission of the offence and the injury in respect of which compensation is sought must be established beyond reasonable doubt has been criticised by the Law Society and individual legal practitioners. In a civil claim for compensation the casual connection between the behaviour complained of and the injury only has to be established on the balance of probabilities. The higher burden of proof imposed by section 8 places an additional burden on victims of crime. The deletion of the reference in section 8 (1a) to the casual connection between the commission of the offence and the injury in respect of which the compensation is sought will result in deserving victims recovering compensation who otherwise would not be compensated. The result will be that the commission of the crime must be established beyond reasonable doubt but that the injury sustained as a result of the offence will only need to be established on the balance of probabilities.

• Streamlining of Claims Procedure

Several of the amendments in the Bill are designed to ensure that applications for compensation are disposed of as speedily as possible. The 1982 amendments to sections 7 (4) and 7 (4a) provided that the trial court could make an award immediately upon conviction of the offender if an application for criminal injuries compensation had been lodged before the trial.

These amendments have not been a success; they have been little used, and have led to confusion as to the proper court for the application. They have the potential to prejudice a trial when counsel suggests that the only reason for the victim's complaint of a crime is to receive compensation.

To overcome these problems it is proposed to create a Criminal Injuries Compensation Division of the District Court to hear all applications under the Act in an expeditious and simple manner. Amendments to sections 7 (5) and 7 (7a) are designed to avoid unnecessary adjournments and ensure a speedier settlement of applications.

• Compensation by the Offender

The Bill also contains two other measures of great importance to victims of crime and are amendments to the Criminal Law Consolidation Act. New section 299 takes a completely new approach to sentencing of offenders by requiring the court to consider, in the first place, the compensation of the victim by the offender before the question of the imposition of a fine.

There are presently many provisions scattered throughout the Statute Book empowering the courts to order the offender to pay compensation to a victim of crime for the loss he has suffered. These provisions are fragmentary and seldom used and will be replaced by the new section 299. There are at least three potential benefits to be gained from requiring the offender to pay compensation to his victim.

The first is the provision of redress for the physical injury, economic loss, and the suffering experienced by the victim as a result of the offender's actions, with the aim of mitigating the harm sustained. The second benefit is the symbolic recognition directly by the offender, and indirectly by the community, that the victim has been wronged. The third potential benefit of compensation is that it promotes the rehabilitation of offenders through the admission of personal responsibility for an unjust act.

• Victim Impact Statements

Principle No. 14 of the Rights of Victims, which I have just enunciated, is that the court should have before it information on the effect of the crime on the victim. Thus

the court will have the necessary information before it to enable it to make a compensation order. The Bill in addition takes principle No. 14 further by ensuring that whenever a court has before it a structured report on the offender (a pre-sentence report) the report will also contain information about the effect of the crime on the victim.

This amendment might have resource implications as there could be additional duties imposed on parole officers in obtaining information about victims. It is therefore proposed that this amendment be proclaimed once any additional staff resources needed have been identified and obtained. This amendment is separate from and additional to the Rights of Victims which I enunciated earlier and which will be issued to the Police and Crown Prosecutor to adhere to in the conduct of cases. Pending proclamation of this amendment, information about victims, including where a pre-sentence report is ordered, will be put to the court in accordance with principle 14.

3. Administrative Initiatives.

Funding for the Victims of Crime Service (VOCS).

I have already mentioned the decision taken by State Cabinet in August of this year to provide $8 000 for the Victims of Crime Service for 1985-86. This grant for administrative support will assist the organisation in being able to continue its very fine community service to people traumatised by crime. This financial support will be a continuing commitment by the Government.

Research Study.

In August, State Cabinet agreed to commission a special survey into the needs of victims. No such study has been conducted in Australia and it should prove of immense benefit to Government in identifying further initiatives that should be taken both of a legislative and administrative kind as well as to victims organisations and others involved in this area. The study will be undertaken through the Office of Crime Statistics. At the moment the Director of the Office, Dr A. Sutton, is examining the material and the many research papers presented at the Fifth World Symposium on Victimology held in Zagreb in order that the survey that is conducted in South Australia is equal to the best of the surveys done elsewhere in the world. Preparatory work will be done this year and funds will be considered in the next budget.

Information for Victims.

The Government acknowledges the tremendous work done by the VOCS in assisting victims through the courts and helping them in their personal tragedies. VOCS has already produced a pamphlet containing information on the criminal process. Police provide to victims a copy of this pamphlet.

However, there are a range of Government services which are also available for use by victims. It is the Government's intention to produce a resources pamphlet for victims to supplement the work already done by VOCS. Members of the executive of VOCS will of course be consulted about the pamphlet and the survey of victims' needs and will be asked to participate in the preparation of both.

Police Training Curricula.

It is probably fair to say that the South Australian Police Force has the best record of any force in Australia for their sensitivity to the plight of victims and the help that they are prepared to give. The curriculum for police training includes lectures on victims. Nonetheless, particularly in view of these proposals being put before Parliament, it will be necessary to review the series of lectures to ensure that the curriculum is adequate and police are familiar with the new administrative and legislative measures.

These initiatives are innovative. This is the first time in Australia that such a comprehensive package of measures on victims of crime has been introduced. Many of them will need monitoring and improvement, and changes will undoubtedly have to be made. The funds from the confiscation of profits will not be a panacea in terms of providing additional funds and will need a reorientation of police investigation methods. However, the Government believes that these measures represent a significant step forward in granting substantial rights to victims of crime. I seek leave to have the next part of my speech, headed 'South Australia's Record on Victims of Crime', inserted in *Hansard* without my reading it.

Leave granted.

4. South Australia's Record on Victims of Crime.

South Australia's record in the area of addressing the rights of the victims of crime is well recognized both nationally and internationally. Initiatives have been taken in the following areas:

Financial Compensation to Victims.

Much has already been done in this State in recognising and alleviating problems faced by victims of crime, beginning in 1969 with the passing of the Criminal Injury Compensation Act, which provided for a maximum of $2 000 to be paid to a victim who suffered personal injury as a result of a criminal act. In 1978 the amount was increased to $10 000.

Sexual Assault Victims.

One of the most injurious and humiliating offences on the Statute Book is rape. Victims of rape and other sexual assaults have been the focus of Government attention for some time. South Australian police introduced mixed (male and female) patrols on a limited basis in 1973; where possible mixed patrols are despatched to the scene of a reported rape. In 1975 a Rape Enquiry Unit was established within the Major Crime Squad. The female officers attached to the unit conduct initial interviews with sexual assault victims, inform them of procedures to be followed during the inquiry and trial, and are available to accompany the victim during the subsequent investigation and court proceedings.

The Sexual Assault Referral Centre at the Queen Elizabeth Hospital provides specialised medical treatment for victims and has developed refined procedures for the collection of forensic specimens.

The Government also provides financial support for the Sexual Assault Referral Centre ($305 500 in 1985-86, an increase of 300 per cent over three years) and the Rape Crisis Centre ($158 000 in 1984-85, also an increase of 300 per cent over three years).

In 1976 the Evidence Act was amended to prohibit the publication of the identity of a person alleged to be the victim of a sexual offence. Further amendments to the Evidence Act in 1984 provided that the court may, in order to prevent hardship or embarrassment to any person, order the court to be cleared, to forbid the publication of specified evidence or the name of any party or witness.

Non-disclosure of the address of a victim is particularly important when the victim, in order to escape from, for example, a violent spouse, moves. Often the only place a victim of domestic violence can find safety is a Women's Shelter. Government support of Women's Shelters is evidenced by the $1 150 100 provided to fund Women's Shelters in the 1985-86 financial year.

Victim Impact Statements.

As I have already said the effect of the crime on the victim needs to be taken into account at all stages of the criminal justice system. Crown prosecutors have been instructed to be alert to the necessity of calling evidence, if necessary, as to the effect of the crime on the victim. Where the effects are substantial or involve residual disabilities, Crown prosecutors are instructed to bring the matter to the judge's attention. In particular, I have instructed the prosecutors that close attention must be given in the area of sexual assaults and domestic violence.

The more comprehensive approach I have outlined today will supplement markedly the instructions already given.

Court Procedures.

Several measures have been enacted to ensure that the inconvenience and disruption associated with attendance at court are kept to a minimum and unnecessary distress to the victim avoided.

One such measure is section 106 (6a) of the Justices Act enacted in 1976 which provides that the alleged victim of a sexual offence shall not be examined at the committal proceedings unless the justice is satisfied that there are special reasons why the alleged victim should be examined. While the victim of a sexual assault is almost inevitably going to have to give evidence and be cross-examined the trauma for the victim is lessened if the victim is not required to disclose irrelevent details of past sexual experience. Amendment to the Evidence Act in 1976 and 1984 ensure that irrelevent information cannot be elicited from the victim.

Victims reporting an offence may fear that they are in danger of further harm in the form of retaliation from the offender. Administrative measures have been taken to ensure that addresses of victims and witnesses are not included in depositions made available to the accused before or at committal proceedings. Witnesses are no longer required to state their addresses when being sworn in as witnesses in court.

The Bail Act provides for the prosecutors to argue that bail be refused where an alleged offender would cause a victim or the community concern and alarm if released on bail.

Police Training.

Police recruit training covers aspects of community service and crisis intervention and includes talks from members of the Victims of Crime Service. Vocational training in the Prosecutors Course, Detective Courses, Sex Crime Investigator's Courses and Refresher Courses include input from the Victims of Crime Service as well as sessions covering rape, trauma and child sexual abuse. Seminars on domestic violence have been held as part of the Country Training Program.

Training programs ensure that Police Officers are aware of the services available to assist victims of crime and assist all officers to carry out their duties in crisis situations in a sensitive manner. Members of the Police Force also provide victims of crime with a pamphlet, prepared by Victims of Crime Inc., which contains information on the services available to victims of crime.

Recent Initiatives.

Cabinet has recently commissioned two major studies on child abuse and domestic violence; the Child Abuse Task Force and the Domestic Violence Task Council will examine ways of preventing child abuse and domestic violence, and of assisting victims of these crimes. The Domestic Violence Task Council has been allocated a budget of $48 000 in this years budget.

Committee of Inquiry on Victims of Crime.

On 27 August 1979, the Corcoran Labor Government, on my recommendation, established a Committee of Inquiry on the Victims of Crime. This was announced shortly afterwards and it is now recognised internationally as one of the first occasions on which a Government had agreed to set up a body specifically to examine the needs of victims of crime. Following the election of the Tonkin Liberal Government, I asked the Attorney-General, Mr Griffin, in the Legislative Council whether the Government intended to proceed with the committee established by the previous Government. In the House of Assembly the present Speaker, Mr McRae, moved that a select committee on compensation for Victims of Crime be established. In May 1980, the Liberal Government decided to proceed with the inquiry albeit in a slightly modified form. The recent claim by Mr Griffin that this committee was commissioned by a Liberal Government is inaccurate.

The committee reported in 1981 and made many valuable recommendations. Of its 67 recommendations, 57 will have been implemented fully and five partially by the time the measures I am proposing today have been implemented. The committee's recommendations have been responsible for some of the initiatives outlined above. The impact of the committee's work has been felt in such diverse areas as education, health and welfare programs right through to the design of courts—to ensure that wherever possible victims do not come into contact with the accused or their associates.

The Hon. C.J. SUMNER: My explanation continues:

5. The United Nations Declaration on Victims

I would like to take this opportunity to report briefly on the recent Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Milan from 20 August to 6 September. I was pleased to be part of the Australian delegation and was the Australian spokesperson on the issue of victims of crime and abuse of power. One of the non-government organisations involved in preparatory discussions on a draft resolution was the World Society of Victimology on which Mr Ray Whitrod, the Executive Director of the Victims of Crime Service here in South Australia, serves as an executive member. A number of the members of the World Society of Victimology acted as experts to the United Nations during these preparatory discussions.

It was because of the involvement of the World Society of Victimology that I took the opportunity, prior to attending the United Nations Conference in Milan, to participate in the Fifth World Symposium on Victimology in Zagreb. One striking aspect of the symposium in Zagreb was meeting with the extensive network of people involved in what has become a world-wide victims movement. The victims movement is represented by a number of predominantly non-government welfare and community organisations dealing with the victims of criminal assault and criminal injury and a large number of academics and criminologists who have taken a special interest in the rights and the plight of victims. The issues go beyond victims of national crime and also encompass victimisation by abuse of political and economic power and human right standards.

There was widespread recognition amongst participants in the symposium on the position that had been adopted, particularly by South Australia, in the area of services for victims of crime. The inquiry into victims of crime established by the Labor Government in 1979 and taken up by its Liberal successor preceded inquiries in France, Canada and the United States.

There is no doubt that the issues of concern to victims of crime here in South Australia are similar to those of victims everywhere—no matter what their system of justice. They are all anxious to ensure that they have rights in the criminal justice system; programs to assist them; laws that allow for compensation and restitution; court processes that are accessible by the victim or at least ensure that the victims' needs and conditions are brought before the court, particularly before sentencing; and the right to information about the progress that the law is taking against the offender.

A draft declaration on the rights of victims was passed by the Seventh Congress and is currently before the General Assembly of the United Nations. I am pleased to report that Australia, in association with France, Canada and Argentina, played an important role, both in the drafting group, as well as in subsequent discussion leading to the adoption of the resolution sponsored by Australia and other nations. Much of the discussion and the reason why extensive negotiation was needed was because of the scope of the topic and the definition of the term 'victim'.

The debate centred around whether 'victims' should be defined by reference only to prevailing national criminal laws, including abuse of power proscribed by national law,

or whether the definition should be much broader and include persons adversely affected by breaches of international criminal law or violations of internationally recognised standards relating to human rights, corporate conduct or abuses of economic or political power. It was finally decided that the remedies for each type of victimisation were different and the declaration that was adopted by the congress dealt with these different views by a single document with two parts.

The first part dealt with the victims who had individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss and substantial impairment of their fundamental rights through acts or omissions which were in violation of national criminal laws, including illegal abuse of power. The second part dealt with victims, being persons who individually or collectively suffered harm, including mental or physical injury, emotional suffering, economic loss, substantial impairment of their fundamental rights through acts or omissions which do not yet contitute violation of national criminal laws but which constitute violations of internationally recognised norms relating to human rights.

I now seek leave of the Council to table the draft declaration on the Main Principles of Justice and Assistance for Victims which was passed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Milan, Italy, between 26 August 1985 and 6 September 1985. This is currently under consideration by the General Assembly of the United Nations.

Leave granted.

The Hon. C.J. SUMNER: In addition to the general Declaration on the Rights of Victims, attention was given to the victimisation of women. It was generally agreed that women tended to be victimised by inequitable treatment and by camouflaged abuses such as those frequently occurring in situations of domestic violence. It was pointed out on a number of occasions that reducing domestic violence greatly reduces the violence against women in general, and the Government is actively pursuing this.

The Congress adopted a resolution on domestic violence co-sponsored by Australia which invited member States to enact laws to protect the victims of domestic violence, to initiate preventive measures and counselling for families, and to provide services and facilities for research.

6. Community Concern About Crime and Victims.

Participants in both the Zagreb symposium and UN Milan conference all acknowledged the increase in the level of crime. This was obviously leading to an increase in the number of people who were suffering injury and trauma as a result of criminal attack and was making even more urgent the need for victims' rights to be acknowledged. It was for this reason that the draft declaration passed by the Congress and currently before the General Assembly of the United Nations has been described in the Criminal Justice Newsletter (of the United States) as, 'a substantial moral victory for the Crimes Victims Rights Movement'; 'a loud shout that victims will be accorded the respect, dignity and compassion they they deserve', and 'a landmark in the Crime Victims Movement'.

However, the problem of increasing crime and the way in which societies deal with the rising crime rate is a world wide problem. It is not a problem confined to Australia; it is not a problem confined to North America, to Europe, to Asia, to Africa. It is a world wide community problem that every community in the world is having to deal with.

The Government is deeply concerned about this world wide community problem. On the one hand, it has taken strong action against criminal behaviour. This has included action against lenient sentences, increases in penalties for offences under the Police Offences Act, clarification of police powers of arrest and detention, giving the prosecution the right to review bail decisions, supporting the National Crime Authority, introducing comprehensive anti-drug legislation, broader rape laws, the abolition of the unsworn statement in all but exceptional cases, broader trespass laws, support for the Police Strategic Plan including the neighbourhood watch programmes. On the other hand, it is seeking to redress the balance of the criminal justice system so that victims are accorded greater status within it.

Unfortunately, it seems that one of the concomitants of an increasingly urbanised, and increasingly complex world where a sense of neighbourhood and a sense of community is harder to establish, has been an increase in the incidence of criminal behaviour. This has occurred irrespective of Governments and in all States of Australia and overseas.

It is therefore important to view the crime rate in Adelaide in this perspective. In June 1979 South Australia was the State with the second highest per capita rate of break and enter offences. In 1980 and 1981 it was the highest and in 1983 and 1984 it had dropped to the fourth.

This State had the lowest homicide rate in June 1979, but the second highest in June 1980 and the third highest in June 1983. Homicide in fact is one offence which has not shown a marked increase in South Australia in recent years. It is worth noting that over the last 15 years the figures for homicide in South Australia have been seven times above and eight times below the Australia-wide figures. Robbery and assault offences, while increasing as they have in all States, have remained reasonably constant over the past five to six years.

It is therefore of absolutely no value at all for any political party to try to make political capital out of crime rates. Every statistic that can be used to show an increase in the crime rate during one Government can be met by statistics that show a similar increase under another Government. For example, the former Liberal Government prior to the election in 1979 made much of increases in a variety of offences, yet crime rates increased substantially during its term of office.

Governments of both political persuasions have, over the years, attempted to do what was in their power to address the problem of increasing crime. They have introduced new laws and tougher penalties; they have established new sentencing options and new treatment programs in prisons; they have supported new programs to deal with offenders and new community policing policies; they have appealed against sentences; increased the resources for enforcement agencies; and funded research.

We are fortunate in Australia that the crime rate has not yet reached the somewhat epidemic proportion that it has in American cities of similar size. Many speeches were given at the United Nations Congress in Italy. The overwhelming theme of the major speeches given to the plenary session was for the need to look to the fundamental values of society in the fight against crime. The principal argument was that there needed to be stability in society's major institution and a shared vision of the future for there to be any hope of long-term social cohesion. It was in this context that strong emphasis was placed on the neighbourhood and on the family as the prime policy focus of Government's attention.

This focus has been accepted by successive South Australian Governments and a number of Government departments are working with this objective in mind. The broad general objective of this Government is that citizens in a free democratic society must be able to go about their daily business free from criminal activity, but that a civilised society must also acknowledge that victims of criminal injury must be compensated. I believe that the action taken by this Government will enable us to maintain a strong and stable society where people are free from harassment and free from criminal attack; but, where that should occur, our society should be just enough to treat offenders fairly but humanely and generous enough to support and to provide

protection for the victims of criminal assault and criminal injury. I commend the Bill to the House and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Part II amends the Criminal Injuries Compensation Act.

Clause 3 is formal.

Clause 4 amends the long title of the Act to reflect that, in addition to providing compensation for persons who suffer injury as a result of the commission of an offence, the Act now provides compensation for certain persons who suffer financial loss, and the Bill provides compensation for certain persons who suffer grief, as the result of the death of a person arising out of the commission of an offence.

Clause 5 provides that the only court to which applications for compensation under the Act can now be made is a District Criminal Court. (The Act currently provides that, in certain circumstances, application can be made to the court before which an alleged offender has been brought to trial.)

Clause 6 amends section 7 of the principal Act which provides for applications for compensation. The amendment extends the range of applications for compensation to include applications for solatium by a spouse and any putative spouse of a person killed by murder or manslaughter, and by the parents of a child killed by such an offence. The measure is similar to that in the Wrongs Act, in respect of wrongful deaths. The Bill provides that, where a spouse and putative spouse, or where both parents, apply, any amounts awarded must be aggregated so as not to exceed the monetary limits on orders of $4 200 for spouses and $3 000 for parents. Orders for compensation for injury or grief must be aggregated for the purposes of determining the monetary limits in subclause (8), so that the one claimant cannot be awarded more than $10 000 in total. (An order for compensation for the financial loss of a person who is a dependant is in addition to any other order for compensation of that person made under the Act.) The amendment also extends the time within which an applicant for compensation must serve notice on the parties to the proceedings, from 14 days to 28 days. The amendment also provides that an order for compensation may be made by consent where a party, although served with the application, fails to appear at the hearing of the application. The court will not be empowered to make an order in respect of those hospital or medical expenses which would be covered by insurance if an award under this Act were not made.

Clause 7 provides that the causal connection between the commission of the offence and the injury or death in respect of which compensation is sought need only be proved on the balance of probabilities. The standard of proof of the commission of the offence remains as proof beyond reasonable doubt.

Clause 8 amends section 9 of the principal Act which provides that only one order for compensation may be made in respect of an injury suffered by a victim in consequence of an offence committed by joint offenders or in consequence of joint offences. The amendment extends this provision to orders for compensation made in respect of financial loss or grief.

Clause 9 amends section 9a of the principal Act to provide that the only appeal Court for appeals against final orders made under the Act is the Full Court of the Supreme Court.

Clause 10 amends section 11 of the principal Act which provides for the payment by the Attorney-General of orders for compensation made under the Act. The amendment provides that the claimant must lodge a copy of the order with the Attorney-General and that payment must be made within 28 days of the day on which the copy was lodged or if an appeal has been instituted, the day on which the appeal is withdrawn or determined, whichever is the later. The amendment provides that the Attorney-General, in determining whether to decline to make a payment or to reduce a payment under subclause (2), may take into account payments that would be likely to be made to the claimant if he were to exhaust all available remedies.

The amendment also introduces a system whereby the Attorney-General may make interim payments to applicants in necessitous circumstances and *ex gratia* payments to persons where an offender is aquitted, if it appears to the Attorney-General that acquittal, in the case of rape, was on the ground of lack of *mens rea* or in any other case, was on the ground of a lack of *mens rea* because of duress, drunkenness or automatism. The subsection dealing with subrogation is deleted as it is to be incorporated in the next section.

Clause 11 inserts a new section 11a to provide for the right of the Attorney-General to recover moneys paid under the Act. This section replaces section 11 (3) and (4) of the principal Act. The provision dealing with subrogation is amplified to subrogate the Attorney-General to the rights of a claimant as against, for example, an insurer or an employer. The new section provides that the Attorney-General may recover from a claimant an interim payment where no order for compensation is subsequently made, or may recover the excess of an interim payment over an order for compensation for a lesser amount. The Attorney-General may also recover from a claimant who has received a 'double payment', e.g. a claimant who receives both an award under this Act and under the Workers compensation Act, provided that the subsequent award was not reduced because of the payment under this Act. The new section also contains certain procedural provisions to enable enforcement proceedings to be taken to recover payments from offenders. An order under this Act may be registered as a judgment in an appropriate court. This will be an easier system than the summary procedure currently provided.

Clause 12 substitutes section 12 of the principal Act which provides that any moneys recovered by the Attorney-General are to be paid into General Revenue. The substituted section provides for the Treasurer to establish a Criminal Injuries Compensation Fund. The Fund is to consist of amounts recovered by the Attorney-General under the Act; amounts provided by Parliament for the purposes of the Act; amounts required or authorized to be paid into the Fund under any other Act; and a percentage (prescribed by regulation) of all fines paid into General Revenue in each financial year. The Fund is to be used exclusively for payments of compensation made under the Act.

Part III amends the Criminal Law Consolidation Act.

Clause 13 is formal.

Clauses 14 to 24 all remove provisions for payment by a person convicted of an offence of compensation or an amount in respect of any damage done as a result of the offence. These amendments are consequential to the general provision for compensation proposed by clause 25.

Clause 25 provides for the repeal of section 299 which is a general provision empowering a court to order a person convicted of a felony to pay compensation for loss of property by a person affected by the offence. The clause replaces this provision with a much wider provision for compensation for any injury, loss or damage resulting from an offence, whether an indictable or summary offence. Under the new provision, a court convicting a person of an offence or adjudging or finding a person guilty of an offence may order the offender to pay compensation for injury, loss or damage resulting from the offence or any offence taken into consideration in determining sentence. The order may be made

either on application by the prosecutor, or on the court's own initiative, and instead of, or in addition to, dealing with the offender in any other way. Subclause (3) is intended to ensure that compensation may be ordered although the precise amount of the injury, loss or damage is not established by evidence specifically adduced for that purpose. The subclause provides that compensation may be of such amount as the court considers appropriate having regard to any evidence before it and any representations made by counsel or the offender. Damage done to property while it is out of a person's possession as a result of an offence is to be treated as resulting from the offence. The court is, in determining whether to order compensation, or in determining the amount of compensation, to have regard to the offender's means so far as they appear or are known to the court. Where the court considers that the offender should be ordered to pay both a fine and compensation but considers that the offender has insufficient means, the court is to give preference to the making of a compensation order. The provision limits the compensation that may be ordered by a court of summary jurisdiction to an amount not exceeding $10 000. The clause makes it clear that the power conferred by the provision may be exercised notwithstanding that there is some other statutory provision for compensation more specifically related to the offence or proceedings for the offence. Any compensation ordered under the provision is to be taken into account in assessing compensation to be ordered in any other proceedings. Under the clause, an order for compensation is to be enforced in the same way as a fine. The final subclause makes it clear that 'injury' extends to mental injury, pregnancy, shock, fear, grief, distress or embarrassment resulting from the offence.

Clause 26 provides for the insertion of a new section 301 requiring that pre-sentence reports include information about the effect of the offence upon any of the victims of the offence. Under the proposed new section, any written report on the character, antecedents, age, health or mental condition of an offender requested by a court to assist it in determining sentence is to contain particulars of any injury, loss or damage suffered by any person as a result of the offence. The report need not contain particulars already known to the court or not reasonably ascertainable by the person required to prepare it. The provision is not to apply to a report prepared by a medical practitioner. The provision applies to any offence whether an indictable or summary offence. 'Injury' is to have the same extended meaning as that provided for in the proposed new section 299.

Part IV amends the Local and District Criminal Courts Act.

Clause 27 is formal.

Clause 28 inserts a new section that provides for each District Criminal Court to have a Criminal Injuries Compensation Division. The jurisdiction conferred on a District Criminal Court by the Criminal Injuries Compensation Act is vested in this new Division.

Part V amends the Workers Compensation Act.

Clause 29 is formal.

Clause 30 amends the section of the Act that deals with the situation where a worker has a claim for both worker's compensation and for damages from some person other than the employer. The section currently provides that any moneys received by the worker by way of such other damages must be paid to the employer, thus rendering a Criminal Injuries Compensation Act award a 'subsidy' to the employer. The amendment excludes a payment of compensation made under the Criminal Injuries compensation Act from the operation of this section.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

BUILDERS LICENSING BILL

Adjourned debate on second reading.

(Continued from 24 October. Page 1511.)

The Hon. K.T. GRIFFIN: This Bill seeks to come to grips with some of the recently highlighted problems in the building industry but, as the Hon. John Burdett has indicated, a number of matters in the Bill will certainly need attention in Committee. The Bill reflects some hastiness in the Government's desire to get it into Parliament and at least to have something on the record as an indication of what it would have proposed to do had it not gone to an election. Quite obviously, the level of consultation with the building industry in particular, a multi million dollar industry serving the interests of South Australia, has not been as it should have been. The first extensive consultation on the Bill occurred when the Hon. John Burdett took the initiative to get copies to the builders and to have detailed discussions with them.

It is acknowledged that there are some poor performers in the building industry, but it must also be recognised that the majority of those involved in the industry are good performers. Once again, we see legislation being enacted to deal with the handful of poor performers, thereby imposing considerable burdens on the majority of good performers. That is reflected in other legislation enacted from time to time. Legislation is enacted to deal with the minority, but it prejudices the operations of the majority and ultimately may well be reflected in what consumers are required to pay, whether for building work or for the purchase and use of other commodities or services.

It is important that builders and prospective owners be treated fairly and justly when we are considering this Bill. While some regulation to achieve that is necessary, it is important that in considering this legislation we are cognisant of the rights of each party so that we do not provide a system whereby one party can exploit another. We must not increase the costs to the general group of consumers who will be affected by this legislation.

As the Hon. John Burdett has indicated, this is essentially a Committee Bill, so I will raise a number of matters in Committee.

We are still very much in the dark about a number of areas in the Bill. It depends heavily on regulations, but there is no reference in the second reading explanation to proposed or contemplated regulations. It would be my guess that the Government has not even considered the basic provisions that ought to be included in any regulations let alone having draft regulations. They should be available when we are considering this Bill, because one's attitude to the Bill depends very much on what is in the regulations.

Clause 4 (1) contains a definition of 'building work'; there is a reference to 'building work' meaning certain specific work or work of a prescribed class. Clause 16(9)(c) provides that an applicant may be registered as a building works supervisor provided the person is of the age of 18 years or over, is a fit and proper person to be registered and has the qualifications and experience prescribed in regard to the kind of building work that the applicant would be authorised to supervise if granted registration.

Clause 22 contains a definition of 'domestic building work' and again there is reference to that meaning, among other things, 'work of a prescribed class'. The definition of 'house' in the same clause refers to a building of a prescribed class. 'Minor domestic work' is defined in reference to work at a cost that is less than the prescribed sum. We see also in clause 24(1)(d) reference to the fact that a contract between builder and owner must comply with any requirements of the regulations. Clause 26(1)(b) refers to payments that may be required by a builder for domestic building work pro-

vided they are of a kind authorised under the regulations. So throughout the Bill much is left to what is prescribed or referred to in the regulations.

A number of areas of major concern were referred to by the Hon. John Burdett, and I will refer to them again. The first is that the Commercial Tribunal is to have power to award unlimited damages and is for the first time to have the power to deal with contracts which are harsh or unconscionable or which a court would have jurisdiction to deal with in equity.

This is quite extraordinary for a tribunal. It is a quasi-judicial tribunal, but there are not the controls upon it which the courts are subject to and which provide protections for litigants in those courts. The District Court, it should be remembered, has a limited jurisdiction in equitable matters. It also has a limitation on the award of damages: that is, $100 000 in this sort of dispute.

There are unlimited appeals to the Supreme Court from the District Court and the District Court is bound by the rules of evidence. It seems to me that we ought to debate in some depth the breadth of power of the Commercial Tribunal. Under the Commercial Tribunal Act, which of course is to apply under this Bill, it is not to be bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit. In sections 19, 20 and 21 of the Commercial Tribunal Act there is reference to a right of appeal. On a question of law it lies as of right to the Supreme Court, but in all other matters for a miscarriage of justice or interpreting information before the tribunal on appeal lies only by leave of the tribunal or leave of the Supreme Court.

There is a right for the tribunal to state a case on any question of law for the opinion of the Supreme Court. The Supreme Court, in that context, is to be constituted by a single judge, although it does not prevent the Supreme Court referring the appeal or question of law to a full court of the Supreme Court. Under the District Court's jurisdiction there is a right of appeal direct to a full court of the Supreme Court and not just to a single judge. And, of course, there is, as I have indicated, a right of appeal on any matter that has been considered by the District Court.

I am of the view that we ought seriously to consider a variation to the power of the tribunal, first, to limit the extent of its jurisdiction to that of the District Court and to allow appeals on all matters to the Supreme Court. I think, also, that there needs to be some consideration given to an amendment to section 13 of the Commercial Tribunal Act so that when an award of damages is to be made, or an order is to be made, that the District Court, for example, could have made under its equitable jurisdiction, the evidence upon which the tribunal relies is in fact the evidence which would have been allowed if the information was provided to the District Court. That provides protections for both parties before the tribunal. I would like us to explore those possibilities when we get to the Committee stage of the consideration of this Bill.

The next matter, which is a major one, is clause 34 of the Bill, which deals with the jurisdiction of the tribunal to consider whether or not a domestic building work contract is harsh or unconscionable. That is the first time in any legislation that a court or tribunal is to be given power to consider that question. Rather, the code of conduct, the statutory warranties or terms and conditions are laid down in the statute and are then subject to review by a tribunal, or by the court.

Clause 34 harks back to the Labor Party's preoccupation with the unconscionable contracts legislation, which it proposed I think in 1978-79 and which would have given the courts power effectively to rewrite any agreement that had been reached between the parties even though at the time all aspects of a document may have been fully understood by both parties and actually been agreed. I do not say that there is not a need for a clear enunciation of the terms and conditions of any building contract, but I do say that this may well be the foot inside the door to deal with other areas of contract that will have the effect of importing into commercial transactions a level of uncertainty that may well put at risk any proper and reasonable commercial activity undertaken in South Australia.

It is to be remembered that if the tribunal does determine that a term or condition is harsh or unconscionable by criteria not identified in the legislation that unlimited damages can in fact be awarded. That is a jurisdiction that goes beyond that of even the Supreme Court of South Australia. I would certainly want us to look carefully at clause 34.

The other major area is in relation to the power of the Commissioner in respect of disciplinary matters and is generally referred to in Part IV of the Bill. The Commissioner appears, under Part IV, to be the initiator of the complaint although, of course, there can be a complaint by someone other than the Commissioner, but the Commissioner can, in fact, be the initiator of a complaint and the investigator of a complaint and can be the conciliator where the tribunal believes that conciliation may be appropriate.

Therefore, we have the curious position where the Commissioner for Consumer Affairs wears three hats and there is a distinct blurring of the respective responsibilities of the Commercial Tribunal and of the Commissioner under this Bill. It is also important to recognise that under clause 7 the Commissioner is responsible to the Minister so that, in effect, we have the Minister with a capacity to give directions to the Commissioner, the Commissioner initiating complaints, the Commissioner investigating complaints and the Commissioner possibly conciliating on complaints. I would have thought that that was an unreasonable collusion of responsibilities held by the Commissioner.

The other curious aspect of it is that under Part IV the tribunal may hold an inquiry for the purposes of determining whether proper cause exists for disciplinary action against a person who is licensed or any person who has carried on or been engaged in the business of a builder. Yet the Commissioner shall at the request of the Registrar investigate or further investigate any matters to which the complaint relates and then report to the tribunal, so it is not the tribunal seeking the inquiry or investigation; it is the Rregistrar.

It seems to me to be curious that the Registrar appears to be able to initiate investigations without the tribunal itself making that decision. In that same clause (19), where the tribunal decides to hold an inquiry the tribunal shall give the person to whom the inquiry relates reasonable notice of the subject matter of the inquiry. Again, it seems to me that that puts the cart before the horse and rather pre-empts what I would like to see as the jurisdiction of the tribunal

It is curious in the way that all of that has been developed in this Part IV of the Bill. I will refer to other aspects of that later, particularly in relation to the disciplinary action that may be taken. If the tribunal is to conduct an inquiry, it ought to do it on a quasi-judicial basis: it ought not itself request the Commissioner to investigate, but the Commissioner ought to initiate the investigations and produce material for the tribunal on which the tribunal can then judge. There has to be a separation of powers between the tribunal and the Commissioner, and the tribunal and the Commissioner have to be at arm's length.

I will now refer to specific clauses of the Bill. We can take up some rather technical matters in Committee: for example, the Act does not apply in relation to a registered architect, but what about the draftsman who performs in some respects a function similar to that of an architect in terms of preparing plans and drawings, although without the necessary qualifications of an architect? Does the Bill apply to draftsmen?

The Hon. John Burdett has already referred to the definition of 'director' in clause 10, which is different from that

which appears in the Companies Code, yet the Bill seems to attach heavy responsibilities to such a person. Clause 12 has a reference to a body corporate being dissolved. I am not sure what is meant by a dissolution of a body corporate, particularly where it is a company under the Companies Code. It is either liquidated or it is struck off the register because it no longer continues to carry on business. Obviously that has to be addressed as well.

Clause 13 refers to a business being carried on by unlicensed persons where a licensee dies. More attention must be given to the consequences of a death, and the complexities of administration need to be identified and addressed more directly than in that clause.

Clause 17(7) has a requirement that a registered building work supervisor may, with the consent of the tribunal, surrender the registration, but it is not clear on what basis that consent may be given and it is not clear, also, whether a registered building work supervisor who has a genuine desire to retire from the industry can be compelled by the tribunal to maintain registration and pay a fee. Obviously, some legal consequences may follow the surrender of a registration, but we need to spell out what are the powers of the tribunal and what is the limit on the power of that tribunal to withhold consent to surrender registration.

I have referred particularly to clause 19, about the curious mixture of the tribunal holding an inquiry and the Registrar's requesting the Commissioner to investigate, and the Commissioner investigating. I refer to the basis for disciplinary action. The tribunal can take that action if a respondent has been guilty of conduct that constituted a breach of the Act: that is not unreasonable, but where also there has been a breach of any other Act or law we are not sure whether that relates only to the actual business of a builder, for example, the improper laying of footings, or whether it may relate to delay in filing a company tax return or an annual return at the Corporate Affairs Commission. That is not clear from this clause. It would seem that the mere fact of failing to lodge an annual return under the Companies Code, which is subject to prosecution under that Act, ought not also be the subject of disciplinary action under this Act, thus placing the builder in double jeopardy.

Under the same clause, disciplinary action can be taken where a person who is licensed under the Act is a director of a body corporate that has been placed in liquidation or receivership. Receivership is different from liquidation: it really means that under a charge that is secured over the assets, either general or specific, of a body corporate there is default and that the receiver is put in to conduct the business or at least to secure the assets by the financier. That does not always mean that liquidation will follow: in some instances it does, but not always.

In many instances, where a receiver is appointed the receiver is able to trade out of the immediate financial difficulty and the company can then be relieved of the embarrassment and the constraints of a receiver having been appointed. That receivership and liquidation is also applicable to a related corporation. I am not convinced that the mere fact of liquidation of a related corporation, which may be only for restructuring purposes, or a receivership of a related corporation that has no impact on the capacity of the licensee to carry on business under this Bill, ought to be the subject of disciplinary action.

We have also a provision that the licensee may be subject to disciplinary action where the licensee has failed to exercise proper care in the supervision of any building work. I do not disagree with the general principle, but it seems that proper care is not defined in any place. What might be proper care in terms of general building practice may not be proper care according to a higher standard of responsibility which the tribunal may wish to impute: that certainly needs to be clarified.

The other aspect of clause 19 is that subclause (13) obviously applies the disciplinary provisions retrospectively, whether the conduct or circumstances occurred before or after the commencement of the legislation. I have some concerns about applying those provisions retrospectively without at least some very tight control over the extent of any disciplinary action that can be taken or applying them at all, so we need to consider that carefully in Committee.

My colleague the Hon. John Burdett has raised questions with respect to Part V, and particularly the very considerable burdens that will now be placed on building contractors as a result of some aspects of the part which deals with delays in completion and with rise and fall terms and conditions in a contract. More careful consideration needs to be given to the consequences of applying the letter of the law so far as it is spelled out in this Part of the Bill because the consequence of higher costs to building contractors will be that they will ultimately be passed on to the consumer. I would not like to see that being a consequence of the application of Part V, particularly Division II.

There is also a provision that some factors may be taken into consideration with respect to getting an extension of time for completion where delay is caused by factors outside the control of the contractor. There are many of those. They can be in the supply of materials, through union strikes, lock-outs or whatever that prejudice delivery of goods or services, pickets that prevent the builder operating, and so on. All those must be bases for an extension of time for completion of a contract.

The other difficulty that has already been focussed on is the limit on the extent to which costs can be recovered for items that might be regarded as prime cost items. The point has been made to me that it really takes no cognisance of factors which are related to the provision of goods and services but which might be in a sense intangible, such as travel costs and the costs of obtaining particular prime cost items and the trouble that might be involved in purchasing and arranging for delivery of those items.

The other aspect of clause 25 is that, where a price specified in a domestic building contract is an estimate only, it must be a fair and reasonable estimate. In fact, that will require builders to keep more complete records so that, if there is a challenge to that estimate, they will at least be able to establish the basis on which they arrived at that estimate. The question will be to know what is a fair and reasonable estimate in the circumstances of a particular contract. Certainly, it must be interpreted in that context.

Also, there has been comment about progress payments and the possibility of the final payment being withheld from the building contractor at the instigation of the building owner in circumstances where there might be no reasonable basis for withholding that payment. Certainly to me the suggestion has been made that perhaps a trust account ought to be established into which the final payment can be paid pending compliance with any maintenance period under the building contract.

The only comment I want to make about clause 28, which deals with statutory warranties, is that there is an ambiguity in subclause (4), which provides:

> Proceedings for a breach of statutory warranty must be commenced within five years after completion of the building work to which the proceedings relate.

I am not sure whether that is five years from the date of the breach of the warranty or whether it is five years within which the warranty will continue to apply, for example, in relation to footings or some other major structural area of a particular domestic building. Certainly, that area needs to be clarified, too.

With regard to clause 32, there is the right to terminate certain domestic building work contracts—in effect, a cooling-off period. In the definition of 'prescribed time' there is not only a reference to the expiry of five clear business days after the making of a domestic building work contract but also a much broader provision to enable cancellation, that is, at any time before the completion of the building

work under the contract where there has been a failure to comply with divisions 2 or 4. That needs further clarification because it seemes to me that what it does not identify are the rights of the building contractor if, in fact, there has been an unjustified cancellation of the building work contract by a building owner.

I might also say that there is no reference to the right of a building contractor to apply to the commercial tribunal for a set-off or counter claim. That is one of the defects of the legal procedures provided in the Bill. Clause 33 raises the question whether any breach of a statutory warranty must be notified to a builder before the provisions of clause 33 can be relied upon. The later provisions I have already referred to, that is, the power to award unlimited damages by the tribunal and, as I have just indicated, the question of the potential for counter-claims and for set-offs that presently are permitted only within the courts. There is no provision in the Bill to allow those sorts of counter-claims and set-offs to be made in the Commercial Tribunal by building contractors.

Clause 34 deals with the harsh and unconscionable terms and conditions of a domestic building contract. I have dealt with that at length. Subclause (5) contains a reference to the discharge of the contract, but nowhere is it clear what the discharge of the contract actually means and when it is to take effect.

I have already referred to conciliation. It is curious that the Commissioner, who may also be the investigator, may be deputed to conciliate on behalf of the tribunal. It is wrong for an investigator to be given the task of conciliation. If there is to be any conciliation, it ought to be the responsibility of the tribunal to do it, apart from the investigative and prosecuting arms of the Government through the Department of Public and Consumer Affairs.

I want to raise a number of other matters on the Bill in Committee. What I have had to say highlights a number of major concerns with the Bill that I want to explore in Committee. Hopefully, the Government will have had an opportunity to consider them and to have developed some responses prior to that stage. Therefore, I support the second reading.

The Hon. L.H. DAVIS secured the adjournment of the debate.

VETERINARY SURGEONS BILL

Adjourned debate on second reading.
(Continued from 23 October. Page 1454.)

The Hon. J.C. BURDETT: I support the second reading. This is a Bill to regulate the practice of veterinary surgery in South Australia. I wish it could regulate the practice of one veterinary surgeon in South Australia and oblige that veterinary surgeon to deal with matters in his portfolio area instead of abusing all and sundry if they dare to question anything he does. If the Bill could contain the antics of the Minister of Health it would be a welcome Bill indeed. I suppose that would be asking too much. Nevertheless, the Bill still has much to commend it.

As was said by the Minister of Agriculture in his second reading explanation, discussion on upgrading the provisions in relation to veterinary surgeons has gone on for some time—indeed, for four years. The Act which this Bill seeks to replace was proclaimed in 1935. In his explanation the Minister stated that it was found that the necessary alterations to the legislation went beyond amendment and that it was necessary to draft a new Bill. This is a fairly common pattern for Bills which regulate professional conduct. Quite often one finds that legislation becomes out of date and totally out of touch with current practice and it becomes necessary to introduce a new Bill. Quite often the new Bill is delayed for some time because of all sorts of difficulties and the consultation process. I suppose the Legal Practitioners Act is an example of that, because it required a complete rewrite.

The original Legal Practitioners Act had become quite out of touch with current practice and the needs of the community, and it required a complete rewrite. That is also the case in relation to the veterinary surgeons legislation. The Bill provides that, with some exceptions, the only persons who may practise veterinary surgery for fee or reward are registered veterinary surgeons, that is, practitioners or permit holders. The Bill recognises that owners of animals on their own property and their employees may treat animals, and I am pleased that that provision has been included. That is something that primary producers have been pressing for, to retain their right to treat their own animals properly on their own property, or for their employees to do so. Of course, they may not do so for fee or reward in respect of any other animals. I am pleased to note that the veterinary profession has not objected to this provision.

In general, the provisions of the Bill are reasonable and straightforward. I note one matter in regard to clause 6 (3), which provides:

> A member shall be appointed for a term not exceeding 3 years and on such conditions as the Governor determines, and is, on the expiration of a term of appointment, eligible for re-appointment.

The Opposition has often said that appointments should be for a term of three years, five years or whatever—not 'for a term not exceeding three years', say. It has been pointed out on many occasions that, if it is 'for a term not exceeding three years', to take it to an absurdity it could be for a term of one month, 12 months or for such a short period that the person appointed is very much under the influence of the Minister for his reappointment.

A more proper period is a fixed term—in this case three years—with an ability to vary the period for the first appointments. We would not want all six members of the board retiring at the same time. For the first board there should be an ability to appoint for 12 months, two years or three years so that the appointments can be staggered. Apart from that matter, the Opposition has often maintained that there is merit in giving members of a board security of tenure so that they can operate without fear or favour.

Another matter has been raised with me by the AVA. The AVA would prefer it if an appointee to the board could not hold office for more than two consecutive terms of office. It feels that it is not desirable for a person to go on forever, serving consecutive terms of office. If a member of the board serves two consecutive periods of three years each, that is six years. After a break in a member's term of office there is no reason why a member could not be reappointed.

As the Minister has said, there certainly has been consultation in this case, and over a very considerable period. I am informed by the AVA that it saw a draft Bill some considerable time ago and only now is it working on the Bill that has been introduced. In fact, I had to arrange to send the AVA a copy of the Bill. I would like to hear what the AVA has to say after it has looked at the Bill that has been introduced. From the discussions that I have had (and this will appear from what I have said, too), I do not expect that there will be any major problems or any major amendments; but I would like to hear what the AVA has to say after it has seen the Bill, considered it and discussed it. For these reasons, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

GOVERNMENT MANAGEMENT AND EMPLOYMENT BILL

Adjourned debate on second reading.
(Continued from 24 October. Page 1520.)

The Hon. M.B. CAMERON (Leader of the Opposition): This Bill is very important. Both the Opposition and the Government recognise that the South Australian Public

Service has served our community well. But we also recognise that there is a need for change. The Opposition supports many of the changes which the Government proposes but we view with concern some of the principles and approaches which the Government wishes to enshrine in this legislation. This Bill is very complex and therefore I intend to give special attention to detail during the Committee stage as I work through the amendments which I believe are vitally necessary to this Bill. The public sector is a large and significant sector in our community, the actions of which impinge on every South Australian.

Since the current Act took effect in 1967 the role of the public sector and the activity of Government have expanded greatly. We need to look at the structure of the Public Service to assess its capacity to cope with these significant changes, and we need to make those changes necessary to ensure the system remains able to cope and remains able to be relevant to the needs it must address and the people it must serve.

As explained by the Attorney, that process of review has occurred and this Bill is largely the result. It proposed fundamental changes to the management and operation of the State public sector. It has taken more than two years of review to reach the stage where this Council is debating the Bill. I will move a number of amendments which I believe will improve this legislation and ensure that it works well—in the interests of both public servants and the South Australian community.

As the basis for my assessment of the Bill, I considered that our objective in any new legislation should be to ensure that we established a framework within which an efficient, responsive, well managed public sector developed which provided satisfaction for those who worked in it and service to those who benefited from it. I am committed to a public sector which is fair, apolitical and efficient. The critical role of the Public Service within our structure of Government hinges on this.

Today of course, the public sector, as with the private sector, faces new challenges. With the growth in statutory authorities, Government departments, and to some extent community expectations, effective management of the Public Service is increasingly important. There are some principles which will never change, for example, the need for the highest level of integrity and professional competence. South Australians have been well served by their Public Service in this regard. But new pressures must be addressed. Those pressures come from within and without the service. Frequently the pressures will be contradictory. There is no doubt that in the community there is pressure for lower taxes and less Government interference. On the other hand, there is, particularly during times of economic difficulty and growing unemployment, pressure for services to be expanded. As the population ages, that pressure intensifies.

So, there are pressures. Public servants must come to grips with the way these pressures are handled (as, of course, must Governments). The most efficient use of resources—both human and monetary—is critical; waste must be avoided. Those in need must have their needs met where possible, given the resource constraints that must inevitably apply. In the face of changing times and increasing pressures it is essential that public confidence in the Public Service is maintained. It is vital, too, that the confidence of those who work in 'the system' is also maintained. I hope that this Bill will achieve that.

If the public is to have confidence in the Public Service, then that service must be responsive to community needs, efficient and responsible, accountable to the Government for its performance and flexible in the way it organises and manages its resources—especially its people. This all means that public sector managers have to shoulder quite significant responsibilities. The system must give the managers the opportunity to manage, and to accept responsibility for this in turn will improve the performance of managers and of the delivery of services to the community at large. Decentralised decision making is more responsive and more flexible.

For that reason, I view with concern the role the Government sees for the Government Management Board, which is set up under this Bill, and for the Commissioner for Public Employment. No longer do we have a Public Service Board as such with a wide range of powers and responsibilities for the Public Service as a whole. Instead, that basic linchpin of the public sector is replaced.

Of concern to me is the power which will now be vested in the so-called Commissioner for Public Employment. It would appear from the legislation that the Commissioner would have virtual total control of the entire public sector. Such transfer of power to one individual turns the notion of decentralisation and flexibility of decision making on its ear.

The Government proposes very wide powers for the Commissioner. On the other hand, the Board of Management which is established has far fewer powers. The Board is an emasculated body. The following functions are set out in clause 15 of the Bill:

> To keep all aspects of management in the public sector . . . to advise the Minister responsible . . . to carry out, or recommend the carrying out of necessary planning . . . to review, on its own initiative or at the request of the Minister responsible for the administration of this Act or any other Ministers, the efficiency and effectiveness of any aspect of public sector operations . . .

Such tasks as planning, reviewing and advising are hardly the roles of a powerful and decision-making body. There is virtually no power given to the board to actually act. That should be contrasted with the powers to be given to the new super-head—the Commissioner. The Commissioner sits on the board, so that within this ineffectual body sits the real power broker.

Whilst the board advises, the Commissioner—the single person with considerable power answerable only to the Premier—exercises great influence over the appointment of senior staff, establishment and implementation of policy, occupational groupings within the service, and investigative procedures.

We do not support centralised power in the hands of one individual. Such a situation could lead to the development of nepotism and patronage. At senior levels of the Public Service the principle of promotion on merit must be entrenched. Appointments on merit must not only be made—they must be seen to be made. This will only be possible where a body of individuals—such as the board—is given the powers presently set out for the Commissioner. Clause 25 details the powers of the Commisioner. These include in summarised form:

- To establish and ensure implementation of policies, practices and procedures in relation to personnel management and industrial relations in the public sector.
- Too determine occupational groupings.
- To determine classification structures.
- To determine conditions of service.
- To assist in the recruitment, deployment and redeployment of public employees.
- To investigate the conduct of employees.

And the list of powers goes on. They are, honourable members would have to agree, very wide powers to vest in one individual and the potential for exploitation is, quite frankly, very clear. We believe that these powers should be vested in the Government Management Board, not in one individual. This is vital if the integrity of the Public Service is to be maintained. Presently it is proposed that the Board have only part-time members with only one being drawn from outside the public sector.

I will be proposing amendments to the board. We believe that the Government Management Board should comprise both full-time and part-time members. Our amendment will

propose two full-time and three part-time appointees who have appropriate knowledge and experience in management or industrial relations. The Chairman of the board shall be a part-time appointment and the Commissioner should also be a part-time member—but not the Chairman. The inclusion of more than one member of the board who is an outside appointment (that is, from outside the public sector) will bring a fresh and contrasting approach to the business and discussions of the board. I draw honourable members' attention to the following quotation:

I stress that my Party fully supports the need to let the managers manage and to ensure promotion by merit. This is particularly important if we are to overcome some basic problems that have developed over the past 20 years as the public sector has expanded in both its numbers and the scope of its activities.

One particular problem which shows up time and time again to many people and those working with the Public Service is the frustration in middle management streams. That was certainly a factor that was clearly demonstrated to me as a person who has participated in a number of Public Service Board seminars in discussions with middle managers within the Public Service. Some of those middle managers were absolutely frustrated that their ideas, thoughts and suggestions are not able to filter through to the top to be taken into account. It is in that area where initiative and enterprise need to be recognised and encouraged. In the past the system has not given that flexibility and encouragement for people to initiate new ideas. To a large degree I think that that frustration has been to the detriment of the performance of the Public Service.

Officers at that middle management level often have great difficulty in getting their proposals considered at a higher level. That can be debilitating for people who enter the service and look to make it a dynamic and rewarding career. It is an understandable frustration and one which must be addressed in any worthwhile changes to public sector management. Much can be done to overcome it by delegating authority down as far as possible to accompany responsibilities attached to various positions. As many functions as possible ought to be delegated to departments and authorities where executive directors will be held accountable for achieving Government programs within required standards of effectiveness, efficiency and cost.

In this way detailed time consuming controls of day to day matters by the Public Service Board would be a thing of the past. Executive directors would have to manage activities so as to live within allocated budgets whilst achieving changes sought by the Government. Those who cannot manage would be redeployed under the provisions of this legislation, a principle I fully support in the interests of greater efficiency and accountability.

As I have indicated, the Opposition will move a series of amendments that will have considerable effect on the Bill, but the Opposition does not oppose the Bill in principle. The main point is that we do not believe that one person should be given total control, as this Bill seeks to achieve. We believe that there should be some restraint on the Commissioner by the appointment of a body that will have power of direction over the Commissioner in his activities. At this stage, the Opposition supports the Bill and I hope that our amendments will be on file tomorrow. The majority of amendments will follow closely the amendments put forward by my colleagues in another place but with some necessary alterations that were indicated in the debate in the House of Assembly.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

HOLIDAYS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1559.)

The Hon. M.B. CAMERON (Leader of the Opposition): This place is always full of surprises, and this Bill is one of those surprises. I was told yesterday by the Minister of Agriculture that the Bill was necessary to ensure that the State Bank, which expressed interest in opening branches in the near vicinity of the Grand Prix, could open on Saturday afternoon and Sunday.

The Hon. J.R. Cornwall: It is all banks.

The Hon. M.B. CAMERON: Just a minute. If the Minister reads the second reading explanation he will see that it states that the State Bank of South Australia, which has been entitled by the Australian Formula One Grand Prix office as the 'Official Formula One Grand Prix bank', wishes to open three branches of its bank in the Grand Prix vicinity and to establish a special branch within the precincts of the declared Grand Prix area during the event. It then details the branches.

The first thing we thought was that, if we amend the Holidays Act, we affect all banks potentially, so I took the trouble to contact other banks in regard to this move (and I found that that is something that the Government had not done). I indicated that we would support the Bill and I asked whether the banks objected to it. No objections were raised, but the banks appreciated being contacted by someone within the system and being told that this change was to be made. I indicated that under the Bill the banks could open any branch that they wished. I contacted Westpac, the National Australia Bank, the Commonwealth Bank and the ANZ Bank. I carried out a useful role that perhaps should have been carried out by someone else—but that was not done.

The Opposition has no objection to this Bill. Obviously, it was one of those matters that was overlooked in planning for the Grand Prix. Everyone thought it would be a good idea if the banks opened, but no-one thought to check the Holidays Act. I understand that the suggestion probably came from one of the other banks that was surprised to find that people could move outside the normal holidays. Therefore, as a result of that approach this Bill was introduced, and the Opposition supports it.

The Hon. FRANK BLEVINS (Minister of Labour): I thank the honourable member for his support of this Bill. Regarding the question of notifying the banks, there has been a lot of discussion in the banking industry over the past few months about opening hours during the Grand Prix. Apparently, the only bank that had any intention of opening was the State Bank, at a few select locations. The bank had discussions with the union and came to an agreement. No other bank has expressed interest to the union, as far as I am aware, and certainly not to the Government. The State Bank was particularly interested in regard to one or two key locations. Any of the other banks at any time could have contacted the Government: obviously, we would have no objection to their opening, provided they could make arrangements with their employees.

The fact is that it was found very late last week that the law did not provide for the banks to open: Saturdays and Sundays were bank holidays, and that was absolute. That is why this Bill was introduced. There was certainly no intention to deprive any other bank of the opportunity. In fact, as the Bill indicates, this opportunity is available to all banks at any time provided they can come to some arrangement with their employees. All banks have been aware of that, certainly for the past few months and perhaps for as long as a year. It is not as though anything has been done in secrecy or anything like that. The banking industry and its employees are fully aware of what is intended for the Grand Prix, and this Bill merely facilitates that.

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

EVIDENCE ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly with the following amendment:

Clause 3, page 1, lines 16 to 28—Leave out 'repealed and the following section' and all words in the remaining lines and insert:

'amended by inserting after subsection (1) the following subsections:

(1a) A person may not make an unsworn statement except with the leave of the judge.

(1b) The judge shall not grant leave under subsection (1a) unless satisfied that the defendant would, be reason of intellectual or physical handicap or cultural background, be unlikely to be a satisfactory witness in defence of the charge.

(1c) Where the defendant wishes to make an unsworn statement and is permitted to do so under this section, the unsworn statement may, with the leave of the judge, be committed to writing and read to the court by some other person on behalf of the defendant, and, in that event, the provisions of this section shall apply as if the defendant had made the unsworn statement personally.

(1d) An application for leave under this section shall be heard and determined in the absence of the jury (if any).'

Consideration in Committee.

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

That the House of Assembly's amendment be agreed to.

The Hon. K.T. GRIFFIN: The Council ought to insist on its amendment and ought to persist with the proposal that the unsworn statement be abolished absolutely. I have identified on a number of occasions the bases on which I cannot support the exemptions that are in the Government's Bill. I would have thought that on all the evidence available it is in the interests of everyone that the unsworn statement be abolished absolutely.

The Hon. C.J. SUMNER: I would have thought that the proposition put by the Government is reasonable. It will only allow the use of the unsworn statement in most exceptional circumstances and subject to the judge's leave. What we are attempting to do is provide a discretion for a judge to ensure that no injustice is done to a defendant and that innocent people are not convicted because of an incapacity to cope with cross-examination. There is no doubt that the complete abolition of the unsworn statement would place a heavy onus on a judge in a trial to ensure that a jury is made aware of any limitations that the judge perceives that a witness being cross-examined may have.

The difficulty is that with complete abolition of the unsworn statement all that would occur in open court before a jury. The proposition put forward by the Government is that in the absence of a jury a judge could determine that in his or her view it would be unfair to allow an unsworn statement to be made. There is not much difference between the parties on this matter at present. The Government feels that there is a case for this discretion in the judge to deal with the occasional very difficult case where an injustice might occur. I ask the Committee to agree to the amendment made by the House of Assembly.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. C.W. Creedon. No—The Hon. Peter Dunn.

Majority of 3 for the Noes.

Motion thus negatived.

The following reason for disagreement was adopted:

Because the amendment is inconsistent with the abolition of the unsworn statement.

RURAL INDUSTRY ASSISTANCE (RATIFICATION OF AGREEMENT) BILL

Returned from the House of Assembly without amendment.

RURAL INDUSTRY ASSISTANCE BILL

Returned from the House of Assembly without amendment.

ASSOCIATIONS INCORPORATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

[Sitting suspended from 5.37 to 5.58 p.m.]

EVIDENCE ACT AMENDMENT BILL (No. 2)

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

Consideration in Committee.

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

That the Legislative Council's disagreement to the House of Assembly's amendment be not insisted on.

I move that motion for the reasons that have previously been stated.

The Hon. K.T. GRIFFIN: I oppose the motion.

Motion negatived.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons K.T. Griffin, Diana Laidlaw, Anne Levy, K.L. Milne, and C.J. Sumner.

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

That so much of Standing Orders be suspended as would prevent the delivery of a message to the House of Assembly while the Legislative Council is not sitting.

Motion carried.

ADJOURNMENT

At 6.3 p.m. the Council adjourned until Wednesday 30 October at 2.15 p.m.