LEGISLATIVE COUNCIL

Thursday 28 August 1986

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

PETITION: TIME ZONES

A petition signed by 52 residents of South Australia praying that the Council support the retention of Central Standard Time for the whole of South Australia and exempt areas on Eyre Peninsula west of 137° east and including the hundreds of Wilton, Warren, Charleston and McGregor from daylight saving was presented by the Hon. Peter Dunn.

Petition received.

PETITION: PETROL PRICING

A petition signed by 100 residents of South Australia praying that the Council urge the Government to make all possible efforts to remove the iniquitous position in relation to petrol pricing and asking it to strongly consider intervention to achieve realistic wholesale prices as a means of achieving equity for the country petrol consumer was presented by the Hon. M.J. Elliott.

Petition received.

QUESTIONS

RADIATION CONTROLS

The Hon. M.B. CAMERON: I seek leave to make a brief statement before asking the Minister of Health a question about radiation controls.

Leave granted.

The Hon. M.B. CAMERON: I have been advised by a usually reliable source that the Minister of Health took a proposal to Cabinet to tighten radiation controls at Roxby Downs. In fact, I was informed that he lost that vote by 12 votes to one. What controls was the Minister concerned about concerning Roxby Downs? Will the Minister give the Council details of that proposition?

The Hon. J.R. CORNWALL: I was particularly concerned to ensure that the as low as reasonably achievable principle was being applied and could be applied according to the law of the State in mining operations and other associated activities at the Roxby Downs project. Some amendments have been drafted. As a matter of courtesy they have been made available to the joint venturers and, when they have gone through the due processes of constructive consultation, the Hon. Mr Cameron and his colleagues can expect them to appear in this place in the form of an amending Bill.

LEGAL INFORMATION RETRIEVAL SERVICE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about the computerised legal information retrieval service.

Leave granted.

The Hon. K.T. GRIFFIN: I saw a report yesterday stating that, after a number of years negotiation, the Attorney-General has signed some agreement to make available State Statutes, regulations, law reports and other data for a computerised legal information retrieval service to link South Australia with the service already operating through New South Wales, Victoria and the Commonwealth. I am pleased that South Australia is now part of that system. It has been the subject of negotiations since the early 1980s when the Liberal Government was in office, and I am pleased that the Labor Government has continued discussions. However, what was not clear yesterday was the extent to which the State copyright law was being waived or some other arrangements made to give access of the system to the State records and other information that would be useful to practitioners using the computerised legal information retrieval service.

It is also not clear what royalty is to be charged by the Crown for the use of that material. The report suggested that some royalty arrangements had been agreed to. Certainly when the Fraser Liberal Government was discussing the matter at the Standing Committee of Attorneys-General, the Commonwealth attitude was that no royalty would be charged and at least in the early stages the same sort of idea was being proposed by New South Wales and Victoria on the basis that access by computer to this information was in the interests of the whole community and not just the legal profession, the courts or Government. The principle then being discussed was that no royalty payment should be required. My questions to the Attorney-General are:

1. What are the arrangements for access to the State Statutes, regulations, law reports and other data base for which copyright belongs to the Crown?

2. What is the likely cost to the consumer of being linked to the computerised legal information retrieval service and the accessing of the data base for South Australia?

3. Are the Commonwealth and other States that presently participate in fact receiving a royalty for accessing Crown copyright material?

The Hon. C.J. SUMNER: The South Australian Government has given an exclusive right to Computer Power to produce the materials, State Statutes and reports for four years to be put on the CLIRS data base with an option for a further four years. That is an exclusive licence for a maximum of eight years—four years initially. Some of the other States have entered into similar agreements; in particular, Victoria and New South Wales have an agreement with Computer Power. Tasmania signed on the same day as I did—Tuesday of this week.

I understand that Western Australia is involved in negotiations with the company and will sign an agreement at some time in the future, although it may not be precisely the same agreement as South Australia has signed, because different circumstances exist in the different States. In Western Australia there is some difficulty, it seems, in putting the Western Australian Statutes onto the data base, because they apparently need some work in consolidating and updating, but they are working towards having, at least in the first instance, the State reports being placed on the Computer Power data base.

The only State that has not entered into an agreement with Computer Power is Queensland, which has entered into an agreement with a local company in Queensland—and the honourable member would know that that is not unpredictable given Queensland's general attitude to such matters. It felt that there ought not to be a monopoly in Australia and that the matter could best be dealt with through a local company. My concern has always been to ensure compatibility that the consumers in South Australia will have access to all the statutes and case law that is on

the national data base. With Queensland being out of the Computer Power system (the CLIRS system) it will be necessary for CLIRS to negotiate some kind of agreement to access the Queensland material, and vice versa.

The agreement South Australia signed was more akin to that signed by the New South Wales Government rather than the Victorian Government but, nevertheless, it would now appear as though the five southern States have entered or will enter into an agreement with Computer Power, and therefore there should be no difficulty in South Australian consumers accessing the material from all those States—New South Wales, Victoria, Tasmania, Western Australia and South Australia. In addition, through CLIRS it is possible for the consumers in South Australia also to access SCALE, which is the Federal Government's data base for Commonwealth Statutes, case law and the like.

So, that is the general arrangement and we have given Computer Power an exclusive right to the South Australian materials. It is responsible, of course, for putting those materials onto the data base. Royalties will be payable at some time, but not immediately. I can certainly get the honourable member the full details of those. I think the royalty issue is common to all agreements, but I can certainly check whether that is the case. We took the view that, if this is a profitable commercial venture, there ought to be some appropriate royalty payment to the State at the appropriate time.

Obviously, a decision will have to be made as to costs to consumers, a commercial decision by Computer Power and of course a commercial decision for the consumers in South Australia, as to whether they wish to buy the necessary terminals and provide access to the material that will be on line to those terminals. Computer Power is making some terminals available to the State Government on a trial basis. For the future, of course, we have to find the funds to purchase terminals, and they would then be located in the Courts Department and the Crown Solicitor's Office, but at this stage no specific funding has been allocated for those terminals. That will have to be considered in the context of the next budget. In the meantime, I understand it will be possible for us to use some of the trial terminals that Computer Power will provide.

That is a general outline of the agreement. I will peruse the honourable member's question and bring back a reply to any matters that I have not covered. I should say that Mr Ian Nosworthy, the barrister and solicitor that the honourable member asked to assist him in this matter and to go on the advisory committee in South Australia and the national advisory committee, which reported to the Standing Committee of Attorneys-General, continued in that role under this Government. I publicly thank him for the very sterling work he has done in this area and the amount of time he has put into it.

As far as I understand it, the general policies established by the honourable member when in Government have been continued. The agreement has been concluded. I will peruse the question again and see whether there is any additional information I can provide to the honourable member. If he would like a briefing on the matter and would like to see a copy of the agreement, I can see no difficulty in arranging that.

NATURAL DEATH ACT

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Health a question about the Natural Death Act.

Leave granted.

The Hon. L.H. DAVIS: The Minister will recollect that the Natural Death Act was passed by Parliament in 1983 and came into operation some time later. The Act provides that a person of sound mind of or above the age of 18 years who decides not to be subject to extraordinary measures in the event of his suffering from a terminal illness may make a direction to that effect on the prescribed form. My questions are as follows:

1. Will the Minister advise whether this prescribed form has been used since the Act came into operation?

2. Can he say how many times the prescribed form has been used?

3. Have there been any difficulties experienced in the operation of the Natural Death Act?

The Hon. J. R. CORNWALL: Ms President, I presume that when the Hon. Mr Davis asks how many times this form has been used, he means has it been applied, having been previously signed. I do know that shortly after the proclamation of the Act there was an extraordinary demand for forms from people wishing to sign them and lodge them with the appropriate individuals to ensure that they would not be subject to extraordinary measures. From memory, about 25 000 forms were requested in a matter of a few short months. I have not had occasion since to follow this legislation in operation. I do not know how many times the desire of the person not to be subject to extraordinary measures has been applied in practice, and I am certainly not aware of any particular difficulties in the application of the Act. That is not to suggest that perhaps there have been none, but they most certainly have not been drawn to my attention.

If there is some suggestion implicit in the question that there have been difficulties, I would be pleased if the honourable member would bring that to my attention. Specifically, I would be interested to know how many times the forms have been used and whether there have been any difficulties in practice. It is a very good question, the sort of thing that Question Time should be used for.

The Hon. C.M. Hill: Like you used to use it.

The Hon. J.R. CORNWALL: As I used to use it, exactly. For that very brief period when we were in Opposition—and I can barely remember it because it was so short relatively in my political career—I always used Question Time to seek *bona fide* information from the Government of the day. I am very pleased that the Hon. Mr Davis is now reverting to this *modus operandi* that I adopted so successfully during that brief period I was a shadow spokesperson. I should be pleased to take the questions on notice formally, to ensure that I get a progress report on the operation of the Act. I will bring it back here as a public document as soon as I reasonably can.

PETROL RETAILING

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about petrol retailing.

Leave granted.

The Hon. M.J. ELLIOTT: Yesterday I received a copy of the report of the *ad hoc* committee on petrol retailing. Quite frankly, as a former teacher, if such a report was handed to me by a year 10 student, I would have given it a bare pass then only because of some time having been spent on the project rather than its quality. That the Government should have acted so quickly on the recommendation for 24-hour trading before any public discussion on the report is amazing.

The simple fact is that the report is what the Government wanted and the structure of this *ad hoc* committee guaranteed it. I can in the long run see some justification for wider trading hours, but the report has failed totally to look at the implications of their immediate application. Wider trading hours, rationalisation and automated fuel systems will if implemented without due care lead to fuel outlets being owned and operated by petrol companies and a few large individuals. It will not be a place for the genuine small business person. This is exactly the sort of thing that has been happening in Europe. With the demise of the small business person, any chance for real competition and advantage for the consumer will disappear.

The present price competition is a sham organised by the oil companies to further establish their monopoly: the consumer in the long term will lose, even if he is gaining in the short term. The most important question, that of cross brand purchasing, which is opposed by the oil companies and the TWU, was doomed to failure by the structure of the committee. Yet it would have offered the genuine small business person the chance to compete and not be manipulated as at the present, and also would encourage real competition which would benefit the consumer. My questions are as follows:

1. Is the Minister concerned that the 24-hour trading, as presently proposed without proper discussion of the ramifications, may lead to monopolies in the market?

2. Does he consider it healthy that oil companies should be involved at all levels of marketing, a practice which in several States of the United States has been legislated against?

3. What is the Government's view on divorcement of oil companies from petrol retailing, as has occurred in some States of the United States?

4. Does he believe that a decreased number of retail site owners as distinct from retail sites will increase or decrease competition?

5. Is the Government intending to further pursue the question of cross brand purchasing or is it to go into the 'too hard' or 'don't want to do' basket?

The Hon. C.J. SUMNER: The question of cross brand purchasing was addressed by the committee and, as I understand the committee's report, it felt that it was not a major issue, and the matter was not pressed by anyone. If people wish to—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: It had little significance—that is right. The Hon. Mr Griffin should read out the rest of the report and not just the first line: it was considered that it was of little significance.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Compared with the other matters it was considered to be of little significance. However, if honourable members wish to put anything further to me about this matter, I am happy to examine it. Apparently, that was the committee's view, having been given a reference on cross brand purchasing, and it concluded in the terms read out by the Hon. Mr Griffin. With respect—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The honourable member interjects and asks the same question that he asked when he stood on his feet: I answered that question in the first part of my response but, obviously, he was not listening. I said: if anyone wishes to put anything further to me about cross brand purchasing, I will examine it. The committee considered that that matter was of little significance compared to the other issues. With respect to the question of public discussion, I know that the Hon. Mr Elliott has not been in Parliament for very long, but it could hardly be said that there has not been much public discussion about 24-hour trading for petrol resellers in Adelaide. After all, to my recollection, the issue has been discussed for the past 15 years or more.

An honourable member: Why the committee?

The Hon. C.J. SUMNER: Why the committee—simply because the Government hoped that the oil companies and the resellers could get together with an independent chairperson to try to resolve some of the issues in this area. That was the reason that the committee was established. Of course, the committee did make certain recommendations relating to the relationship between the oil companies and the resellers. So that, Madam President, is the simple answer to 'Why the committee?' There has been public discussion about this issue, going back many years. There has been a royal commission on it which has led in some States to the rostering of service stations on the weekend and in others to 24 hour trading. I would have thought that even the honourable member would have seen the patent absurdity in the situation with respect to petrol trading hours in this city.

The effect of 24 hour trading is something that we will see over time, but I would certainly not expect there would be a lessening of competition. In fact, given the aggressive approach of some of the resellers in this city, I suspect that one might well see more competition than has existed in the past. There are a number of very aggressive resellers in this city, as the honourable member knows, that have led to a lot of competition and discounting and low petrol prices for the consumer over a long period. Mr Skorpos, who runs a Shell station, is well known for his aggressive approach to marketing and discounting. Mr Nemer, another independent, is similarly likeminded, and there are others.

The honourable member has failed also to point out to the Council that many resellers operating in the inner metropolitan area wanted 24 hour trading. It was by no means a unanimous view that there ought not to be 24 hour trading. The Motor Trade Association itself, although it had an official policy opposed to 24 hour trading, had members in it including people like Mr Skorpos who wanted 24 hour trading and who made submissions to the committee on that point urging the committee to introduce 24 hour trading. There was the Open Market Petrol Dealers Association which had members also in the Motor Trade Association who also strongly advocated 24 hour trading before the committee and backed it with a petition from very many South Australians. So, it is not a simple situation of saying that all service stations within the inner metropolitan area were opposed to 24 hour trading: they were not. In the group that supported 24 hour trading, there are many aggressive entrepreneurs, many aggressive traders, who have been out in the market place over the past few years involved in the discounting that has given benefits to consumers.

The question of divorcement has been raised from time to time in the Federal and State Parliaments. The Federal Parliament has taken some action to limit the number of sites owned by oil companies, but has decided not to go all the way. I do not believe at this stage that I could support complete divorcement of all oil company operations from retailing. One view, of course, is that in fact it is the oil companies' involvement in the retailing which contributes to the cost competitiveness and the discounting. So, at this stage, I do not believe that I could support full divorcement. In any event, that is a matter that has been addressed by the Federal Government and there have been some limitations placed on oil company involvement in retailing.

I would expect the number of sites over time to decrease to some extent. That would be a logical development of

opening up trading within the inner metropolitan area but, precisely what sites and to what extent that will occur, is yet to be seen.

TOILET PAPER IN SCHOOLS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Education, a question about the health of children in schools.

Leave granted.

The Hon. R.I. LUCAS: Last weekend I was contacted by the parent of a child in a western suburbs primary school. I will not name the school at this stage because I do not believe that anything can be gained by the naming of the school, but I am willing to give the name of the school to the Minister after Question Time. This parent was surprised last week to find his child stuffing toilet paper into her school bag. When the parent asked the child for an explanation, the parent was told that the primary school Principal had removed all the toilet paper from the toilet block because some students had been stuffing toilet paper down the toilet bowls.

The Hon. R.J. Ritson interjecting:

The Hon. R.I. LUCAS: That is a good question—in large quantities. They were told that if students wanted to use the toilet they had to approach the teacher in the classroom for a supply of paper on each occasion, and during the lunch break they had to approach the front office staff. I am advised that this has evidently been the situation for two or three weeks. This parent was furious about the actions of the Principal due not only to the embarrassment of the children involved but also because of the possible health implications for children in such an unsanitary situation. One has only to consider a young child suffering from a complaint that requires frequent visits to a toilet to know that this situation should not be allowed.

I was advised yesterday that after a number of complaints from parents the situation had improved slightly and that there was now one toilet roll serving five separate cubicles, with a promise of trying to correct the situation for next term. Let me conclude by saying that I have some sympathy for the Principal in trying to stop the damage caused by a small number of students. However, I do not believe that that particular solution can be supported. Therefore, my questions are:

1. Is it departmental policy to allow a Principal to withdraw toilet paper from a toilet block as a disciplinary measure?

2. Is the Minister concerned at the possible health implications for young children of such a situation? I invite a comment from the Minister of Health on that aspect.

3. Will the Minister ensure that similar situations cannot recur in the future?

The Hon. J.R. CORNWALL: There is a great temptation to comment, but I will resist. I am reminded of going to our first banquet in China on a recent visit. It is customary in China always to carry toilet paper in one's pocket—just in case. One of the members of my party who shall remain nameless was not quite up to the occasion and it was only because I am always well prepared—like a good boy scout—and was able to be summoned quietly that he was able to avoid very substantial embarrassment. With regard to the specific questions that have been raised, I do of course take them seriously and I will be pleased to dispatch the questions to my colleague the Minister of Education with due haste and bring back a reply as soon as is reasonably practicable.

EXPLORATION LICENCES

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Mines and Energy, a question about exploration licences.

Leave granted.

The Hon. T.G. ROBERTS: In Western Australia Peko-Wallsend is engaged in a dispute with its workers—

The Hon. R.J. Ritson interjecting:

The Hon. T.G. ROBERTS: The Hon. Dr Ritson says 'courageous'. A similar accolade was put in the *Australian* editorial some 10 days ago and today's editorial takes it all back. The editorial does not say that it is a courageous stand—it says it is an episode of folly. The position did look courageous to certain people some 10 days ago when it appeared that the company was winning, but now it has turned out that the company has jeopardised all of our iron ore export contracts and is allowing the Brazilians to get in under our guard.

The Hon. L.H. Davis interjecting:

The Hon. T.G. ROBERTS: I will judge each issue as it comes up.

The Hon. L. H. Davis interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! I call the Hon. Mr Davis to order.

The Hon. T.G. ROBERTS: I sought leave to ask a question about exploration licences and the ability of Peko-Wallsend to be judged a fit company to seek exploration licences in South Australia due to its outrageous behaviour in Western Australia. I would like to advise the Council that it is my opinion that the company is neither courageous nor a good manager in this connection.

The Hon. L.H. Davis interjecting:

The Hon. T.G. ROBERTS: Unions have been sitting down with management for some 12 months trying to resolve the problem. Peko-Wallsend walks in with an ultimatum: 'Do this or you are all dismissed.' At the same time 1 200 workers go out the gate. It happens that Mr Copeman, a champion of the H.R. Nichols Society (which is dedicated to smashing the Arbitration Commission) and, I might add, conciliation, is the champion of this dispute. It is not coincidental that these interconnected industrial relations policies are all stitched into the Peko-Wallsend company. Has Peko-Wallsend any exploration licences in South Australia? If it has, will the Minister revoke those licences on the basis that it is not a fit company to mine resources for and on behalf of the people of Australia?

The Hon. J.R. CORNWALL: I shall be pleased to take that question to my colleague and bring back a reply as soon as possible.

OCCASIONAL CHILD-CARE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Children's Services, a question about occasional child-care.

Leave granted.

The Hon. DIANA LAIDLAW: The Labor Party's policies for women at both the State and Federal levels acknowledge the need for occasional child-care services. This acknowledgment was reinforced recently by the Prime Minister in his statement to the House of Representatives in regard to the National Agenda for Women, at which time he said:

Child-care is essential for working mothers, but it is also needed for women at home who need a safe place to leave their children while they do the family shopping or visit a doctor or simply seek some relief from the demands of full-time child raising.

In reality, the Labor Party rhetoric on occasional child-care is not matched by action, notwithstanding the fact that time out for mothers can alleviate stress in the home, child neglect and child abuse, all subjects that the Minister of Community Welfare believes are priority issues for this Government.

This matter was reinforced to me today when I visited the St Peters Women's Community Centre. For the past 18 months the centre has been seeking funds for a full-time position in order to be able to meet the demand within that area for occasional child-care that would be available on a 9 a.m. to 5 p.m. basis five days a week.

To date it has received no response, the application having been made 18 months ago, from what would have been the Department for Community Welfare and is now the Children's Services Office. That centre has received no response to its application, despite repeated requests, and is sick and tired, with good reason, of being fobbed off with the excuse that the State Government has not yet committed itself to a policy for the practical provision of occasional child-care. I therefore ask the Minister:

1. Does the Government intend to determine a policy for the provision of funding of occasional child-care service in this State?

2. If so, when will the State and Federal Governments implement such a policy, recognising that the demand for such services at least matches that for full-time child-care?

The Hon. J.R. CORNWALL: Child-care is a very big issue on the political agenda. As Minister of Health and as Minister of Community Welfare, I rate it very highly. The question of occasional child- care has to some extent tended to run second to the question of extended hours child-care and child-care in the workplace. My priorities and energies in the first three years were particularly directed towards work-based child-care. I am still actively pursuing the question of extended hours in those work-based child-care centres. However, no doubt exists that occasional child-care is an area in which there is an unmet need. I admit that candidly and say, I hope with great sincerity, that it is an area that must be given high priority in future. That is becoming even clearer as we look further into the causes of child abuse and particularly in this area at the physical abuse of young children.

The situation is that in previous times society functioned very much within an extended family. There always seemed to be a grandmother, aunt or some other member of the family who was available to look after the young children occasionally to give the mother some respite. With the contraction to the small nuclear family and the lack of the same sort of supports in the 1980s, the question of respite from caring for young children 24 hours a day has become a very big issue. It is a recorded fact that young children (and I am talking about preschool children in particular) who are with the mother 24 hours a day seven days a week can literally place an enormous strain on the mother.

The Hon. Diana Laidlaw: As it would any parent in those circumstances.

The Hon. J.R. CORNWALL: Yes. It was talked about quite a lot at the International Conference on Child Abuse and Neglect that it was my good fortune to attend briefly in Sydney. The mother who does not occasionally feel like cracking, losing her temper or losing her control is probably the exception. It is not abnormal in the situation where there is continuous pressure with a young child or children with the mother continuously for there to be very real stresses on that mother. It is for that reason particularly that occasional child-care is extremely important.

I agree with almost everything that Ms Laidlaw says, as I often do. I sometimes think that she sits on the wrong side of this Chamber.

Members interjecting:

The Hon. J.R. CORNWALL: The only chance she has of making it to this side of the Chamber in the next 15 years would be for her to come across and join us. If Ms Laidlaw would like to consider joining this great Party and joining us on this side, I would be very pleased to act as the honest broker in those negotiations; it should not be too difficult. That is a fair and very serious offer, as there is no doubt that she is a woman of considerable compassion; she has taken up many women's issues very positively. It is a shame that she does not get any support from within her Party. It is a very sad fact that she gets no support. Her Party, as the Hon. Mr Sumner pointed out at great length yesterday, is a Party currently dominated by the dries—by the true conservatives. That Party is increasingly moving further to the right and becoming increasingly reactionary. It consistently talks about cutting expenditure in the public areas, regardless of the consequences. It does not look at where savings might be affected, or at how the amount of public funding available can be redistributed to the best result, as we do—restraint with equity. It is a Party dedicated to axing and slashing public expenditure no matter what the cost.

In the human services area, as the Hon. Ms Laidlaw consistently points out, there is a very high cost in human terms of small government. Having said that, I join her in saying that I believe that both the State and Federal Governments should be actively addressing the question of child-care generally and occasional child-care in particular. I know that they are actively addressing those issues and that, when it is practical and feasible for either additional resources to be found or for resources to be redirected into these very high priority areas, that will be done. It is not true to say that we do not have a policy—quite the reverse. It is a matter of high priority and a very big issue on our political agenda. When funds can be found, remembering that we do live in difficult economic times, I will ensure—and I know that my colleague the Minister of Children's Services will ensure—that those funds are directed into the areas of child-care, especially occasional child-care.

WOMEN'S SHELTERS

The Hon. C.M. HILL: Has the Minister of Health managed to obtain the signatures from those who control the women's shelters, as he was so confident earlier this week that he would achieve?

The Hon. J.R. CORNWALL: I have not personally been seeking signatures from the women's shelters. The negotiations to date have been conducted between the representatives of the women's shelters and senior representatives of the Department for Community Welfare.

The Hon. C.M. Hill: It is under your administration.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: However, as I said yesterday, I will be meeting with some of those representatives tomorrow. I do not know the current state of play. I have been busily opening things all morning. At 10.30 I was with my Federal colleague, Dr Blewett, launching the Learning for Life caravan, one of our major drug education initiatives. At 11.30 I opened a magnificent new community health centre at Tea Tree Gully, and, generally, have been

out and about in the electorate this morning, very busy indeed, inspecting the fruit of our labours.

There was a graphic example given in this Chamber yesterday concerning the Hope Haven Shelter (and confirmed quite independently in the *Advertiser* this morning) detailing the reason why we must have accountability. We must have accountability in the matter not only of financial management and control, Ms President, but in the matter of levels of service, the quality of that service, the quality of the counselling and the standard of accommodation, to name but five. All of those things were confirmed in that article at page 2 of the *Advertiser* today.

The Hon. C.M. Hill: What about the—

The PRESIDENT: Order!

The Hon. C.M. Hill: You're the man who said—

The PRESIDENT: Order, Mr Hill! You have asked your question.

The Hon. C.M. Hill: He's the man who said he is the magic negotiator.

The PRESIDENT: Order, Mr Hill, or I will be forced to name you!

The Hon. J.R. CORNWALL: I will be talking to representatives from the women's shelters tomorrow. I repeat, as I said earlier this week, that I am optimistic that if they have not signed before they meet with me tomorrow—or given an undertaking to sign subject to agreed conditions between the various parties—then I will be able to act to some extent as both the catalyst and the honest broker to get the parties around the table to agree to a commonsense settlement.

I reiterate that it is not just a matter of financial accountability, important as that is, but is a question of looking at the quality and standard of the accommodation, the support and the counselling, and making sure that when those women who may literally have been beaten on hundreds of occasions by violent spouses ultimately come to those shelters with their children they should come to a warm and caring environment. They should come to an environment in which they are not set upon by people who are moralising, who are being judgmental or who are, at best, enthusiastic amateurs unable to counsel and support in the ways that—

The Hon. Diana Laidlaw: Who are you referring to?

The Hon. J.R. CORNWALL: Hope Haven.

OBSTETRIC SERVICES

The Hon. PETER DUNN: I seek leave to make a brief explanation prior to asking the Minister of Health a question on the subject of obstetrics and gynaecological services in small country hospitals.

Leave granted.

The Hon. PETER DUNN: The Minister is well aware of the discussion paper on the development of obstetric and neonatal services policy brought out by the Health Commission some time ago and, not being a medical man, I do not really understand much about it, but it contains a paragraph which has caused some questioning, particularly from small hospitals. A number of people have asked me whether the decision has been made, and my reply has been 'No'. Before I ask the question I will read this small paragraph. This is the paragraph they have picked up as the relevant part, and it says, under 'Discussion Paper: Obstetric and Neonatal Services Policy':

> The review also stated that preliminary examination of Statewide data revealed a need to review the provisions of perinatal services in units with deliveries of less than 2 000 per annum in the metropolitan area and in country units delivering less than 50 per annum.

Those last few words are the important part. What rapport will the Minister insist on between the decision makers and the rural communities before firm decisions are made limiting birthing in hospitals delivering less than 50 babies per year?

The Hon. J.R. CORNWALL: The discussion paper is out: people are being asked to respond. There is a very high level committee of experts which has been established, with representatives, among others, from the College of Obstetricians and Gynaecologists, the College of Paediatricians, the College of General Practitioners, to name but three. That is an expert committee examining all aspects of obstetric services in country hospitals. It is looking particularly at the maintenance of skills not only of general practitioners in those hospitals but also, of course, importantly, the maintenance of skills by the attending registered nurses.

If one has a hospital where there are only 15 or 20 deliveries a year, it may well be that the attending doctor is at those 15 or 20 deliveries. One could argue that that is not enough—and the college in certain circumstances does argue that; I do not argue at all. I am not an obstetrician or a gynaecologist—at least in the human field, although I have had much experience as a bovine obstetrician when I was in the South-East for a decade, but that has nothing to do with the present matter under discussion.

Certainly, the college argues that in some circumstances that that is not enough for the GPs. I express no opinion. Just as importantly, of course, if that workload is spread across, say, two or three sisters in the hospital over a 24-hour period seven days a week, it is quite possible that that sister, notwithstanding that he or she has done training in obstetrics and has a certificate in midwifery, would only be present for perhaps five or six births a year.

There are those who argue that that is not enough to maintain skills. My overriding concern in this matter is the safety and wellbeing of the mother and her baby. I cannot say that too often. It has nothing to do with saving money or with rationalising hospital services in the financial sense. If it means, however, where hospitals are only 10 or 12 minutes apart—and there are some outstanding instances in the State where there are a number of very small hospitals which are only 12 or 15 minutes drive from another larger hospital—if this committee in its wisdom were to recommend that there should be some rationalisation on the basis of quality of care, on the basis of the safety of the mother and her baby then, of course, we would have to take it very seriously indeed.

It would be mischievous indeed to suggest that we should consider closing obstetric services in some of the more remote small hospitals on the West Coast. It would be far more dangerous, I imagine, in some of those circumstances to have to transport a patient 80 or 100 kilometres to a larger hospital than to have her deliver at the local hospital. It is quite possible in many cases to select the high risk patient well in advance of the birth, and those patients can then be advised to be handy to one of the larger hospitals for the delivery.

It would be foolish indeed to talk about closing obstetric services in hospitals which are remote from other hospitals. I have to return to the point that it is the safety of the mother and the wellbeing of the baby that is the overwhelming concern. What one has to consider is not just the raw data on infant mortality or perinatal mortality but, just as importantly, the data that are available on perinatal morbidity, that is, the number of babies who, because of difficulties at the time of birth, may have brain damage or other impediments or impairments which would stay with them for the rest of their lives and impair the quality of life.

I cannot say too often that I have no firm position on this matter at all. It has not been considered by me. There is no recommendation before me from the Health Commission or anyone else. When the committee has considered it and it has been considered appropriately by the Health Commission, no doubt I will receive recommendations at that stage, and I will share them with my Cabinet colleagues. We will consult widely and we will take whatever decisions are appropriate in the interests of the well-being of mothers and babies.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Controlled Substances Act 1984. Read a first time.

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

That this Bill be now read a second time.

This Bill introduces a number of amendments to the Controlled Substances Act, taking account of the first year's operation of the Act. It introduces controls over drug analogues (or so-called 'designer drugs'); it substantially increases penalties for trading in cannabis; it revises penalties for simple possession of cannabis by proposing a method of expiation of simple cannabis offences; it extends the prohibition on prescribing for the purposes of addiction; and it provides a more flexible method of appointment of drug assessment and aid panels.

To turn to the specific provisions of the Bill, I emphasise at the outset that cannabis remains a prohibited drug. The Government remains trenchantly opposed to trading or trafficking in cannabis or hard drugs. Our penalties have been, and will remain, amongst the most stringent in the country. Where an amount of 100 kilograms of cannabis is involved in the commission of an offence, a person is liable to a penalty of up to $250 000 and imprisonment for 25 years. Courts can order forfeiture of property of persons convicted of offences, or of related persons; they can prevent dissipation of such property where a person has been charged with an offence under the Act and they can charge financiers of drug trafficking schemes as principal offenders. Whether it involves cannabis or heroin, drug trafficking is one of the most reprehensible crimes against humanity. The Government believes that those who derive profit from the destruction of the lives of others should be pursued and punished with the full rigour and vigour of the law.

The Government believes that the monetary penalty for selling or trading in cannabis is too low. Under the existing legislation, a person possessing more than 100 grams of cannabis may be deemed to possess it for the purpose of sale, and be liable to a $4 000 fine or 10 years imprisonment. The Government proposes that the monetary penalty be increased more than ten-fold, to $50 000.

The Bill introduces a new system of expiation of simple cannabis offences. By introducing such a system the Government is not in any way condoning the use of this psychoactive drug. It is seeking to put the matter into contemporary perspective. As long ago as 1977 the Senate Standing Committee on Social Welfare, under the chairmanship of Senator Peter Baume, was telling us that 'changes in the laws on cannabis are needed to relate social intervention . . . to current social realities regarding its use.' The changes proposed in this Bill seek to do just that. The court's time has been taken up with a parade of cannabis users appearing before it. Penalties imposed are well below the maximum provided in the Act. It is wasteful of resources and out of proportion to the seriousness of the offence to continue to tie up the court system in this manner. It is unnecessarily draconian for a person, particularly a young adult, to be plagued by the stigma, and often the restriction of employment opportunities, of a conviction that will stay with him for the rest of his life.

We need to be channelling more of our time, energy and resources into the pursuit of the traders and traffickers. We must, of course, recognise that the legislative approach alone is insufficient to deal with the very complex set of social problems involved in drug abuse. We need, and indeed have developed, a comprehensive strategy, for tackling the drug problem. Prevention, early intervention, treatment and rehabilitation are important components of that strategy. With the boost in funding of almost 50 per cent through the National Campaign Against Drug Abuse, we are well down the track of reorganising and upgrading our treatment, rehabilitation and educational programs and facilities.

Turning to the provisions of the Bill, clause 10 inserts a new section 45a, which introduces the system of expiation of simple cannabis offences. This new provision will apply to offences involving cannabis that currently attract a $500 maximum fine under the Act, that is, offences of personal possession or use. The commercial type of offence which attracts a maximum prison term of 25 years will not in any way be affected by this proposal.

The expiation fees will apply to the possession and use of small amounts of cannabis and cannabis resin, the cultivation of cannabis for non-commercial purposes and the possession of implements which are connected with the use of cannabis or cannabis resin.

Where the police believe that the offence is one of personal use only and that no commercial dealing is involved, the offence will be expiable provided that in the case of cannabis, the amount in the person's possession is less than 100 grams and in the case of cannabis resin, 20 grams. If the amount is greater than this, but the police are satisfied that there is no suggestion of trading, the matter will be proceeded with summarily and the current maximum penalty of $500 will apply.

On the other hand—and I make this crystal clear—if there is any suggestion of trading, however small the quantity involved, the person will be liable for the increased penalties for trading. Persons who wish to plead not guilty to charges of possession will, of course, still be able to be dealt with by the court.

The standard provisions for the operation of expiation fees are established by subsections (2), (3) and (4) of this new section. While the fine detail of administrative arrangements is to be the subject of further consideration and consultation between the Police Department, technical and scientific personnel and the Health Commission (and the Act will not be brought into force until that has occurred), it is envisaged that where the seizure is cannabis or cannabis resin, the police officer will take the offender's name and address, and arrange for the drug to be identified and weighed if the identification and assessed amount are contested at the time of apprehension. An expiation notice will be sent to the offender, or delivered personally, stating the amount of the fee. Failure to pay within 60 days from the date on the notice will render the person liable to prosecution and a maximum fine of $500.

Expiation fees are to be fixed by regulation. In drawing up the regulations, the Government will have regard to the penalties being handed down by the courts. Current thinking is that they will range between $50 and $150. The payment

of an expiation fee will not constitute an admission of guilt and will not amount to a criminal conviction or record. Thus, although offenders will encounter a monetary penalty, they will not have the long-term stigma of a criminal record.

I draw honourable members' attention particularly to the exclusion of children from the expiation scheme. Children will continue to be dealt with in terms of the children's aid panel system of the Children's Protection and Young Offenders Act. The Government is adamant that this is the appropriate manner of dealing with children in this area.

We need to look beyond the offence to some of the underlying causes of drug-related behaviour amongst our young people. Today's young people live in a world marked by stress and uncertainty. The economic and social dislocation that has occurred in recent times has led to the sad situation where children are becoming an increasingly important target for welfare agencies.

In June 1985, 88 per cent of all children in Australia were in families receiving income-tested social security payments. Traditional values and extended family support systems have been shaken by the modern world. There are pressures at school; our young people cannot be sure that they can get the job of their choice, or find any kind of employment, when they leave school. There is a very genuine fear of nuclear war. Life's opportunities are uncertain: they are bombarded by media images of success, style and material wealth. Peer group pressure, probably stronger now than in previous generations, is a very powerful, real, and often coercive force.

The Government is most concerned about drug use by young people. The Commonwealth Government identified youth as one of the special needs groups to be addressed as part of the National Campaign Against Drug Abuse. Similarly, the ministerial task force, which reviewed and prepared a three year plan for future directions in alcohol and drug services in South Australia, also identified children and adolescents as a special needs group when it reported in February 1985.

Education is one of the cornerstones of both the State and Commonwealth strategies. A program called 'Free to Choose' has been introduced into secondary schools. This is a package which includes a resource manual for teachers, designed to assist in developing skills in young people on how to retain independence and resist peer group pressure in a variety of situations. For example, there are sections on the influence of images on promoting socially accepted drugs; alcohol in the context of a teenage party; the abuse of amphetamines in the context of particular youth cultures; and solvent misuse. A similar program, targeted at primary school children, is currently being developed by the Drug and Alcohol Services Council and the Education Department.

Another initiative which will be available to primary schools before the end of the year is the 'Learning For Life' project. This project has been developed by the Adelaide Central Mission in partnership with the Drug and Alcohol Services Council. The program will offer drug education within health education programs. A range of education sessions will be conducted in a mobile classroom, with resources being available for pre and post activities. The program basically aims to educate children on how the human body works and the effects that various substances have on the working of the body. It is designed to equip children with the skills necessary to overcome pressures to abuse their bodies. I am pleased to say that the Federal Minister for Health, Dr Blewett, and I launched the first of those mobile classrooms at the Walkerville Primary School this morning.

We are also anxious to learn more about the nature of substance use and abuse amongst school children. The Drug and Alcohol Services Council has been funded to conduct a survey to seek specific information on the use of alcohol, tobacco, prescription and illegal drugs by school children. The survey will extend over a five year period and will cover 3 000 students from grades 7, 8, 9, 10 and 11 from urban, rural, public and private schools. The survey should provide valuable information for planning of future drug education programs.

I turn now to clause 3 of the Bill and the definition of 'analogue' which is inserted. The Controlled Substances Advisory Council and the Ministerial Council on Drug Strategy have expressed concern about the lack of control over 'drug analogues' (or so-called 'designer drugs'). These are substances which have substantially similar chemical structures to narcotic and psycho-active drugs and are designed to mimic the effects of those drugs. They currently escape legislative controls. Usually made in 'backyard' operations, they are the new phenomenon on the drug scene. Fortunately, they are not yet widespread in Australia. However, the Government believes it is desirable to pre-empt their appearance and move to bring them under control. South Australia took the lead at the last ministerial council meeting and convened a national working group to devise controls. Under the amendment an analogue becomes a prohibited substance and is brought within the scheme of controls for such substances.

An amendment is also proposed to section 33 of the principal Act. The prohibition on prescribing or supplying for the purposes of addiction (unless authorised by the Health Commission for therapeutic purposes) currently applies only to a medical practitioner. Given that dentists can now prescribe drugs of dependence, it is considered that they should be brought within the controls of section 33.

The Bill provides a more flexible method for the appointment of drug assessment and aid panels. Honourable members will recall that the Controlled Substances Act introduced the panel system as a more appropriate, humane way of dealing with the victims of drug abuse. It provided a mechanism for diverting people out of the criminal justice system and into treatment and rehabilitation programs. It provided the means of addressing the causes of the problem rather than reacting to the legal consequences. Indications, following just over a year's operation of the panels, are that the system is having a substantial impact. I point out that 254 referrals (50 per cent of whom were single and unemployed) were made during the first year of operation. The amendment retains the present combination of skills of panel members, but provides the added flexibility of members being able to be drawn from panels appointed by the Minister, instead of specific groups of three having to be appointed by the Minister.

A new power is included to enable a drug assessment panel to prepare, or assist in the preparation of, pre-sentence reports. This will enable courts to seek the panel's advice in dealing with offences that are drug-related.

These are the main provisions of the Bill. There are several other amendments included in the Bill (for example, expansion of regulation-making power, breaches of conditions of licence) which are dealt with in the clause explanation and can no doubt be canvassed in more detail in the Committee stage.

I commend the Bill to the Council and seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 provides, first, for an amendment to the definition of 'nurse' consequent upon the repeal of the Nurses Registration Act 1920, and the Nurses Act 1984. Secondly, an additional subsection is added to the present contents of the section (subsection (2)). The subsection provides that a substance is an analogue of another if both have substantially similar chemical structures or if both have substantially similar pharmacological effects. It also provides that where a substance is an analogue of a drug of dependence or a prohibited substance, then that substance is a prohibited substance under the principal Act.

Clause 4 provides a consequential amendment.

Clause 5 provides for the insertion of a new section 11a. The new section states that the Crown, the advisory council or a member of the council is not liable for a statement made by or on behalf of the advisory council.

Clause 6 amends section 31 by inserting 'or consumption' in paragraph *(a)* of subsection (2) to allow for an offence not only of possession of equipment for use in connection with the smoking of cannabis or cannabis resin but also with the consumption of those substances.

Clause 7 provides for the upgrading of the fine for an offence against subparagraph (ii) of paragraph *(a)* of subsection (5) of section 32 of the principal Act from $4 000 to $50 000.

Clause 8 provides for the addition of subsection (1a), which restricts the prescription of, or supply by, a dentist of a drug of dependence in certain circumstances. The first circumstance where the restriction applies is to a person for a continuous period of more than 2 months or a period which to the dentist's knowledge would result in the supply or prescription of the drug to the person by the dentist and either another dentist or a medical practitioner for a continuous period of more than 2 months. The other circumstance is the supply or prescription to a person whom the dentist has reasonable cause to believe or know is dependent on drugs. A penalty of $4 000 or imprisonment for four years is provided for breach of the subsection under the above circumstances, unless the dentist has prescribed or supplied the drug in accordance with regulations or an authority of the Health Commission. Other consequential amendments are provided by the clause.

Clause 9 provides for the repeal of section 34 and the substitution of a new section. The new section establishes drug assessment and aid panels provided from panels (established by the Minister under subsection (2)) and selected by the Health Commission.

Clause 10 inserts a new section 45a, providing for the expiation of simple cannabis offences. First, subsection (1) provides that only a member of the Police Force or a person authorised in writing by the Attorney-General can commence a prosecution for a simple cannabis offence.

Subsection (2) obliges a police officer to give an expiation notice to an alleged offender before a prosecution for a simple cannabis offence is commenced.

Subsection (3) provides firstly that an expiation notice must be in the prescribed form and secondly that it may be given to the offender personally or by post. Subsection (4) provides that where an offence is expiated, the alleged offender shall not be prosecuted for that offence.

Subsection (4) provides that, where an offence is expiated, the offender shall not be prosecuted for the offence.

Subsection (5) provides that the payment of an expiation fee is not an admission of guilt but that any substance, equipment or object seized that would have been liable to forfeiture shall, on payment of the fee, be forfeited to the Crown.

Subsection (6) provides for the fixing of a fee for a simple possession offence and that the fee may be varied according to the nature of the offence or other factors.

Subsection (7) provides that a prosecution for an offence is not invalidated by non-compliance with subsection (2).

Subsection (8), first, defines 'child'. The subsection also defines a simple possession offence. The offences (all related to use of cannabis or cannabis resin) are listed in paragraphs *(a)* to *(d)* of the subsection and are an offence of possession of not being an amount in excess of a prescribed amount, an offence of smoking or consumption, an offence of possession of equipment for preparation, or smoking or consumption (not being an offence involving possession of such equipment for commercial purposes) and an offence of cultivation (not being cultivation for commercial purposes).

Clause 11 provides, first, for the insertion of section 2a of section 55 of the principal Act creating an offence for a contravention or failure to comply with a condition of licence, authority or permit issued by the Health Commission by the holder of that licence, authority or permit. Secondly, it provides for the revocation of a licence, authority or permit by the Health Commission in circumstances outlined in paragraphs *(a)*, *(b)* and *(c)*.

Clause 12 provides for the additional criteria 'of instruction or training' to be inserted in section 56 for the issuing of a research permit.

Clause 13 strikes out subsections (1) and (2) of section 57 of the principal Act and provides that in circumstances outlined in paragraphs *(a)*, *(b)* and *(c)* of the new subsection (1) the Health Commission may by order prohibit manufacturing, producing, packaging, selling, supplying, prescribing, administering, using or having possession of any substance or device specified in the order and may under subsection (2) revoke the order on such terms and conditions as it thinks fit. Other consequential amendments are provided.

Clause 14 provides for the insertion of a new section 61a which provides that a drug assessment panel may prepare, or assist in the preparation of, a pre-sentence report.

Clause 15 provides for the expansion of the regulation making power under the Act and another consequential amendment.

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

BUDGET PAPERS

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

That the Council take note of the papers relating to the Estimates of Payments and Receipts 1986-87.

It has become customary to move this motion at the same time that the budget is introduced in another place. This enables honourable members in the Council to debate the budget simultaneously with the debate in the House of Assembly. Of course, it does not pre-empt discussion on the budget when the Appropriation Bill and related Bills are introduced in this place after they have passed the House of Assembly. Nevertheless, it has been convenient to adopt this mechanism to enable members to speak on the budget, in effect, by speaking to this motion. Generally, that has been advantageous to all concerned by saving the Council's time when the budget is actually introduced.

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

TRUSTEE ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Trustee Act 1936. Read a first time.

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

That this Bill be now read a second time.

This short Bill is being introduced in conjunction with the amendments to the Administration and Probate Act following the review of Public Trustee's investment powers. Under section 5 (1) *(g)* of the Trustee Act 1936, the common funds of private trustee companies are authorised trustee investments. This Bill seeks to amend the Trustee Act to add the common funds of Public Trustee to the list. This would remove any doubts about Public Trustee's power to invest moneys from estates in the common funds. However, it is not proposed to open Public Trustee's common funds to investments from the public. The amendments have been discussed with private trustee companies which have raised no objections. I seek leave to have the explanation of 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 provides for the inclusion of the common funds of the Public Trustee as authorised trustee investments.

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

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Administration and Probate Act 1919. Read a first time.

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

That this Bill be now read a second time.

This Bill is being introduced following a review of the investment powers of Public Trustee. The review proposed a rationalisation of those investment powers to bring Public Trustee's investment powers into line with those of private trustee companies. It recommended this legislation to allow a better tailoring of investments by Public Trustee to suit the needs of the estates on behalf of which those investments are made. This should result in significant administrative savings in the management of those investments. These proposals have been discussed with the private trustee companies operating in South Australia and have their support.

Public Trustee common fund, established under section 102 of the Administration and Probate Act as operated at the moment, maintains its value in money terms. However, in inflationary periods the purchasing power of the money reduces. If the common fund did include investments which are more likely to retain their value with inflation then the purchasing power of the fund might be better maintained.

The competing investment needs of the estates administered by the Public Trustee cannot be met by having only one common fund as exists at present. A single fund cannot meet the diverse needs of estates whose moneys are invested for a comparatively short period and the needs of those estates whose real value must be protected from inflation (preferably by investment in shares).

This Bill amends section 102 of the Administration and Probate Act to allow the creation of common funds additional to the present one common fund established by that section. One common fund could be used to invest moneys in short-term securities on behalf of short-term estates. A second common fund may be used for medium to long-term investment in fixed interest securities. Finally, a third common fund may be used for investment in shares.

Short-term investments are more suited to some estates, medium-term investments to others and long-term investments to others. In fact, some estates would benefit from moneys being invested in investments with a combination of these maturities. For short-term estates, investments could be made, via a common fund, in short-term investments with maturities of less than one year. They would attract the prevailing rate of interest and, because of their short-term nature, would need no protection from the effects of inflation.

For medium to long-term estates, investments could be made, via a common fund, with similar maturities. A medium-term investment would be from one to five years and a long-term investment would be anything over five years. Because of the adverse long-term effects of inflation on the real value of fixed interest securities, a substantial part of these long-term investments could be stocks and shares which are authorised investments under section 5 of the Trustee Act. The common fund investments could be tailored to the terms of the estates on behalf of which those investments are made.

Investment for any one estate may all be in one common fund (this may be the case of a short-term deceased estate) or may be invested in more than one fund. For example, a long-term protected estate may have moneys invested over several common funds to provide for that person's short-term financial needs but at the same time protect the balance of that person's moneys from the effects of inflation by investing in a stocks and shares common fund.

Accounting systems would be needed to process dividends and to account for changes in the value of the additional common funds, but this would be facilitated by the proposed computerisation of Public Trustee Office's operations. It is pointed out that all private trustee companies in South Australia have the power, through their separate Acts of Parliament, to establish and operate one or more common fund. This submission proposes to bring Public Trustee's investment powers into line with those of trustee companies.

Section 18 of the Aged and Infirm Persons Property Act provides that a manager (appointed under that Act) shall be deemed to be a trustee for all the purposes of the Trustee Act. There is no such clear direction provided for the administration of the estates of the mentally ill and mentally handicapped, under the Mental Health Act. It is proposed that an additional power be added to the administrator's powers under section 118m (2) of the Administration and Probate Act, to enable an administrator to invest money in patients' estates in any investments authorised by the Trustee Act 1936. These powers, together with the power to create additional common funds, would enable Public Trustee to invest protected estate moneys across a number of funds to the advantage of the patient rather than leaving them in the existing common fund.

In summary, this Bill amends section 102 of the Administration and Probate Act 1919 to allow the creation of common funds additional to the present one. This will permit better tailoring of investments to suit the varying

needs of estates managed by the Public Trustee. It will allow significant administrative savings by having all investments go through common funds rather than have the present large number of individual holdings and will protect the real value of moneys invested by the Public Trustee on behalf of medium to long-term estates.

An amendment is also being proposed to the Trustee Act 1936 to provide that the common funds of the Public Trustee are authorised trustee investments, as is the case with the common funds of private trustee companies. I seek leave to have the explanation of 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 inserts a new definition for 'common fund' and strikes out the definition of the Common Fund Interest Account (which is rendered superfluous by this Bill).

Clause 4 proposes the insertion of new sections 102 and 102a. Proposed new section 102 specifies the manner in which money held on trust may be invested, provides for the creation of one or more common funds and prescribes various rules that are to apply with respect to those funds. Income arising from the investment of a common fund shall be credited as income on amounts invested, in maintaining the Common Fund Reserve Account and, in appropriate circumstances, towards the Public Trustee's costs. The existing common fund is to continue in existence for so long as it is appropriate to retain moneys in that particular fund. Proposed new section 102a alters the restrictions on the ability of the Public Trustee to borrow money on overdraft. It is proposed that the Public Trustee be able to borrow with the approval of the Minister instead of a judge and that the Public Trustee be able to borrow from any bank and not just the State Bank, as is the present case.

Clause 5 contains amendments to section 112 which are consequential on the enactment of new section 102 and the abolition of the Common Fund Interest Account.

Clauses 6 and 7 contain consequential amendments to sections 118a and 118g respectively.

Clause 8 gives express authorisation to an administrator appointed under the Mental Health Act 1976 to invest a patient's estate in authorised trustee investments.

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

SELECT COMMITTEE ON COOBER PEDY (LOCAL GOVERNMENT EXTENSION) ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the address to His Excellency the Governor.

STATE SUPPLY ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

As the Bill has already passed another place, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The State Supply Act 1985 and regulations came into effect on 30 September 1985. The main aim of this legislation is to achieve the best value from funds available to public authorities for the purchase of goods and to ensure that local industry has the maximum opportunity to compete for the supply of goods to the Government.

Section 5 of the Act excludes the following bodies from the operation of the Act:

the Pipelines Authority of South Australia;
the State bank of South Australia;
the State Government Insurance Commission;
or
a local government body.

This action was taken on the basis that it was desirable for these bodies to be as free as possible from Government control.

The Electricity Trust of South Australia, the South Australian Housing Trust and the State Transport Authority are declared by regulation to be prescribed public authorities. These bodies are not subject to the direct control of the State Supply Board, but the State Supply Board may make recommendations to the Minister responsible for a prescribed public authority on any matter relating to the authority.

This action was taken on the basis that each of these bodies has a well established efficient supply operation, they operate as commercial enterprises and generate a substantial proportion of their revenue from non-government sources.

Now it is proposed to exclude the Australian Mineral Development Laboratories (AMDEL) and the South Australian Tertiary Institutions from the provisions of the State Supply Act 1985, and to correct an anomaly in respect to the State Supply board's function to dispose of goods.

Exclusion of bodies from the Act:

Section 21 of the Australian Mineral Development Act 1959, excludes AMDEL from the provisions of the repealed Public Supply and Tender Act 1914, but AMDEL was not included in the list of bodies excluded from the State Supply Act 1985. To exclude AMDEL it is necessary for section 5 of the State Supply Act 1985 to be amended.

The reasons for excluding tertiary institutions from the operation of the State Supply Act 1985 are that special status and independence of institutions of higher learning is well established and recognised in the community; that a large proportion of their funds is provided by the Commonwealth Government; and that the universities do not relate closely to the State Government in their major area of expenditure and on matters of operating policy. Involvement of the State Government in matters of supply in this context is inappropriate. The proposed amendment will exclude the following tertiary institutions from the provisions of the Act:

University of Adelaide
Flinders University
Roseworthy Agricultural College
South Australian Institute of Technology
South Australian College of Advanced Education.

Functions of board:

Section 16 of the Act provides that 'the board may, if it thinks fit *(a)* with the approval of the Minister, undertake or provide for the acquisition or goods for a body other than a public authority or a prescribed public authority'. The Act makes no provision for the board to dispose of goods for a body other than a public authority or a prescribed public authority, e.g. a local government body, phi-

lanthropic organisation, Commonwealth department or a department of another State Government. It is proposed that the Act be amended to permit the board, with the approval of the Minister, to dispose of goods for a other than a public authority or prescribed public authority.

Since the State Supply Board was established it has developed and issued general instructions to provide a flexible efficient and cost effective framework for supply operations in Government departments, hospitls and health centres and statutory authorities. In addition the supply function of the Education Department has been reviewed and operational arrangements established for the enhancement of that function.

The State Supply Board has been appointed to monitor the South Australian public sector's compliance with the National Preference Agreement. The State Supply Board is operating efficiently and making a significant contribution to the cost effectiveness of the supply function in the South Australian public sector. The minor changes proposed in this Bill will clarify the jurisdiction and functions of the board.

Clause 1 is formal.

Clause 2 amends section 5 of the principal Act by providing that the following bodies are excluded from the operation of the Act:

the Australian Mineral Development Laboratories;
the University of Adelaide;
the Flinders University;
the Roseworthy Agricultural College;
the South Australian Institute of Technology;
the South Australian College of Advanced Education.

Clause 3 amends section 16 of the Act to provide that the board may, with the approval of the Minister, dispose of goods for a body other than a public authority or prescribed public authority.

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

CONSTITUTION ACT AMENDMENT BILL (No. 3)

Second reading.

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

That this Bill be now read a second time.

This short Bill repeals and re-enacts, in an amended form, the provision of the Constitution Act (section 67) which empowers the Governor to appoint a Minister to act in place of another Minister during the temporary absence of the latter Minister. The amendment has two principal objects. First, it alters the present method of appointment. Section 67 presently provides for an appointment to be made by commission under the public seal of the State. This seems excessively formal and cumbersome. The Bill does not reproduce these formal requirements; this means that in future it will be possible to make an appointment by a less formal instrument signed by the Governor in Executive Council. Notice of the appointment will be published in the *Gazette.*

Secondly, the Bill allows for greater flexibility in the nature of an acting appointment. The present provision had its origin in 1873 (Act No. 16 of 1873). The intervening 113 years have seen great changes in methods of travel, and in the nature of ministerial responsibilities. Ministers of the present day frequently have to travel to destinations outside this State for comparatively short periods—often at very short notice. It is important that appropriate mechanisms should exist to prevent the work of government grinding to a halt during these absences. The Bill accordingly enables the Governor to appoint a Minister to act in the place of another at any time when the principal Minister is unavailable to carry out the duties of his or her office. 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 amends section 45 by adding a provision that corresponds in the present section 67 (3). Section 45 (1) provides that a member of Parliament must not accept an office of profit from the Crown. New subsection (1a) makes it clear that this does not apply to the acceptance of Ministerial office or the acceptance by a Minister of an appointment to act in the place of another Minister.

Clause 3 repeals section 67 and substitutes a new section. Subsection (1) provides that the Governor may appoint a Minister to act in the office of another Minister. Subsection (2) provides that an appointment may authorise the appointee to act for a specifed period or a period terminating when a specified event occurs or whever the Minister is unavailable to perform official duties. Subsection (3) provides that a Minister, while acting in the office of another Minister, has all the powers, functions and duties of the other Minister. Subsection (4) states that notice of an appointment under the section shall be published in the *Gazette.* Subsection (5) is an aid to proof and provides that if it appears, in any legal proceedings, that a Minister has acted in the office of another Minister, the acting Minister shall be deemed to have acted pursuant to an appointment under this section in the absence of proof to the contrary.

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

RACING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 27 August. Page 682.)

The Hon. K.T. GRIFFIN: This is a difficult Bill for some members, certainly on this side of the Chamber, because it seeks to allow considerable extension of the operation of the TAB to events such as the Grand Prix, international cricket matches and other events such as the Americas Cup Yachting Race. Inevitably, that will mean also an extension of TAB opening hours to include Sunday. I speak for myself on this issue. Some of my colleagues may have a different point of view, but I have a very strong objection to the TAB opening on Sundays and for betting to be extended to events such as the Grand Prix, international cricketing matches, the Americas Cup yacht races and many other events that are below the tip of the iceberg.

Members may recall that not so long ago we had a proposition to extend the operation of the TAB to football, and I spoke very strongly against that proposition on the basis that TAB betting at football was something that would downgrade the respect that the game attracts in many quarters, particularly families, and would be an inappropriate influence upon families and young people if football became the subject of TAB operations.

I also took a similar view to the Bay Sheffield which is conducted at Colley Reserve in a public place fully acces-

sible to young people and families. I was not successful in opposing the extension of betting on events such as the Bay Sheffield and football, but that is no argument for continuing my opposition to the extension of gambling facilities in South Australia. You could say that if you have been hit on the head once and have not been able to stop it, that is no reason for then allowing people to keep on hitting you on the head and making no effort to stop it.

The fact is that any extension of either the TAB or gambling in South Australia is not in my view in the interest of the South Australian community and creates additional pressures on families, pressures which ought to be resisted and ought not to be there to create tensions. Of course, when one introduces betting on sporting events there is always the additional risk of those events being rigged so that participants or those involved in other ways in such events can make a financial killing.

Although there is not so much evidence at present of that sort of activity in association with sporting events, there will always be the temptation for that to occur. My view is that with respect to an event such as the Grand Prix, which is again a significant sporting event open to young people and older people, children and adults, betting prejudices, the quality of the entertainment, and further aggravates the win-at-all-costs syndrome that is all too prevalent in sporting events today. It really develops the killer instinct, and I believe that is undesirable in the community. Further, it provides an example to easily influenced young people that gambling is acceptable and that, as such a high profile activity, it is something that the State endorses, supports and, in fact, promotes through the TAB. I have grave concerns about that sort of emphasis on sporting activity and gambling.

To have the TAB open on Sunday compounds that perception within the public arena. Already there are many pressures upon families to ensure that high standards are maintained within families and that children resist the temptations that are now so readily accessible in a variety of forms. To have the TAB open on Sundays to support gambling on sporting events on those days in my view only aggravates that perception and that problem.

My recollection is that in the 1970s when the TAB activity was being extended, anyway, some public commitment was given to the fact that the TAB would not open on Sundays. While sporting events are held on Sundays, and we all live with that, there is a very widespread community view that the opening of the TAB and permitting gambling on Sunday sporting events certainly does not enhance and in fact reduces the quality of life. For those reasons—reasons which I have expressed on several previous occasions in this Council—I do not support the Bill before us. I will oppose the second reading of the Bill. If the second reading passes, I will support any amendments that limit the operation of the Bill, but will then oppose the third reading.

The Hon. M.B. CAMERON (Leader of the Opposition): The general consensus of view in the Opposition is that we support the Bill with some changes. I have circulated a series of amendments to bring about the changes that will make the Bill acceptable to the Opposition. I hope that members will seriously consider those amendments at the Committee stage. That does not mean that every member of the Opposition supports the Bill, because I have had indications from a number of members, one being the Hon. Mr Griffin, that they will not be supporting the Bill. However, I would request members on both sides (as this is a conscience issue), even if they are not going to support the Bill, to look seriously at the amendments in my name in order at least to ensure that the Bill allows the TAB to operate on the Australian Grand Prix this year. That is, I gather, the main concern of the Minister.

I note that there are on file some amendments to my amendments from the Minister of Health, on behalf of the Minister of Recreation and Sport. Those amendments have not been considered by the Opposition as a group, but no doubt all members of the Council will consider those amendments carefully. I do not wish at this stage to indicate my attitude, as I have had them only a reasonably short time. However, I will listen to the arguments on that matter put by the Minister of Health on behalf of the Minister of Recreation and Sport. I understand the concern that the Government has in relation to the TAB, but unfortunately it is a fact of life that, if there is a certain amount of money available within the community for the pursuit of gambling and if we introduce another form of gambling such as the casino, something has to suffer.

The Hon. J.R. Cornwall: I know.

The Hon. M.B. CAMERON: We will not go into details on that. The Minister and I had an interstate experience together.

The Hon. J.R. Cornwall: When we were younger.

The Hon. M.B. CAMERON: Not that much younger, although we felt older afterwards. However, it is important that the TAB be allowed to explore ways of increasing its revenue. Some members would disagree with me and say that it is a good thing if there is a decline in gambling. I have no doubt that many people in the community would believe that, too.

The Hon. M.J. Elliott: Are you having two bob each way in this debate?

The Hon. M.B. CAMERON: No, I am not. It is a conscience vote but my view is that, if people want to gamble, they will do so. I do not gamble in large amounts—once a year may be my contribution. I do not like parting with money terribly much, because I never win. I have no doubt that at some time we have to look at the whole issue. If people are going to gamble they will gamble and we will not stop them. An increase in outlets will not make a lot of difference. We may change the places where they do gamble, but in the long term people can only go so far and it will stop. Even with this issue, if it passes in the form that I am describing, I can guarantee that somewhere along the line some other area of gambling will suffer because that is the way it goes.

However, I indicate support for the Bill on behalf of the Opposition and no doubt we will hear from other members as to their viewpoints. I ask members to seriously consider the amendments put forward to allow Grand Prix betting to go ahead. It is a case of taking one step at a time. Let us not open up the issue to every sport in every way at this stage, because Parliament should retain some control over the extension of gambling in this State.

The Hon. R.J. RITSON: I support the second reading of the Bill for one reason, namely, that certain expectations have been raised which more or less pre-empt the decision of this Parliament. I guess that happens when the Government of the day is in charge of things, and therefore I hesitate to frustrate expectations that are already in train.

The Hon. J.R. Cornwall: You don't mind the Government of the day being in charge?

The Hon. R.J. RITSON: No, but that is a rather rhetorical observation. Gambling to me is something of small interest. To most of my social acquaintances it is also of small interest, but I recognise that to many in the community it is of great interest and of no problem. However,

there are people in the community who suffer greatly from uncontrolled gambling. That is a tragedy. I make no moral judgment, but I observe that it has always seemed to be rather quaint that the State Government has produced a series of laws to determine what is lawful or unlawful gambling. These laws are there not to protect people from the damage that may flow from uncontrolled gambling, but to produce a Government monopoly so that revenue may be raised.

In a sense, therefore, the revenue raised through taxes on gambling is in part perhaps revenue raised substantially from the working classes for their entertainment and partly raised from the sufferings of uncontrolled gamblers and their families. That situation has been established in South Australia for some time. It gives me cause for some anxiety to see the example of a quango rampant or about to become rampant. I am not sure how much spontaneous community desire there is to have a Ladbroke's in South Australia where people can bet on not merely the Americas Cup but on flies crawling up the wall and all manner of things. I suspect that there is little community demand for that, and for more outlets for gambling practices. I suspect that there is some desire by the Government to have a greater revenue base, but primarily here we have a quango that is enjoying building its own power for the sake of building its power, as many institutions are wont to do.

Primarily for that latter reason, it is a concern to society when autonomous or quasi autonomous statutory authorities wish to build power or wish, in a sense, to direct Governments with offers that cannot be refused, or create expectations that then have to be fulfilled. So, I am very unhappy about giving the TAB a blanket licence for expansion, even though the Government probably would not be unhappy about that because it could receive revenue, and the TAB would be unhappy about being restricted in building itself up for its own sake.

As I say, because the expectation has been raised in respect of the Grand Prix, I am loath to frustrate that venture but will be supporting the Hon. Mr Cameron's amendment, so if there are further instances where it is really for the good of the community and not just good for the ego of the TAB, they can be brought to Parliament on each occasion so that the House of the people can have a look and say that there is not a Statute in place which is just an open licence for a quango to grow for the sake of growth. With that concern, that anxiety and a little hesitation, I support the second reading of this Bill.

The Hon. M.J. ELLIOTT: There has been, really, only one reason given for wanting this Bill passed, and that is to increase TAB turnover: money. One rather piffling one—that the public want it. I was interested to hear the Minister of Health yesterday refer to John Stuart Mill's views, whereby the individual may do as he or she wishes so long as no-one else is interfered with. It is, in fact, a philosophical viewpoint to which I adhere fairly well myself.

On such grounds yesterday he argued, and I agree, that passive smoking needed to be covered by legislation. Despite that, he had no problems in totally banning tobacco for sucking. Presumably he has expanded Mill's philosophy further to say if there is no real demand for the product, that the individual's desire for it may be induced and since there will be harm, it is a ridiculous freedom to have. I draw a parallel here: gambling on horses and dogs, like cigarette smoking, is a reality. Gambling on the Grand Prix and other major events, like the use of sucking tobacco, is not at this time of any consequence. It is something which really does not go on. The end result of encouraging people to gamble on sport, like the sucking of tobacco, will be for some harmful. Admittedly, one is physical and one may be economic. It is a nonsense freedom to have.

Gambling is a reality and I am no wowser. I probably bet at the TAB about once a year and occasionally buy lucky tickets. I am, though, gravely concerned that the TAB and the Lotteries Commission, rather than catering for real demand, are continually trying to find new ways to encourage gambling. I would consider a decline in TAB and Lotteries Commission turnover to be a very healthy thing. Anybody who has visited women's shelters—a matter of some concern to the Minister of Health and Community Welfare—would know that gambling has, indeed, a very destructive role in many families and creates a great deal of harm in our society.

Yet this Government has allowed the TAB to take over radio stations with the sole purpose of encouraging gambling. It allows new games to be devised by the Lotteries Commission and to be advertised regularly in the media. Now we see the Government asking this Parliament to give *carte blanche* to allow betting on any sporting event that the Minister considers worth while. The TAB is a very handy revenue raiser: unlike tax, people do not complain, but anybody with an iota of common sense knows that it is doing real harm, and that is understandable. It cannot be defended on the basis of individual responsibility, as some people like to, as we know not only the gambler suffers, but so also does the gambler's family. There are many people in this community being hurt by gambling. To encourage it—which is what this Bill is trying to do—is positively wrong.

The public demand is a fiction. There have been no demonstrations, and I have not received a single phone call or letter demanding this 'right', this wonderful freedom. The Government expects us to pass this Bill through the Council today without, I suggest, due thought, or else we will not be able to bet on the Grand Prix this year. What a terrible loss! An observer from another culture would have to see the Grand Prix as a religious occasion of great importance. The parklands which we protect with great vigour, as the Netball Association can clearly tell us, are being desecrated annually with 'temporary' structures in place three months of the year.

The Grand Prix is having an incredible impact in terms of legislative demand. We have already changed liquor legislation, now it is the operation of the TAB and soon daylight saving. I must take on the Hon. Mr Cameron for suggesting that if people are going to gamble, they will, and that there is, in fact, no increased turnover. It would be a sheer nonsense for the TAB and Lotteries Commission to put in more and more effort in terms of human hours and, therefore, costs if there was only the same amount of dollars coming in. It is like a fisherman who has to put in greater and greater effort for the same catch: eventually it becomes uneconomic. There is only one good reason for doing it and that is, quite simply, that the number of dollars will increase. To say that we are not supporting gambling is a nonsense. I will not be supporting this Bill.

The Hon. C.M. HILL: I oppose the Bill and I shall speak briefly explaining that opposition. I, like the previous speaker, have not experienced any demand for it from the people at large. I have had no letters sent to me by people wanting the extension. I have not heard of any public gatherings or meetings advocating this extension, and I think that as legislators, who are put here by the people anyway, we ought to endeavour always to ascertain the wishes of the people. As we all know, when people either object to or support a measure they let us know in one way or another.

I realise that the parties associated with the measure are no doubt in favour of it—people such as the TAB and such as those who are the controlling body of the Grand Prix—but that is a different kettle of fish altogether from the voice of the people at large. As previous speakers have said, it is without any doubt at all simply a revenue measure. The Government has been quite honest in its presentation of the Bill to the Parliament in making that point, and I quote from the speech made by the Minister, who said:

> The operation of the casino, however, has affected the TAB's budgeted turnover. While it is too soon at this stage to quantify this, the TAB is experiencing some difficulties in achieving its targeted growth. Measures such as totalizator betting on major sporting events could serve to counter marketing edges gained by alternative forms of gambling.

There is no doubt at all that it is a revenue measure introduced, basically, because the casino is taking more of the gambling dollar than the Government ever expected or the TAB ever wanted it to do. I rather sense in endeavouring to judge public opinion that there would be some public reaction against the further extension of gambling facilities in this State. I think that it is time to call a halt to the extension of gambling facilities. To satisfy those who want to gamble, there are a whole range of facilities available. There are the traditional horse racing, trotting and dog racing and, of course, in recent times the State has provided a casino and gambling on our league football. I do not think there is any need to go on and on and accept an inevitability that gambling facilities should be provided to satisfy the people of this State.

The Hon. M.J. Elliott: In fact it is expanded.

The Hon. C.M. HILL: It is expanding them: that is right. Of course, the major jump in the provision of such facilities was the opening of the casino in this State. I did not object to that at all. However, I object to the general feeling that many people express of this inevitability, that people should be able to bet on everything because, in my view, that is not necessarily the best thing for the community. Already there are a wide range of facilities on which people can gamble, if they wish. I do not think that the Grand Prix controllers, the test cricket people, the South Australian Cricket Association and other major sporting organisations will go down the drain financially unless they can have gambling arranged by TAB. In fact, such a feeling that that is so is quite ridiculous.

I propose to vote against the Bill at the second reading stage. I will support amendments that I feel improve the Bill and I do that simply because one should do that because there is always the possibility of the amended Bill passing in its third reading stage. In that instance, of course, I think it becomes a better measure, ultimately, than it is now. Irrespective of voting during the Committee stage I still propose to vote against the third reading.

The Hon. J.C. BURDETT: I, too, oppose the Bill. I do not believe that gambling is necessarily morally wrong. I believe that if a person pays his taxes (which is fairly important these days, I suppose), provides for his family and the future, and still has something left, then whether he spends it on gambling, a glass of beer or an overseas trip does not make much difference, provided he gambles simply for recreation. I believe that if gambling becomes addictive and if it occurs for reasons of greed, then there is something wrong.

I do not oppose this Bill on moral grounds. The point I make is that I believe there are adequate avenues for legal gambling presently available. I voted for the Casino Bill, and I did not think that that would lead to any social problems. However, I might have been wrong because I think it has. Voluntary welfare institutions give testimony to that: that problems have arisen since the casino has opened with people spending money there which should have been spent on their families, themselves and their obligations. I have also found a number of small traders around the city—hairdressers, restaurateurs and proprietors of menswear shops—who, since the casino has been opened, have lost business, and they attribute some of this loss (and there are other factors as well) to the fact that people are overspending at the casino.

I believe we have come to the point where there seems to be an unreasonable demand for further legal gambling, as other speakers have said. Together with the Hon. Mr Elliott and the Hon. Mr Hill, I have certainly not heard one instance of demand to extend legal gambling further. I believe that we have come to the stage where there is no reason to expand legal gambling; that there are adequate outlets with TAB, the lotteries, bookmakers, football, and so on. If we do extend further it may be true, to a certain extent, that there will be competition for the gambling dollar. All the same I believe that if one extends the outlets and avenues for legal gambling more money will be spent on gambling. I am certain that that has been the case in relation to the casino.

Of course, it is true that since the casino has opened other legal outlets for gambling have suffered, including, I understand, TAB in particular. However, it is my view that if one extends the outlets more money will be spent on gambling with a resultant social problem. Many people gamble who should not; many people gamble who should, and there is no reason why not. However, many people who should not gamble do damage to themselves, their creditors and families. I believe that that will be exacerbated by extending legal outlets for gambling, and I do not think there is any reason to do it at the present time.

I propose to vote against the second reading, but I will also support the amendment of the Hon. Mr Cameron. I have not yet been able to examine the amendment that the Minister of Health has placed on file. One aspect of the Bill I very much oppose is the Minister being able to extend the list. I think that that is improper, and would support amendments—I am not sure which one yet—which would mean that any extension beyond the Grand Prix (which is presently before Parliament) would have to come back to Parliament. We have gone far enough—in fact, too far—along the road of extending outlets for legal gambling. I shall oppose the second reading and support reasonable amendments that may improve the Bill. If it passes the second reading I will oppose the third reading.

The Hon. R.I. LUCAS: I support this Bill and in doing so I indicate that it is my fairly consistent line in my brief four years in this Parliament to support the extension of gambling measures, whether that is extended to betting on the Bay Sheffield, the casino, Footypunt, or one or two other matters. Previously I indicated, and I do so again, that I have no moral objection to gambling. The reason I have supported the extension of gambling facilities in the past is because of my view that there already exists a saturation of gambling in the community. The addition of extra forms of gambling, once having reached that plateau, in my view will not inflict extra harm on those in the community who may well do damage to themselves from existing gambling facilities.

Those people in the community who are susceptible to doing damage to themselves by spending too much already have dozens and dozens of ways of inflicting that damage on themselves and their families; and there is nothing that

any member of Parliament, from whatever Party, can do to wind back the existing level of gambling in the community. My view is that having reached a plateau for gambling, the addition of yacht races, cricket matches or Grand Prix races, if sensibly applied and as long as Parliament makes a decision on each matter and it is not left to the Minister of the day, is fair and above board. Parliament should make that decision and not the Minister. I will be supporting amendments during the Committee stage that will take away the power of the Minister to depute what particular sporting events TAB may operate on, and give that power to the Parliament. Some members have raised the question of betting with TAB on Sundays, and some members in another Chamber thought it was sufficiently important to change their vote on this particular matter. Once again I have no objection to Sunday TAB, and I see good reason for it particularly in relation to the Grand Prix.

Already in this community we have a casino operating for 24 hours on Sundays; it also operates seven days a week, and I believe it is taking in the order of $1 million a day in gambling dollars. However, it appears that some people object to the opening of the TAB on Sunday to bet on the Australian Formula One Grand Prix. I understand that the TAB might take something in the order of $250 000 on one day out of 365 days in the year, and some people believe that that should be opposed. To be consistent, I feel that those who oppose Sunday TAB opening should seek to wind back the activities of the casino in relation to it trading for 24 hours on Sundays—and I understand that that occurs on each and every Sunday of the year. The casino takes much more in gambling dollars out of the community than would the TAB if it opened for one Sunday of the year.

Of course, it is not only the casino that is open and available for gambling on Sundays: we already have gambling facilities available on Sundays through bookmakers operating on events such as greyhounds, races and trotting throughout South Australia. So, gambling facilities are available through bookmakers in relation to, I am advised, some dozen or so events every year in South Australia where persons who wish to gamble can do so. I understand that many of those events occur in the country areas, and I refer to the Clare races, the Murray Bridge trots and the Strathalbyn dogs. Already there are many opportunities for persons to gamble on Sundays together with, as I have already indicated, gambling at the casino.

My second reason for advocating not stopping Sunday gambling through the TAB, on the Grand Prix in particular, is based on the practical reason that, if one wants to give punters the best opportunity to have the greatest amount of information available, there must be Sunday trading at the TAB rather than prepost betting on a Saturday night. Members who follow Grand Prix racing will know that the qualifying trials are held on the Friday and Saturday and that by around 2 p.m. or 3 p.m. on the Saturday of the Australian Formula One Grand Prix weekend the grid or starting positions will be finalised for the 20 or 25 competitors.

The Hon. Peter Dunn interjecting:

The Hon. R.I. LUCAS: That is what I said—2 p.m. on the Saturday. Just let me develop my argument. On the Sunday between 10 a.m. and 10.30 a.m.—

Members interjecting:

The Hon. R.I. LUCAS: Honourable members should not begrudge someone who has had only six or seven minutes to speak on this Bill—it is certainly no longer than many other members have had in this Chamber.

The Hon. Diana Laidlaw: Don't be distracted.

The Hon. R.I. LUCAS: I thank the Hon. Miss Laidlaw, who supports me. I think some very cogent reasons are being developed here at the moment. The formula one warm-up occurs between 10 a.m. and 10.30 a.m. on the Sunday. That is when the competitors change from the qualifying engines used in their vehicles on the Friday and Saturday to their racing engines. Of course, their racing engines are less powerful than the qualifying engines used in the warm-up. The formula one warm-up on the Sunday morning is timed. It is quite common for the Ayrton Senna's of this world to qualify at No. 1 on the grid because his qualifying engine gives him a competitive advantage. However, on the Sunday morning the drivers replace the qualifying engines with racing engines; they are in full race trim and have full fuel tanks (rather than the quarter-full fuel tanks that are sometimes used on the Friday and Saturday).

Therefore, all cars are in full racing trim and Ayrton Senna, say, sometimes drops back behind, say, Alain Prost and Keke Rosberg in the trials conducted on the Sunday morning. However, that does not change the grid positions which were available on the Saturday afternoon and the Saturday night. So the gamblers who punt on the Sunday are provided with the information as to what occurs on the Sunday morning with the cars in full race trim. Further, between 10.30 a.m. and 2 p.m. on Sunday many problems can occur in the racing camps and on many occasions the McLarens, for example, have had to change cars at the last minute, forcing them to use the second or back-up car; and their position on the grid could change, if something happens in the final warm-up just prior to the actual race.

The Hon. T.G. Roberts interjecting:

The Hon. R.I. LUCAS: Cars cannot be swapped. There are many instances where the information available to punters on the Saturday night could change significantly by Sunday. I think that is a very good and sound reason why the TAB should open for the Formula One Grand Prix on the Sunday.

The Hon. J.R. Cornwall: Only after Mass.

The Hon. R.I. LUCAS: That would not worry the Hon. Dr Cornwall, if my information is correct (although it may worry me).

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: That was many years ago. I do not wish to prolong my contribution, so I put my argument in two parts: first, there is the practical reason that gambling in significant quantities is already allowed on Sundays and, secondly, if we are to provide sufficient and comprehensive information for punters, they should be able to bet on the Sunday up to and just prior to the 2 o'clock start of the Australian Formula One Grand Prix. Therefore, Sunday trading in the TAB should not be disallowed in relation to the Formula One Grand Prix. With those few brief words, I support the second reading.

The Hon. L.H. DAVIS: After listening to the Hon. Mr Lucas's contribution, it is quite clear that politics has cruelly snatched from motor sport South Australia's answer to Alan Jones. Both the Hon. Mr Lucas and I are keen Grand Prix followers, and we often sit up late on Sunday nights watching Grand Prix races around the world.

The Hon. J.R. Cornwall interjecting:

The Hon. L.H. DAVIS: The Hon. Mr Lucas and I have had a consistent position not only in support of the Grand Prix but in support of extending gambling in a modest fashion in South Australia. Ever since South Australia and Australia were founded Australians have been known to have a bet, whether we are talking about flies on the wall or two coins in the dust at Kalgoorlie. Whether or not we

like it, gambling has been part of the Australian ethos. Sadly on occasions those who gamble most are those who can least afford it. That underlines the imperfection of people. We know full well that in Australia and overseas gambling sometimes has taken place on events that have subsequently been found to be rigged. We can instance examples of races and soccer matches. I believe that, if one takes the purists' view, one could easily put up an argument for no gambling at all.

However, we do have gambling, and we have a form of gambling through the lotteries which in fact raises well over $40 million for the Hospital Fund of South Australia. It is part of the revenue base of this State and it is in fact quite a valuable contributor to State revenue. I do have some inherent reservations about TAB gambling that makes it easier for someone to rig an event. In the current arrangements for betting on league football matches, I suspect that it would not be easy to rig a match because betters on league football matches in Adelaide have to select the margin by which a team wins rather than just selecting the winner of a particular match. Alternatively, they can bet on a combination of teams winning by certain margins, and that of course can attract quite often a very large dividend. So straight away, I want to say that I have severe reservations about the Hon. John Cornwall's proposal to be moved that would allow the TAB to operate on any America's Cup yachting race or any series of America's Cup yachting races.

One could imagine a TAB operation conducted on the outcome of a particular race between two yachts, where the result did not matter because there may be 14 or 15 yachts in competition, and it was getting towards the end of the series. One could easily see a temptation for the result to be rigged in that situation; not that I would ever wish to suggest that of Australian yachtsmen, but it has been known to happen before. So, I want to indicate my support for the Hon. Mr Cameron's most sensible amendment. I want to indicate at the same time I believe it is important that, if there is to be gambling on sporting events or activities, the gambling is arranged in such a fashion that it minimises the opportunity for a rigged result.

It may well be that, in the instance of Grand Prix racing, the people attending the TAB to have a wager on the outcome would be required, for example, to pick the first two or three drivers in order of finishing. I generally support that, but I do indicate my opposition to the amendment proposed by the Minister of Health.

The PRESIDENT: The Hon. Mr Dunn.

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: Are you restricting my ability to say something?

The PRESIDENT: The Hon. Mr Dunn has the floor.

The Hon. L.H. Davis: The Minister is the man who is in favour of freedom of information.

Members interjecting:

The Hon. PETER DUNN: That is exactly my point.

The PRESIDENT: Order! The Hon. Mr Dunn has the call.

The Hon. PETER DUNN: That is exactly my point. The Minister has said that he cannot be bothered messing around with a Mickey Mouse Bill like this. That is exactly what it is. Like many other Bills, it has come in at the last moment and we finish up in conference having a dust-up upstairs and we do not get a good result from that. I am disappointed that it comes in so quickly and has to be pushed and shoved through. It really is only a fund-raiser for the Government; let us be honest about it. I agree with a lot of things that have been said, and I disagree with a few others. Mr Lucas does not quite understand it when he says he has to bet on the Sunday because he cannot determine the grid positions of the cars. It is only if a car cannot get to the grid in time that it goes to the back of the grid.

This Bill deals with fundraising for the Government, and it is quite specifically set out. It says the TAB will retain 20 per cent and distribute it in four different fashions. If that is not raising money for the Government with its rake-off as well as that, then I do not know where we go. It is really not necessary on a Sunday. I object to the Bill in that light. I object to it being so broad brush and applying to any sport. Therefore, for those reasons, if I am not successful in having the Bill defeated, then I will support those amendments that have been proposed by the Hon. Mr Cameron, because I think they are quite significant and restrict it to the Grand Prix. If we want to extend it later, let somebody come back with a good case and we can discuss it and hear something from the rest of the public. The Democrats have heard nothing. Mr Hill has said he has heard nothing, and I certainly have not heard anything about it. The Grand Prix really is an indulgence of the city, because the people in the country cannot watch it on television until late at night. I do not see any point in having TAB offices open in the country but, if they open in the city, they will have to open in the country. I daresay that will interrupt somebody else's peace on a Sunday. For those reasons, I oppose the Bill.

The Hon. J.R. CORNWALL (Minister of Health): I hope they do not mind if I speak briefly.

The Hon. R.I. Lucas: You started it.

The Hon. J.R. CORNWALL: I started nothing; do not be so stupid, man. Let me make it very clear at the outset that I regard this as a conscience issue. I regard it as a social issue, not a social reform. I do believe that, in the spectrum of Government activities, it is not a matter of any great moment. It is certainly not a matter of any great moment to me.

The Hon. R.I. Lucas: That is a put down of Mayesey.

The Hon. J.R. CORNWALL: It is not a put down of anybody. I am simply saying that I think I have other matters of great moment which are of substantially more importance to the people of South Australia generally than whether or not they bet on the Grand Prix. Having said that, I have been trying in the manner in which I have become expert to negotiate a compromise between the original Bill and the amendments that have been put up by Mr Cameron, presumably on behalf of at least some of his colleagues. The original Bill would have allowed virtually open slather, although clearly the spirit and intent of the Bill in the first instance at least was that there should be betting on the Grand Prix in Adelaide. This is a Grand Prix city after all, and we have done extremely well from the time we took the original decision to make our bid to be on the Grand Prix circuit.

The Hon. C.M. Hill: You are talking politically.

The Hon. J.R. CORNWALL: No, I am talking in terms of the enormous boost that it gives to tourism in this city each year and will continue to do so, I hope, for a very long time. The Hon. Mr Cameron is attempting to deal with the major objection which some of his colleagues raised in the Lower House, and that is that the Act gives the Minister power to enable TAB betting on any major event.

The Hon. C.M. Hill interjecting:

The Hon. J.R. CORNWALL: No, there is no argument with regard to the Bill itself. The arguments are about the amendments and the second reading stage is as good a time as any to canvass them at large; everybody else did. All

members as they stood up canvassed these issues, because that is really what it is about. The objections that have been raised by a number of people are on the basis that they think that the power to allow betting on any major event is too broad. Mr Cameron is therefore proposing that the amendment should confine itself to the Adelaide Grand Prix.

The Hon. C.M. Hill: The Minister is out of order.

The Hon. J.R. CORNWALL: I am not.

The PRESIDENT: Order! The Minister is no more out or order than nearly all the speakers, nearly all of whom have referred to the amendments.

The Hon. C.M. Hill: The Minister is out of order.

The Hon. J.R. CORNWALL: You are becoming quite silly in your old age.

The PRESIDENT: While it is true literally that no member should have referred to amendments in the second reading stage, I do not propose to pull up one member when all the others have discussed the amendments and have not been pulled up.

The Hon. J.R. CORNWALL: I am canvassing the desirability or otherwise of betting on the Grand Prix or two flies climbing up the wall or anything else. I am really addressing the matter at large. It is very difficult to speak to the matter at large at the end of the second reading debate in this Chamber. I understand that in another place the standard of debate the other night was dreadful, mostly due to the extraordinary behaviour of an Opposition member. Do not let us start getting into too much across the Chamber; let me get on with the business.

A number of members think the Bill is too broad and would like to confine it to the Australian Formula One Grand Prix. The Minister indicated to me and to other people during negotiations that he is willing to look for some sort of compromise. The South Australian Cricket Association has clearly indicated that it wants betting on the one day World Series cricket matches. It is particularly keen that betting should start on the one day matches beginning in Australia in December.

Other people are anxious that we should be in a position to allow betting on the America's Cup. If that is to happen, we have to know soon because it requires considerable preparation by the TAB. We really need to have a decision this afternoon, and for that reason there is an element of urgency. What I am proposing by way of compromise—and I am canvassing this in general terms—and what I intend to negotiate as part of the second reading debate is that we accept the spirit of reform that the Hon. Mr Cameron has foreshadowed that he will be looking for, but that we extend it a little in order to accommodate the wishes of that fine institution—the South Australian Cricket Association.

I hardly think that unless people have a deep religious, moral or philosophical objection that they would want to be seen publicly opposing the wishes of the South Australian Cricket Association. If their consciences dictate otherwise, I am perfectly happy to accept that. So, we are talking about cricket—basically one day cricket—the America's Cup and Grand Prix betting generally. I submit to the Council that that is a very reasonable middle of the road proposition. If there were any other events on which the Minister, his department, the TAB or any other organisation were to put up a proposition in regard to betting at some later stage, it could come back for consideration by this Parliament.

The only other matter that I might canvass at large, while speaking at large in the second reading, is the question of betting on events in which under 18 age teams participate. I do not think any reasonable person has any difficulty with a restriction in that case. However, we have to be careful to ensure that we do not create any anomalies. For example, one of the things that has been canvassed is the anomaly that might arise if we were to restrict betting on galloping events in which jockeys under the age of 18 were participating. That would probably rule out most ordinary races in which apprentice jockeys participate, because many of them are as young as 15 years.

It may well rule out football matches where one had outstanding young players who had graduated into the ranks of league football by the age of 17 years. We have to be careful there. I have canvassed those matters at large and seek the middle ground. As I said, this is an interesting social issue but hardly one of the great social reforms of our time. On balance, I would foreshadow that I am going to try to find this middle ground by amendment, and I will be looking for the support of the majority of this Council. Again, I stress that it is a conscience vote.

The Council divided on the second reading:

Ayes (13)—The Hons G.L. Bruce, M.B. Cameron, B.A. Chatterton, J.R. Cornwall (teller), L.H. Davis, M.S. Feleppa, Diana Laidlaw, R.I. Lucas, Carolyn Pickles, R.J. Ritson, T.G. Roberts, C.J. Sumner, and G. Weatherill.

Noes (7)—The Hons J.C. Burdett, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin (teller), C.M. Hill, and J.C. Irwin.

Majority of 6 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Repeal of ss. 84i and 84j and substitution of new headings and sections.'

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

Page 3, after line 14—Leave out subsection (1) and insert new subsections as follows:

(1) The Totalizator Agency Board—

(a) may conduct totalizator betting on the results of any Australian Formula One Grand Prix motor car race;

and

(b) may, with the approval of the Minister, conduct totalizator betting on any other major sporting event or combination of events.

(1a) The approval of the Minister shall not be granted under subsection (1) *(b)* except in pursuance of a resolution passed by both Houses of Parliament.

I will canvass the issue quickly as the Minister is getting a little testy. The amendment speaks for itself. It restricts the increase in facilities under the TAB to the Australian Formula One Grand Prix.

The Hon. J.R. CORNWALL: We would prefer it to go a little further, quite obviously. I have been looking for a middle position. I would like to canvass with the Hon. Mr Cameron across the Chamber whether or not my foreshadowed amendment to his amendment would be any more acceptable with regard to the America's Cup and international cricket matches, if we were to restrict them to those events conducted in Australia.

The Hon. M.B. CAMERON: I have no doubt that other members would have a viewpoint on that, and it is not a matter that has been canvassed by the Liberal Party as a whole. However, my personal view (and I am not speaking as the Leader of the Opposition in this instance), is that I would be prepared to accept the amendment, provided it restricted betting to the America's Cup yachting events conducted in Australia and the international series of cricket matches conducted in Australia. However, in the process I would not accept leaving out 'Australian' in the Grand Prix as stated in the beginning of the Minister's amendment. I would be happy to accept the Minister's amendment provided those words were put in. That does not mean that

other members on this side would support that issue. It is entirely up to other members. I have made certain that they are informed of the amendments, but I have not canvassed support, as that is up to the Minister. It has not been canvassed by the Party as a whole.

The Hon. M.J. ELLIOTT: I support this amendment although I will be voting against the Bill. The amendment proposed by the Hon. Mr Cameron narrows down the scope of the Bill considerably. After speaking I read the budget papers, which are significant in relation to this amendment as they give actual receipts from gambling in South Australia to the end of the 1985-86 financial year as being $56 million. The projected receipts for the next year are $73 million. That is an increase in receipts from gambling from this year to next year of 30 per cent. Half of that is coming from the casino and the other half from the operations of the TAB.

That shows the absolute nonsense that some people have been saying about the same amount of money moving around, and no more people being put at risk. There has been a 30 per cent increase in gambling in one year, according to the Government's own figures in the budget papers. People come up with those nonsense arguments to say that we are not increasing gambling or putting more people at risk. Not one reason has been given for the expansion of gambling. For that reason I will support the amendment which narrows the scope of the Bill.

The Hon. R.J. RITSON: I support the Hon. Mr Cameron's amendment. I have indicated that if the Hon. Dr Cornwall's amendment is moved I will oppose it. The primary motivation for the extension is the desire on the part of the TAB to become bigger and bigger, more important and more powerful. That sits conveniently with the Government's acceptance of the additional revenue. It is quite unacceptable to give blanket powers, and I see the cricket and yacht racing as going much further and entering another field. It is the thin end of the wedge for the growth of this quango for its own megalomanic satisfaction. I will not have a bar of Dr Cornwall's amendment, but I will support the Hon. Mr Cameron.

The Hon. R.I. LUCAS: The Hon. Mr Elliott said that he had not heard a good reason for supporting the extension of gambling. I still have not heard a good reason to oppose it, whether it be from Mr Elliott, Mr Gilfillan or Mr Griffin. One can argue both ways, but there has been no good reason against. In my view, if there is no harm, let us extend it.

I will support the Hon. Mr Cameron's amendment and will then support the amendment moved by the Minister. I did have some reluctance about the all embracing nature of new paragraphs *(b)* and *(c)* since they do not just limit it to yacht races and cricket matches in Australia. However, a quick word with the Parliamentary Counsel informed me that we already allow betting on soccer matches internationally. We already allow betting on races internationally, so we can bet on the English Derby or the FA Cup if need be. That power already exists within the Act; therefore, my initial reluctance with respect to the all embracing nature of paragraphs *(b)* and *(c)* dissipated.

I think paragraph *(c)* certainly is somewhat wider than I would have drafted, and that says 'may conduct totalizator betting on the results of any international cricket match or series of international cricket matches.' I know what the Minister means, and suspect that we all do, which is test cricket and probably male, but that would certainly—

The Hon. Diana Laidlaw: Not today, it won't be.

The Hon. R.I. LUCAS: I think that is what the Minister means, but I suspect that the nature of this amendment would enable betting on international test matches, women playing between Engiand and Australia, as we saw recently, and would also allow betting on international cricket matches between universities as are conducted at the moment. It would certainly allow a range of betting wider than just test cricket as we know it. I guess the response to that always is this: why would the TAB conduct betting on Adelaide University versus Cambridge, for example? There is not likely to be much call for it and, in the end, I would accept that sort of logic.

At this stage, unless there are further amendments from the Minister and the Hon. Mr Cameron, I support the intent of the amendment being moved by the Hon. Mr Cameron and that to be superseded by the amendment to be moved by the Minister of Health.

The Hon. DIANA LAIDLAW: Just briefly, I wanted to support the amendment moved by the Hon. Mr Cameron, and particularly to endorse new subsection 1 *(b)*, where the Hon. Mr Cameron has moved that, with the approval of the Minister, totalizator betting on any major event or combination of events could be held, and that also should be pursued by resolution of both Houses. I was totally against the Bill as originally drafted, believing it to be far too wide. I also believe that it is too wide in terms of the amendments moved by the Minister of Health.

In addition to the remarks made by the Hon. Mr Lucas, I want to add the point that international cricket matches and the like could also be extended beyond women's cricket to junior cricket. There is no reference here to junior or senior sporting events, and I believe that is something that could not be supported—certainly not by me. I therefore place on record that I endorse the amendment moved by the Hon. Mr Cameron.

The CHAIRPERSON: Perhaps I should point out that the Hon. Mr Cameron has moved an amendment to clause 8. The Minister of Health has not at this stage moved any amendment to Mr Cameron's amendment. What we have before us at the moment is the first amendment moved by the Hon. Mr Cameron. That is the topic of discussion.

Amendment carried.

The Hon. M.B. CAMERON: It is not my intention to proceed with the second amendment, for the reason that it has been pointed out to me that, if this amendment proceeded, all races in which there are apprentice jockeys would forthwith no longer be able to be used by the TAB. That does create some difficulty. However, I understand that the Minister in another place has indicated quite clearly and is prepared to give an undertaking—and I ask the Minister here whether he is prepared to do that on behalf of the Minister—that there will be no gambling allowed on races that involve juveniles in a sport situation—that is different from horse races.

I understand that my first amendment probably covered that situation to some extent, because any such extension has to come back to Parliament now as a result of the passage of this amendment, so I just ask the Minister that question.

The Hon. J.R. CORNWALL: I am happy, on behalf of the Minister of Recreation and Sport, to reaffirm that commitment officially in this Chamber.

The Hon. R.I. LUCAS: Could the Minister explain what the deal is so that other members in the Chamber might be aware of it? What is he moving and at what stage in this Chamber is he moving it?

The Hon. M.B. CAMERON: It is not necessarily a deal that has been done. It is just that members expressed support for an amendment which I put up in terms of the party. Whatever occurs from here on, as I said when I was on my feet a while ago, I was prepared to consider further

amendments but not on behalf of the Party. It will be up to each individual member to take whatever position he or she decides in relation to any further amendments. I am not speaking on their behalf in terms of any further amendment.

The Hon. R.I. LUCAS: I do not know whether the Hon. Mr Cameron felt a shaft or not, but it was not intended for him; it was intended for the Minister. If there has been negotiation or a deal done, we are aware of what has happened with the Hon. Mr Cameron's amendment, but what I would like to know is what has happened to the amendment of the Minister of Health. All I am asking is whether the Minister of Health would indicate to the Chamber what is going on with his amendment.

The CHAIRPERSON: This is not Question Time but I am happy to give the Minister the call .

The Hon. J.R. CORNWALL: I was chastised by the grandfather of the House during the second reading for very wisely canvassing my general views at large. I was scrupulously careful in the Committee stage not to wander at all outside the very narrow confines. I can indicate, however, that I have taken the very best advice available to me in this Chamber as to how I can still find that compromise for which I have been searching.

Procedurally, I am advised that the best way to do that is to support the Hon. Mr Cameron's amendment to the point recommended. He did not, of course, proceed with his other amendment to stop apprentice jockeys riding in races or to stop people betting on races in which apprentices ride, for which I am eternally grateful. However, we now have a position where I have accepted with regard to this Bill that the TAB may conduct betting on the result of any Australian Formula One Grand Prix race and he added the words 'conducted in Australia'. In other words, we can have TAB betting—

The CHAIRPERSON: That is not what is before me.

The Hon. J.R. CORNWALL: I am sorry—'on any Australian Formula One Grand Prix motorcar race'. So, it has to be conducted in Australia, and since we are the Grand Prix city and likely to remain so in the foreseeable future, it means in practice that, provided we get out of this place before midnight, we will be able to put things in motion to have this Bill proclaimed in order to allow betting on the Grand Prix in Adelaide in 1986.

The Hon. R.I. Lucas: Not on Grand Prix elsewhere in the world?

The Hon. J.R. CORNWALL: No, that is as I understand it. I am quite clear in my own mind about that, and I think the Clerks are clear and my advisers are clear—so that is accepted. When Ms Chair returns after the Committee stage and reports progress, I will ask that the Bill be recommitted. It is then my intention to move part of the amendment that I have on file in an amended form. The amendment will say:

(b) may conduct totalizator betting on the results of any America's Cup yachting race or series of America's Cup yachting races, conducted in Australia;

(c) may conduct totalizator betting on the results of any international cricket match or series of international cricket matches, conducted in Australia;

I believe that that is a reasonable compromise and, knowing that the Hon. Mr Lucas is reasonable in these matters at least, I would anticipate that I might be very close, conscience votes notwithstanding, to being successful in having that very modest amendment pass this Council. That is the procedure.

Clause as amended passed.

Title passed.

Bill reported with an amendment.

Bill recommitted.

Clause 8—'Repeal of ss. 84i and 84j and substitution of new headings and sections'—reconsidered.

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

Page 3, after line 14—Insert new paragraphs after paragraph (1) *(a)* as follows:

(b) may conduct totalizator betting on the results of any America's Cup yachting race or series of America's Cup yachting races, conducted in Australia;

(c) may conduct totalizator betting on the results of any international cricket match or series of international cricket matches, conducted in Australia;

Redesignate paragraph (1) *(b)* as paragraph (1) *(d)*. Leave out reference to 'subsection (1) *(b)*' in subsection (1a) and substitute 'subsection (1) *(d)*'.

This matter has been debated at length. The amended amendment is self-explanatory and I seek the support of members.

The Hon. R.I. LUCAS: I will support the amended amendment of the Minister of Health. I indicated previously that I would have supported the original amendment of the Minister of Health. I point out the inconsistency that will now exist in relation to betting on the America's Cup yachting races, international cricket tests and the Grand Prix in that those three sporting events will be limited to events conducted in Australia, whereas soccer, football and horse races will not be. I do not intend to prolong the Committee stage of the Bill.

The Hon. R.J. RITSON: I oppose the amendment.

The Hon. K.T. GRIFFIN: I oppose the amendment. I did not call for a division on the earlier amendment concerning the Grand Prix which seemed to have majority support in this Chamber. I still oppose the Bill as a whole. The acceptance by the Committee of the amendment in relation to the Grand Prix certainly limits the scope of the Bill, but the amendment before us widens it. It is for that reason I oppose the amendment and will be calling for a division on it.

The Committee divided on the amendment:

Ayes (10)—The Hons. G.L. Bruce, M.B. Cameron, B.A. Chatterton, J.R. Cornwall (teller), M.S. Feleppa, R.I. Lucas, Carolyn Pickles, T.G. Roberts, C.J. Sumner, and G. Weatherill.

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

Pair—Aye—The Hon. Barbara Wiese. No—The Hon. J.C. Burdett.

Majority of 1 for the Ayes.

Amendment thus carried; clause as further amended passed.

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

That this Bill be now read a third time.

The Hon. K.T. GRIFFIN: I briefly reiterate my opposition to the Bill. As I indicated during the second reading debate, I do not support the extention of TAB to the sporting events referred to in the amended Bill for a number of reasons, including those that it is essentially a revenue matter and that I do not believe it is appropriate to be extending opportunities for gambling, particularly the opening of TAB on Sunday. I oppose the third reading.

The Hon. R.J. RITSON: I oppose the third reading. I supported the second reading because, as I said, the imminent occurrence of the Grand Prix with expectations raised in this matter was something that I decided not to frustrate and I thought that the Hon. Mr Cameron's amendment might have been the successful outcome. However, I consider that there is no such urgency or requirement for us to extend the operation of the TAB in the way that the Min-

ister's amendment has done. I still see it as an attempt to take great hunks of power, revenue raising and quango growth out of the hands of Parliament. If the Hon. Mr Cameron's amendment had prevailed and if there was some special reason, the TAB could have brought back the matter on each occasion. In view of the way that the Bill has ended up, I have no option but to oppose the third reading.

The Hon. M.J. ELLIOTT: As I said during the second reading debate, I oppose the Bill. There has been absolutely no demonstration of demand, or any good argument for this Bill whatsoever. As I indicated during the Committee stage, gambling in this State has risen by 30 per cent in just one year. Anyone who suggests that that 30 per cent increase will not cause increased harm in certain sectors of our community is not being honest with themselves. Speaking about being honest, I have seen deals done in this place once or twice before, and I saw another one done outside of this Chamber today.

The Council divided on the third reading:

Ayes (11)—The Hons G.L. Bruce, M.B. Cameron, B.A. Chatterton, J.R. Cornwall (teller), L.H. Davis, M.S. Feleppa, R.I. Lucas, Carolyn Pickles, T.G. Roberts, C.J. Sumner, and G. Weatherill.

Noes (8)—The Hons Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin (teller), C.M. Hill, J.C. Irwin, Diana Laidlaw, and R.J. Ritson.

Pair—Aye—The Hon. Barbara Wiese. No—The Hon. J.C. Burdett.

Majority of 3 for the Ayes.

Third reading thus carried.

Bill passed.

GOVERNMENT FINANCING AUTHORITY ACT AMENDMENT BILL

In Committee.

(Continued from 26 August. Page 578.)

Clause 7—'Liability of authority to State taxes, etc.'

The Hon. L.H. DAVIS: I move:

Page 2, lines 26 to 36—Leave out this clause and insert new clause as follows:

7. Section 23 of the princpal Act is amended—

(a) by striking out from subsection (1) the passage 'subject to this section, the Authority' and substituting the passage 'the Authority';

and

(b) by striking out subsections (2) and (3)

The Opposition cannot support the clause as it now stands, because it would give entities trading with the Government Financing Authority an advantage over competitors trading in the private sector. The Government amendment seeks to exempt the authority or instruments to which the authority is a party from State taxes and charges. The amendment would extend the exemptions from stamp duty. For example, it would take in public sector trading enterprises such as the Beneficial Finance Corporation, which is a subsidiary of the State Bank, and it would also include Executor Trustee of South Australia.

We have some reservations about proposing a measure such as this which seeks to provide those trading with the Government Financing Authority with an advantage over private sector competitors. We have already made the point, during the second reading debate, that during the course of the debate on the State Bank of South Australia Bill specific reference was made to the fact that the State Bank was not to be given an advantage over its private sector banking competitors with respect to stamp duty. I believe that that is a consistent measure and something that certainly the Liberal Party believes in. I hope that the Government will accept the proposition contained in the amendment.

The Hon. C.J. SUMNER: The Government opposes the amendment. Under section 23 of the Act SAFA and instruments to which it is a party are liable to all State taxes, duties and imposts. There is provision for the Treasurer to grant exemptions by notice in the *Gazette*. Such a notice has been given, exempting SAFA and instruments to which it is a party from stamp duty. There have been a number of individual financing transactions which SAFA has entered into involving several parties and a variety of documents, some of which have been between the other parties although still relating to the SAFA transaction. In respect of those documents to which SAFA is not a party stamp duty has been payable and, in order for the transaction to remain attractive to the other parties, the Government has undertaken to meet this expense. This has led to distortions in stamp duty receipts on the consolidated account and the refund and remissions expenditure line.

This Bill therefore extends section 23 to enable the exemption from State taxes of documents which are related to transactions to which SAFA is a party and which are determined by the Treasurer, at his sole discretion, to be such documents. Such an exemption would not affect the taxation revenues of the State adversely. As noted earlier, the Government or SAFA, not the other parties, would otherwise pay the duty either directly or indirectly through an adjustment to the pricing of the transaction, or alternatively the transaction would not be proceeded with by the other parties on account of their liability for stamp duty.

As other semi-government authorities encounter similar situations from time to time, it is also proposed to amend section 23 to enable the Treasurer to grant similar exemptions to other Government authorities proclaimed under the SAFA Act, as well as SAFA itself. The Government agrees with the general principle espoused by the Opposition. The starting point in section 23 is that the authority is made liable for all State taxes. However, to accept the Opposition's amendment would lead to inflexibilities. It would also lead to offsetting receipts and payments in the Government's accounts which are unnecessary and confusing. It would also result in South Australia's breaching an agreement made between the Commonwealth and the Governments of all States in the Loan Council context that stamp duties would not be levied on semi-government securities or transfers thereof. The practical effect of the amendment would be to put SAFA at a disadvantage, with respect to stamp duty, relative to other semi-government authorities (including those of the Commonwealth and the other States). Surely this would not be desirable. It would also be to the detriment of the State as cost-effective financing proposals would be taken elsewhere. For those essentially practical reasons, I oppose the amendment.

The Hon. M.J. ELLIOTT: So that we may be saved the trouble of having to go through a division, I will not be supporting this proposed amendment by the Opposition.

Amendment negatived; clause passed.

Clause 8 and title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT FINANCE AUTHORITY ACT AMENDMENT BILL

In Committee.

(Continued from 26 August. Page 579.)

Clauses 2 and 3 passed.

Clause 4—'Functions and powers of the authority.'

The Hon. L.H. DAVIS: I move:

Page 2—
Lines 1 to 6—Leave out paragraphs *(a)* and *(b)*.
Lines 9 and 10—Leave out paragraph *(d)*.
Lines 15 to 18—Leave out paragraph *(g)*.

The amendments to clause 4 proposed in this Bill are identical to the amendments that have been previously canvassed for the Government Financing Authority. Those amendments seek to extend the investment powers of the Local Government Finance Authority to enable it to purchase shares, enter into joint venture and partnership arrangements, and to form companies. At the second reading stage, I expressed my reservation about extending this power to local government. I would be particularly interested in hearing from the Attorney-General as to why the Local Government Finance Authority wishes to have this power. No representation has been made to me or any member of this side on the matter. No clear argument has been advanced in the second reading explanation for the extension of this investment power, and again I want to indicate that it is disappointing to see a fairly widesweeping extension of powers being sought without adequate explanation.

The Local Government Finance Authority is a different creature from the Government Financing Authority. It holds an umbrella over some 150 councils in metropolitan and rural areas, and it has had a promising start in its first two years of operation. I would be disappointed to see its status and ability to be respected by some 90 per cent of councils—as is the case at the moment—jeopardised by the fact that it entered into a joint venture arrangement which came undone. Quite clearly the Local Government Finance Authority will earn respect from the councils it serves only by sound investment decisions. I just query the wisdom of extending this power without a specific argument.

I had thought of putting on file an amendment which would seek to give the Local Government Finance Authority additional investment powers by regulation. As the Attorney would know, that power exists with respect, for example, to the building societies of South Australia. It would enable the Parliament to have some vestige of control and scrutiny on the investments being entered into by the Local Government Finance Authority.

Quite clearly, the Democrats, having had the benefit of a briefing on this matter, have decided to support the Government, so I see little purpose in moving in that direction. I do want to put on the record the fact that I have severe reservations about this extension of power and in fact a much more severe reservation than I would have had in the case of the Government Financing Authority.

The Hon. M.J. ELLIOTT: Not only have we had briefings with the Government but we have also had discussions with the Local Government Association itself, and it is enthusiastic about the possibility of trading in shares, as proposed in this Bill. I have heard no strong arguments to the contrary, and as such we will be supporting the present Bill and not supporting the amendments.

The Hon. L.H. DAVIS: Alice in Wonderland has arrived in the Legislative Council at 5.45 p.m. We were told in the second reading explanation that these amendments were procedural only in nature. The Government Financing Authority, in seeking an extension of its power to enable it to enter into joint ventures and the purchase of shares was given that power on the basis that occasionally there may be some joint venture arrangement where it lacked the power under current legislation. The instance was given by the Attorney-General in this Chamber earlier this week of the desire of the Government to use SAFA, the Government Financing Authority, as the vehicle to take an equity interest or enter into a joint venture arrangement with respect to a mortgage corporation which was being established in Victoria.

The Hon. C.J. Sumner: That was not an exclusive example.

The Hon. L.H. DAVIS: The Attorney-General says 'That was not an exclusive example', but he is being very coy, because I have persisted in asking what other examples can be given. If it is only a change of procedure, which is what the second reading explanation states, then surely the investment in a mortgage corporation is an example which one can accept.

But we have had the Australian Democrats, through the Hon. Mr Elliott, saying blithely and quite out of the blue that the LGA has made representations of support to him for an extension of this power and that it wants to trade in shares. I am surprised to hear that, because trading in shares is a different matter. I seek an assurance from the Attorney that that is not the intention, because that really does vary considerably the investment power the organisation currently has, which is for investment on behalf of local government authorities in fixed interest securities, having raised those moneys on the markets—whether it be overseas, interstate or locally—and investing them to the advantage of everyone and in turn making loans back to those councils if it is so required.

We have already expressed some concern about these amendments being used as a backdoor method to give more power to the Government Financing Authority in the Bill that we have recently disposed of and also to the Local Government Finance Authority. I do not want to have my remarks construed that I do not believe that they are not competent to handle the investment of large sums of money. I supported the extension of the size of the board of the Government Financing Authority, and I made expressions of support about the way in which SAFA has operated to date. I want to make sure that those comments and attitudes are also on record with respect to the Local Government Finance Authority. Perhaps the Attorney can enlighten the Opposition as to exactly what is in mind, because the arguments have been pretty thin on the ground to date.

The Hon. C.J. SUMNER: The honourable member is quite wrong and inconsistent. When he got up to speak he was complaining that he did not think that local government wanted this extension of powers for the authority. As soon as the Hon. Mr Elliott said that he had contacted the association, which indicated its enthusiasm about it, the Hon. Mr Davis changes his tack and goes off on another argument. That is what happened.

The Hon. L.H. Davis: I spoke to them—

The Hon. C.J. SUMNER: Did they tell you something different? If the honourable member had an indication that the association supported the Bill, why did he say that he did not know why the change was occurring and that he was not sure that local government supported the move.

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: The honourable member ought to make up his mind. This Bill has been introduced because, when the legislation was introduced in Parliament originally and the Bills passed, it was considered at that time that the power existed for these finance authorities—SAFA and the Local Government Finance Authority—to form companies and invest in shares, but that needed to be clarified.

Crown Law advice was that it was not clear in the sense in which these Bills are procedural, in the sense that they are making it quite clear that what was intended when the legislation was originally introduced is in fact the case. I

gave the honourable member one example of the sort of circumstances that could give rise to SAFA's investment in the mortgage corporation. It may be that there are other circumstances. Treasury does not have any particular examples at present and, in any event, whatever happens, it is subject to the direction of the Minister, the public interest and the Ministerial responsibility and controls—

The Hon. L.H. Davis interjecting:

The CHAIRPERSON: Order!

The Hon. C.J. SUMNER: As I understand it, the need is to make more money for the State and local government. I would have thought that the honourable member was interested in that, as someone who has some interest in this area of advising on investments and having been a stockbroker; I would have thought that he would have been very enthusiastic about the State's making money through these vehicles. I am surprised that he is being carping and critical about the proposition. I cannot come forward at this stage and say that there are specific examples of things in mind.

We want to broaden powers so that SAFA and LGFA can maximise their capacity to make money for the taxpayers of South Australia, on the one hand, and on the other hand, for the ratepayers of local government. I would have thought that was a fairly simple proposition and one that would have been difficult for even the honourable member, with all his debating skills, to argue against. Perhaps I will just put on record a number of matters that the Hon. Mr Davis raised so that I might put his mind at rest in case he feels that there is some problem with this legislation.

With respect to his comments about the LGFA, while different in nature from SAFA—as it represents local government—it certainly has similar objectives to SAFA, that is, to operate in the most cost effective and profitable manner for the benefit of local councils. On the fund raising side of things, there is an increasing amount of structured financing opportunities in the market that can be more cost effective than conventional borrowings.

Such transactions can on occasion be facilitated through the establishment of conduit companies through which funds flow. I have no specific instance in mind, as I said, but there is little doubt that at some stage in the future LGFA, with the extended powers proposed, will be better placed to take up opportunities presented to it.

Whether it is the State Government through SAFA or local government through LGFA—through either of those agencies—surely honourable members will agree that it is highly desirable that this amendment be passed so that South Australia can avail itself of cost effective borrowings and thereby assist the financial position of the State, on the one hand, and local government, on the other hand.

With respect to the general issue of what is the situation in the other States, perhaps I should have responded to that matter on the previous Bill, but it applies equally to the Local Government Financing Authority as to the SAFA legislation. In the debate on the SAFA Bill on 26 August the Hon. Mr Davis asked whether SAFA's counterparts in other States had powers to purchase shares and form companies, as is now proposed for SAFA. I can now advise as follows:

Queensland: The Queensland Government Development Authority has express powers to form companies and to acquire and deal in shares.

New South Wales: The NSW Treasury Corporation has no explicit powers to form companies.

Victoria: The Victorian Public Finance Authority has the power to form companies and deal in shares.

Tasmania: The Tasmania Development Corporation does not have those powers, although it is to be noted that the Tasmania legislation is based very closely on South Australia's and it could be that they were not aware of this deficiency.

Western Australia: Western Australia's central borrowing authority does not have the relevant powers.

In response to the honourable member's related query, it has not been possible to ascertain the extent to which the various authorities have exercised their right to form companies or purchase shares. However, the Victorian authority has indicated informally that there is currently a transaction before it which is likely to involve that kind of activity.

Obviously, it is helpful for members to be aware of the position in other States when considering this matter. However, that should not necessarily form the basis of their decision. SAFA's legislation is widely regarded in the financial community (and apparently by the Tasmania Government) as being superior to that of the other States. This Council should not therefore allow the other States to be a restraining influence on the forward thinking that the South Australian Parliament has shown to date in this area.

Another example of that forward thinking is the LGFA Act which we are considering now and which creates a body that, as yet, has no counterpart elsewhere in Australia: a very innovative initiative. I emphasise again that it is very important that SAFA and LGFA have maximum flexibility in today's money markets to enable them to maximise the cost-effectiveness of their operations. The proposed powers will not be used irresponsibly, but instead in a proper manner as appropriate, and only with the consent of the Minister, the Minister being duly elected and responsible to Parliament.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: Yes.

Amendment negatived; clause passed.

Clauses 5 to 7 passed.

Clause 8—'Exemption of Authority from State taxes, etc.'

The Hon. L.H. DAVIS: I move:

Page 3, lines 4 to 14—Leave out this clause and insert new clause as follows:—

8. Section 32 of the principal Act is repealed and the following section is substituted:

32. The Authority shall have the same liability in respect of taxes, duties or other imposts as a council.

Again, I will not detain the Committee by debating the issue as it is on all fours with the amendment moved to the Government Financing Authority Bill. There is a slight variation of wording, but the principle is the same. Again I indicate that members on this side at least believe that that is an important proposition which has been established in other legislation. We believe that it should be so recognised in this instance.

The Hon. I. GILFILLAN: I had some disquiet about this and still do, but I have had discussions with the Local Government Association, which assured me that in fact if the Hon. Legh Davis's amendment was passed it would be contradicting an understanding or in fact denying local government a concession or advantage that it currently has and uses. I do not feel persuaded that any authority ought to have the luxury of exemptions, from taxes, duties and other imposts which apply to similar competitive entities. The analogy of Government premises being exempt from rates fits reasonably well into the same context. I have asked the Local Government Association to furnish me with philosophical justification for its exemption in this case. It was not verbally able to give me that on the spot and I will be awaiting such information for digestion over the next few months.

The Hon. L.H. Davis: Do you want to report progress to get an answer?

The Hon. I. GILFILLAN: No. The point it made that it is already enjoying this exemption and that it would cause it some considerable perturbation economically to have it denied now I find persuasive.

The Hon. L.H. Davis: What about the principle?

The Hon. I. GILFILLAN: We can always act on principle later. We must give it the benefit of the doubt that there may be a persuasive philosophical argument coming forward. I am uneasy about the exemption to both the Local Government Association and the Government Financing Authority from taxes that apply to other entities. Under the circumstances it is our intention to oppose the amendment and support the Bill.

The Hon. C.J. SUMNER: I do not wish to say anything other than that the arguments are similar to those already canvassed in respect of the previous Bill.

Amendment negatived; clause passed.

Clause 9 and title passed.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

In Committee.

(Continued from 26 August. Page 582.)

Clauses 2 and 3 passed.

Clause 4—'Death and injury arising from reckless driving, etc.'

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

Page 3, lines 9 to 13—Leave out subsection (8).

This amendment has been suggested by the judges of the Supreme Court because it is considered that subsection (8) is unnecessary. Subsection (8) of the new section 19a is a procedural provision and is a repeat of section 14 (2) of the Criminal Law Consolidation Act. However, clause 5 of the third schedule to the Criminal Law Consolidation Act already provides for the problem and, therefore, sections 14 (2) and 19a (8) are both unnecessary. I therefore move that subsection (8) be deleted.

Amendment carried.

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

Page 3, lines 29 and 30—Leave out 'a motor vehicle as defined in the Motor Vehicles Act 1959:' and insert:

'—

(a) a vehicle, tractor or mobile machine driven or propelled or ordinarily capable of being driven or propelled by a steam engine, internal combustion engine, electricity or any other power, not being human or animal power;

and

(b) a caravan or trailer,

but does not include a mobile machine controlled and guided by a person walking, or a vehicle run upon a railway or tramway:'.

This amendment was prompted by the comments of the honourable member during the second reading debate, where he referred to the desirability of having some definition of 'motor vehicle' in the Bill. I point out that, in fact, a new section 19a (11) includes a definition of 'motor vehicle', but it does so by referring to 'motor vehicle as defined in the Motor Vehicles Act 1959'.

The honourable member felt that, for ease of reading and consistent with the Government's policy of plain drafting and making Acts consistent and readable within themselves, the full definition of 'motor vehicle' should be included, and that is what my amendment does. The honourable member, dealing with this clause, also referred to a number of other matters which I will deal with now.

The Hon. Mr Griffin has referred to an apparent inconsistency between the new section 19a (3) *(b)* which refers to causing bodily harm to another, and subsections (4) *(a)* and (4) *(b)* which refer to grievous bodily harm. The new section 19a (3) *(b)* sets out the general offence of causing bodily harm by dangerous driving. It covers cases of bodily harm and grievous bodily harm. However, the penalties for breach of section 19a (3) *(b)* have been graded according to the degree of injury to the victim. Therefore, a higher penalty applies by virtue of subsection (4) *(a)* to cases involving grievous bodily harm than applies to subsection (4) *(b)* in cases not involving grievous bodily harm. I trust that answers the honourable member's queries.

The Hon. K.T. GRIFFIN: I appreciate that explanation. It is consistent with what I thought might be the answer, and I am pleased to have it on record. In respect of the amendment which the Attorney-General has moved, I support that, generally speaking, because I think it is important with legislation to have in one Act everything upon which that Act or Bill impinges and, if we had left 'motor vehicle' as 'a motor vehicle defined in the Motor Vehicles Act', it would have meant that those who were trying to find out the law would look not only at the Criminal Law Consolidation Act but also at the Motor Vehicles Act, and that is an inconvenience.

I suppose it may well aid the Government Printer's revenue in a sense of a person being required to buy two Acts of Parliament rather than one, but it seems to me to be much more preferable to have all the definition in this Bill. I just raise one question about the definition, which I did not pick up earlier, and that is that 'motor vehicle' does not include a vehicle run upon a railway or tramway. There is the question whether someone who is driving a train or tram in such a way as to cause death by dangerous driving of that vehicle would escape the liability imposed either by this section or by some other provision of the Criminal Law Consolidation Act. Could the Attorney-General indicate why the driver of a tram or train should be excluded from the operation of this section relating to death and injury arising from reckless and dangerous driving?

The Hon. C.J. SUMNER: The answer is because it has always been that way. I do not know, quite frankly, but that part of the new definition of 'motor vehicle' is the same as the existing definition of 'motor vehicle' in the Criminal Law Consolidation Act.

The Hon. Peter Dunn: Does that apply to the O-Bahn?

The Hon. C.J. SUMNER: I am not sure—maybe not. Subsection (3) of the present section 14, which deals with causing death by negligent driving, includes a definition of 'motor vehicle' which is being changed because of the changes that are involved in these amendments. The honourable member will see that that definition of 'motor vehicle' also excludes any vehicle run on a railway or tramway. Of course, the Hon. Mr Dunn has interjected about the O-Bahn.

All I can say is that we did not intend to change the law in that respect, but I daresay it was excluded in the past because it had never been a problem. We directed legislation towards the problem area—driving a motor vehicle.

The Hon. K.T. GRIFFIN: I do not want to hold up the Bill unnecessarily, and I can see that the definition is consistent with the provision in the Act. There is another Criminal Law Consolidation Act Amendment Bill before the Council that seeks to bring everything up to date, and it seems to me that we might either address this matter in regard to that Bill under an additional clause or perhaps the Attorney could consider the issue before the Bill is

resolved in the other place. As the Hon. Mr Dunn interjected, there is the question of the O-Bahn.

The O-Bahn, I presume, is not a tramway or a railway: it may be in a no-person's land between roadways and railways. If one drives on a railway, a tramway or on the O-Bahn in a manner that is reckless or dangerous, the same liability should apply as applies to a person who is driving on a road, although I recognise that there is less prospect of a person diverging from a railway or a busway than from a road. Will the Attorney consider the matter and indicate, before it is dealt with in the other place, a satisfactory solution to the problem?

The Hon. C.J. SUMNER: I undertake to do that and advise the honourable member.

Amendment carried; clause as amended passed.

Clause 5 and title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

In Committee.

(Continued from 26 August. Page 584.)

Clause 2 passed.

Clause 3—'Failure to stop and report in case of accident.'

The Hon. C.J. SUMNER: The Hon. Mr Griffin in the second reading debate indicated that further consideration ought to be given to even tougher penalties for failing to stop and render assistance after accidents where death or injury occurs. He had suggested that it would be appropriate for the Council to consider an increase in the term of imprisonment from the one year proposed in the Bill to a longer period.

The term of imprisonment set out in the Bill is double the maximum term of imprisonment set out in the current provision. Further, the Bill provides that a fine can be imposed in addition to a term of imprisonment. This is not possible under the present legislation. The Bill also provides for a period of mandatory licence disqualification. Therefore, the penalties for failing to stop and render assistance after accidents where death or injury occurs have been significantly increased in this Bill. The proposed maximum penalties are generally higher than for first and subsequent offences of driving under the influence and driving while having the prescribed concentration of alcohol in the blood.

I suppose it is very much a matter of value judgment as to what the appropriate penalty ought to be. If the honourable member has another suggestion I am sure the Committee could consider it, but the Government has taken action to tighten this area up. I believe it was in need of attention, and we have given it that attention. I believe satisfactorily. If the honourable member has any other propositions, we could examine them.

The Hon. K.T. GRIFFIN: At this time at the end of 4½ weeks of session I have not prepared any amendment. I was interested in obtaining a reaction from the Attorney-General to the general proposition that, although the penalties in the Bill have been increased, they may still not be sufficient to act as an adequate deterrent to the community and give to the courts a sufficient flexibility within which to impose penalties according to the differing grades of seriousness of those offences.

I am prepared to acknowledge quite freely that the penalties have been toughened up quite significantly. However, the fact that they are more than for driving under the influence may suggest we should review those, too, because I am becoming more confirmed in my view that offences such as failing to stop after an accident and render assistance, and driving under the influence of alcohol or a drug, are particularly serious and put innocent road users and others at risk.

Persons who use the road ought not to be able to get away with it so readily. It does, to some extent, impinge on the question of available resources to investigate allegations of hit/run accidents. Having said that, I propose that we keep the penalties under review. Maybe in a year's time when they have had an opportunity to be brought into play we can examine the practice of the courts and, if necessary, toughen them up even more. At this time of the session that is where I would be happy to leave it.

Clause passed.

Clause 4 and title passed.

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

That this Bill be now read a third time.

The Hon. K.T. GRIFFIN: I rise only to ask the Attorney-General whether he would, in due course, respond to the other issues I raised in respect to the *Allison* case, where there were problems that I highlighted in respect of police resources, bringing matters to trial and difficulties with prosecution. In due course will the Attorney let me have a response to the issues that I raised in the course of debate on this Bill?

The Hon. C.J. SUMNER (Attorney-General): Those matters are being attended to, if they are the same as the matters mentioned in a question by the honourable member earlier in the session. I am having them examined and I expect a report from the Crown Prosecutor—certainly on the matter within my jurisdiction. I will examine the other comments of the honourable member and let him have a response in due course.

Bill read a third time and passed.

RACING ACT AMENDMENT BILL (No. 2)

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

ADJOURNMENT

At 6.23 p.m. the Council adjourned until Tuesday 16 September at 2.15 p.m.